



There are high social, monetary costs associated with missed instructional time, suspension, expulsions, and drop out. For example, missing three or more days of school in fourth grade a month prior to taking a reading assessment predicts a reduction in reading achievement by one full grade level.¹ Legal aid can help children stay in school, effectively avoiding suspensions and expulsions. Having access to self-help documents and legal advocacy can assist parents with receiving help for a child's behavioral issues. Legal aid can also help parents overcome procedural barriers to receiving benefits, like free school meals, which allows their children to focus on their education, not where their next meal might be coming from. Child support, in comparison to other sources of income, has been shown to have one of the strongest effects on child educational outcomes.² Legal aid services can help ensure that child support orders correctly reflect the ability to pay, increasing the likelihood that parents will make the payments (Massachusetts Legal Aid Assistance Corporation, 2011; Waller & Plotnick, 2001).

Page 1 of this research brief provides some helpful information sources and research highlights; pages 2-3 a narrative overview; pages 4-5 two featured federal resources; page 6 other helpful resources; pages 7-9 summaries of the curated studies; and page 10 additional research findings. All endnotes are to sources not included in our summaries section.

RESEARCH HIGHLIGHTS:

- The Massachusetts Law Reform Institute acknowledges that legal services are a tool to keep children in school: "While it is outside the scope of this report to analyze in detail how to end family homelessness, it is clear that addressing that problem will require additional investments in: ... legal services to help families defend against evictions from both subsidized and private housing, including the Massachusetts Tenancy Preservation Program" (Massachusetts Law Reform Institute, 2013).
- When the Massachusetts Law Reform Institute began to hand out fliers and contacted families about free school meals and benefits, federal funding for schools increased as more students were eligible for free and reduced lunches: "Conservatively assuming that these efforts increased overall participation in free school meals by even 1,000 children in Massachusetts [of the 6,000 identified as eligible], the Commonwealth's economy would benefit from an additional \$457,050 per school year in federal school lunch funds" (Massachusetts Law Reform Institute, 2013).
- Keeping children in school and barriers to education often intersect with other issue areas. One organization, the New Haven Legal Assistance Association, places legal aid staff in school. In their first year, they stopped 95 percent of evictions brought to the clinic, keeping students and their families housed (Dalton, 2016).

NARRATIVE OVERVIEW RE: KEEPING KIDS IN SCHOOL

Missing three or more days of school in fourth grade a month prior to taking a reading assessment predicts a reduction in reading achievement by one full grade level.³ In 2015-16, students in Massachusetts missed approximately 16 days per every 100 enrolled students. This number doubled to 32 days for students with disabilities and 34 days for all black students. For white students, this figure was 10 days. “In other words, black students lost 24 more days of instruction per 100 enrolled than white students.”⁴ These disparities are largely due to differences in suspension rates. Students may also miss school because of housing instability, educational neglect, and medical issues. These underlying issues may cause students to act out in school, which can lead to suspensions.

Several states have published state-specific reports on suspension rates. In Massachusetts, out-of-school suspensions rates were 6.9 percent for black students, 5.7 percent for Latino students, 1.7 percent for white students, and 5.9 percent for students with disabilities. The majority of suspensions were non-violent, non-criminal, and non-drug related. In 23 of the 30 surveyed schools, minor infractions were responsible for at least 50 percent of lost instructional days. Massachusetts is not unique in this regard—a study in Florida that tracked students’ attendance found that 42 percent of students in ninth grade who were marked as being suspended later became chronically absent and 59 percent of them later failed a course.⁵ In Virginia, two-third of suspensions were for behavior offenses, such as possession of cell phones, minor insubordination, disrespect, and inappropriate language.⁶

There are high social, monetary costs associated with missed instructional time, suspension, expulsions, and drop out.⁷ In Texas, reducing suspension rates could save the state up to \$1 billion. For Texan tenth graders who left school in one year, it is estimated they lost between \$5 and \$9 billion in lifetime wages. In Florida, 67,000 students left in ninth grade, which is estimated to cost the U.S. \$35 billion in social costs.

DATA AND STUDIES SHOW LEGAL AID HELPS:

Legal aid can help children stay in school, effectively avoiding suspensions and expulsions. Legal assistance can assist parents with receiving help for a child’s behavioral issues. The Legal Aid Society of Cleveland helped Kim, a mother with a child who needed services at school for his disability: “Kim, a frustrated mother to an adopted 5-year-old boy, came to Legal Aid when her son’s school refused to address his disability, despite psychiatric opinions that he needed special services. The school refused to acknowledge his needs and expelled him for ‘behavioral problems.’ Legal Aid attorneys worked diligently to get Parker’s son back in school with the services he needed. Parker’s son now attends a Positive Education Program school and mother and son are both happy with their new circumstances.”⁸

Legal aid can also help parents overcome procedural barriers to receiving benefits, like free school meals. Having access to free school meals can improve test scores and academic performance.⁹ Reducing homelessness for children and families is also imperative to keeping children in school as stable housing allows children to remain focused on their education and continue their schooling in the same school district, minimizing transitions.

Child support can have a lasting impact on children. Child support, in comparison to other sources of income, has been shown to have one of the strongest effects on child educational outcomes.¹⁰ Self-help services can enhance child support program and service effectiveness. The OCSE explains: “When parents are provided accurate information about the child support process, are given the opportunity to present information about their circumstances and are really listened to, support orders are more accurate and parents are more likely to comply with the orders” (Massachusetts Legal Aid Corporation,

2011, p. 1). When parents have unstable work and move frequently between jobs or in and out of work, they may not be able to pay child support consistently. Low-income parents are more likely to comply when child support accurately reflects what they can pay and if they perceive it to be fair (Waller & Plotnick, 2001). Legal aid can help modify these orders and ensure that they reflect the parents' ability to pay.

FEATURED FEDERAL RESOURCE:

U.S. Department of Health & Human Services, Administration for Children & Families (ACF), Office of Child Support Enforcement Child Support Fact Sheet Series No. 3-Access to Justice Innovations

This ACF factsheet reports on access to justice innovations. The fact sheet profiles child support access to justice innovations, including court facilitators, online tools, and self-help hotlines and centers that facilitate active, informed participation by parents. ACF writes that when child support procedures are well-understood, clear, and fair, parents are more likely to pay. ACF explains that legal aid can play a role in ensuring that child support payments are more accurate and consistently paid. Providing information about the child support process to parents can help ensure parents understand the process, know what to expect, and provide accurate financial information.

Highlights:

- “Fundamental fairness and access to justice are critical to effective child support enforcement. Child support is at its core a legal obligation. When child support procedures are clear, realistic, and fair to both parents and their children, parents are more likely to make reliable support payments that their children can count on” (p. 1).
- “The child support program serves over 17 million children, and most of the parents involved in the child support system navigate without a lawyer. Many child support agencies have developed innovations to make customer engagement more “user friendly.” Providing information to pro se parents helps ensure that parents understand the child support process, know what to expect in the child support process, and provide accurate financial information” (p. 1).
- “When parents are provided accurate information about the child support process, are given the opportunity to present information about their circumstances and are really listened to, support orders are more accurate and parents are more likely to comply with the orders” (p. 1).
- “In fact, research suggests that parents are more likely to comply with child support orders that they perceive to be fair, while they are less likely to comply with child support orders that they perceive to be unfair. Implementing fair and inclusive procedures that ensure that parents are meaningful participants in child support proceedings is an important step in avoiding future civil contempt proceedings and other costly enforcement measures, including jail” (p. 1).
- “Child support agencies can help assure just child support processes, whether administrative or judicial, by making sure that their processes are simple and easy to follow. Additionally, by collaborating with their judiciary, state or local Access to Justice Commissions,¹⁸ and bar associations, child support agencies can play a critical role in developing materials and other appropriate procedural safeguards for unrepresented parents” (p. 3).

Access this resource at: Office of Child Support Enforcement, Administration for Children and Families, U.S. Department of Health and Human Services, Child Support Fact Sheet Series No. 3-Access to Justice Innovations (June 2012), available at https://www.acf.hhs.gov/sites/default/files/ocse/access_to_justice_innovations.pdf

U.S. Interagency Council on Homelessness, *Enhancing Access to Legal Services for Youth Experiencing Homelessness*

This article explains how youth experiencing homelessness can benefit from legal services, particularly services that assist with accessing public benefits, rectifying identity theft, addressing collateral consequences of justice system involvement, and accessing education.

Highlights:

- “Youth experiencing homelessness have an oftentimes critical, but overlooked, need for legal services. Unaddressed, this can have an adverse impact on a youth’s ability to access or maintain housing stability, employment and income supports, healthcare, and other mainstream services.”
- “Communities seeking to enhance the capacity of local legal service providers can do so by supporting local legal aid organizations, nonprofit agencies, state and local bar associations, law schools and pro-bono legal programs. Communities can also develop new programs where legal services do not currently exist, and can conduct trainings on the special legal needs of youth experiencing homelessness.”

Access this resource at: U.S. Interagency Council on Homelessness, *Enhancing Access to Legal Services for Youth Experiencing Homelessness* (October 24, 2016), available at <https://www.usich.gov/news/enhancing-access-to-legal-services-for-youth-experiencing-homelessness/>

HELPFUL RESOURCES:

- Some states, like [Illinois](#), have online resources available regarding education and legal issues.¹¹
- The U.S. Department of Education has online [resources](#) about school climate and discipline.¹² They also have a [map](#) of corporal punishment in schools by county.¹³
- Legal Services Corporation has collected client success stories [here](#).¹⁴
- For more information about civil legal aid messaging, communications, and story-telling, go to the [Voices for Civil Justice](#) and [All Rise for Civil Justice](#) websites.¹⁵
- For a more comprehensive repository of legal aid related research, go to the National Legal Aid & Defender Association's [LegalAidResearch](#) website.¹⁶

Endnotes

¹ The Center for Civil Rights Remedies, *Suspended Education in Massachusetts: Using Days of Lost Instruction Due to Suspension to Evaluate Our Schools* (March 2017), available at <https://www.civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/summary-reports/suspended-education-in-massachusetts-using-days-of-lost-instruction-due-to-suspension-to-evaluate-our-schools>

² Vicki Turetsky, *Partnering with Other Programs, Including Outreach, Referral, and Case Management Activities*, Administration for Children & Families (2012), available at https://www.acf.hhs.gov/sites/default/files/programs/css/piq_12_02_partnering_with_other_programs_and_activities.PDF

³ *Supra* note 1.

⁴ *Supra* note 1 at 7.

⁵ Robert Balfanz et al., *Sent Home and Put Off-Track: The Antecedents, Disproportionalities, and Consequences of Being Suspended in the Ninth Grade*, 5 J. of Applied Research on Children 13 (2014), available at <https://digitalcommons.library.tmc.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1217&context=childrenatrisk>

⁶ Legal Aid Justice Center, *Suspended Progress 2017: An Update on the State of Exclusionary Discipline in Virginia's Public Schools* (2017), available at <https://www.justice4all.org/wp-content/uploads/2016/04/Suspended-Progress-2017.pdf>

⁷ The Center for Civil Rights Remedies, *The High Cost of Harsh Discipline and its Disparate Impact* (2016), available at http://www.schooldisciplinedata.org/ccrr/docs/UCLA_HighCost_6-2_948.pdf

⁸ Legal Aid Society of Cleveland, *Legal Aid's Impact on the Community, through the Lens of Client Stories*, available at <https://lasclv.org/legal-aids-impact-on-the-community-through-the-lens-of-client-stories/>

⁹ Michael L. Anderson et al., *School Lunch Quality and Academic Performance*, National Bureau of Economic Research Working Paper Series (2017), available at <http://www.nber.org/papers/w23218.pdf>

¹⁰ *Supra* note 2.

¹¹ <https://www.illinoislegalaid.org/legal-information/discipline-expulsion-or-suspension>

¹² <https://www2.ed.gov/policy/gen/guid/school-discipline/index.html>

¹³ <https://www2.ed.gov/policy/gen/guid/school-discipline/images/2013-14-crdc-corporal-punishment-map-1200.png>

¹⁴ <https://www.lsc.gov/what-legal-aid/client-success-stories>

¹⁵ See <https://voicesforciviljustice.org/> and <https://www.allriseforciviljustice.org/>

¹⁶ <https://legalaidresearch.org/>

SUMMARIES OF KEY STUDIES

1. Massachusetts Law Reform Institute, *Out in the Cold: Homeless Children in Crisis in Massachusetts*. (April 2013), available at <http://www.mlri.org/report-viewer/?report=Out%20in%20the%20Cold:%20Homeless%20Children%20in%20Crisis%20in%20Massachusetts~1433>

In 2012, Massachusetts started restricting emergency assistance (EA) access to housing for homeless families. For context, Massachusetts has the seventh highest housing costs in the country. Once the state started restricting emergency housing, the denial for applications for emergency shelter jumped from less than 45 percent to 60 to 75 percent. This report by the Massachusetts Law Reform Institute analyzes how this new law has affected children, increased housing insecurity, and hurt educational outcomes. In this report, they write that increasing funding for legal aid is a longer-term solution to family homelessness.

Methodology:

Researchers at the Massachusetts Law Reform Institute analyzed reports from the Department of Housing and Community Development, which reported the number of families allowed to stay in EA shelter after staying in places not meant for human habitation.

Highlights:

- “Immediately after the new regulations took effect, medical providers, legal services programs and other community-based agencies noticed a sharp increase in the number of families being denied EA [emergency assistance] shelter benefits who were then were forced to stay in places not meant for human habitation” (p. 7).
- “Amanda is the mother of a 2-year-old son. She and her son and his father were in an EA-funded motel for much of her son’s life. DHCD sought to terminate this family from shelter because one day last February, when the baby was sick and his father was outside working on his car, Amanda ran down to the parking lot to ask the father to come up and watch the baby while she ran to the store for some baby Tylenol. In the few minutes she was gone, the baby was sleeping and a neighbor in an adjoining room watched him from her own room through the adjoining door. DHCD cited this family for violating the “no babysitting” rule that applies in motels but not other forms of shelter. But for a lawsuit challenging her termination, this family would now be on the streets. Instead, they have now moved into permanent housing for the first time in their young son’s life” (p. 14).
- “While it is outside the scope of this report to analyze in detail how to end family homelessness, it is clear that addressing that problem will require additional investments in: ... legal services to help families defend against evictions from both subsidized and private housing, including the Massachusetts Tenancy Preservation Program” (p. 18).

2. Office of Child Support Enforcement, Administration for Children & Families (ACF), U.S. Department of Health and Human Services, *Child Support Fact Sheet Series No. 3 – Access to Justice Innovations*, available at https://www.acf.hhs.gov/sites/default/files/ocse/access_to_justice_innovations.pdf

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role in ensuring that child support payments are more accurate and consistently paid. Providing information about the child support process to parents can help ensure parents understand the process, know what to expect, and provide accurate financial information.

Highlights:

- “Fundamental fairness and access to justice are critical to effective child support enforcement. Child support is at its core a legal obligation. When child support procedures are clear, realistic, and fair to both parents and their children, parents are more likely to make reliable support payments that their children can count on” (p. 1).
- “The child support program serves over 17 million children, and most of the parents involved in the child support system navigate without a lawyer. Many child support agencies have developed innovations to make customer engagement more “user friendly.” Providing information to pro se parents helps ensure that parents understand the child support process, know what to expect in the child support process, and provide accurate financial information” (p. 1).
- “When parents are provided accurate information about the child support process, are given the opportunity to present information about their circumstances and are really listened to, support orders are more accurate and parents are more likely to comply with the orders” (p. 1).

3. Massachusetts Legal Aid Assistance Corporation, *Civil Legal Aid Yields Economic Benefits to Clients and to the Commonwealth: Some Benefits from FY11 Advocacy* (2011), available at

https://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ATJReports/Is_MA_impact_2011.authcheckdam.pdf

The Massachusetts Law Reform Institute (MLRI), funded by the Massachusetts Legal Aid Assistance Corporation, released a report analyzing its economic impact from FY2011 advocacy. In one section, MRLI analyzed how they worked to remove state procedural barriers for families to receive Supplemental Nutritional Assistance Program (SNAP) benefits, which is federal money. Through a coalition with community-based food pantries, health centers, social services and legal services agencies, MA SNAP participation rates for eligible participants moved from one of the lowest to top ten in the country.

MLRI also worked to increase the number of children receiving free school meals, effectively increasing the amount of federal money to school districts and reducing food insecurity. They also worked with children with autism on Medicaid reimbursement.

Methodology:

MRLI presents the amount of benefits and savings won for low-income residents, new federal revenue coming into the Commonwealth, and potential savings for the Commonwealth (such as avoided costs for shelter and avoided health care and other costs for domestic violence survivors). They obtain this data from the number of cases they had won.

Highlights:

- “MLRI helped the state identify 6,000 children who should have been directly certified as ‘free meal eligible,’ but were not. MLRI also worked with the Department of Children and Families (DCF) to implement policies to reach thousands of foster families whose foster children can be directly certified as ‘free meal eligible,’ and whose non-foster children may also qualify for free meals. They also worked with both DTA and DCF to send informational fliers to all SNAP and TANF households and foster families notifying them of their children’s right to free meals at school” (p. 4).

- “Conservatively assuming that these efforts increased overall participation in free school meals by even 1,000 children in Massachusetts, the Commonwealth’s economy would benefit from an additional \$457,050 per school year in federal school lunch funds” (p. 4).
- For every child approved for free meals, the school district collects \$2.77 per meal.
- “Massachusetts Advocates for Children (MAC)’s lead advocacy for the Children’s Autism Medicaid Waiver resulted in the Commonwealth receiving 50% federal reimbursement for the cost of intensive behavioral services provided by the state to low-income children with autism. The waiver was capped at \$2.5 million, amounting to \$1.25 million in federal Medicaid reimbursement each year. In FY11, MAC advocated for and won the expansion of the waiver to \$3 million, bringing in an additional \$250,000 per year in federal Medicaid reimbursement to the state. As of December 2010, there were 127 autistic low-income children being assisted by the program” (p. 6).

4. Maureen R. Waller & Robert Plotnick, *Effective Child Support Policy for Low-Income Families: Evidence from Street Level Research*, 20 J. Policy Anal. Manage. 89 (2001), available at <https://www.jstor.org/stable/3325595>

Waller and Plotnick, two sociologists, perform a content analysis on qualitative research that studied how low-income parents interact with the child support system. They find that low-income parents prefer informal arrangements of child support over formal ones and do not comply with the support orders if they perceive them to be unfair, counterproductive, or punitive.

Methodology:

Waller and Plotnick perform a content analysis on seven qualitative studies about low-income parents' interactions with the child support system.

Highlights:

- "This research suggests that parents often prefer informal arrangements of support and do not comply with child support regulations they perceive to be unfair, counterproductive, or punitive" (p. 89).
- "Qualitative studies suggest that low-income, unmarried parents hold strong, collective beliefs about paternal responsibility and endorse the principle of child support" (p. 96).
- "Many parents suggest that child support rules can pit mothers against fathers and create or exacerbate conflict in their relationships ... These conflicts can make already difficult parenting arrangements more antagonistic and may lead to their dissolution" (p. 99).
- "After low-income parents become involved with the formal system and a support order is established, concerns about how the system enforces support orders come to the fore. Mothers often perceive it as ineffective in enforcing their rights to support. Fathers become frustrated with the system's insensitivity to their changeable economic circumstances and its use of criminal sanctions to enforce compliance. These perceived problems with the enforcement process are likely to contribute to poor parents' reluctance to participate in the formal system in the first place" (p. 102).
- "The qualitative studies indicate that fathers have problems with paying regular support when they have irregular employment. Because their jobs were often part-time, temporary, or low-paying, they find it hard to make child support payments and meet their own basic expenses at the same time" (p. 103).
- "The employment situation of nonresident fathers often appeared to be unstable and changeable. Fathers said they needed more flexibility when they were out of work, when their income decreased, and when they were incarcerated. Yet, fathers often do not even know that their orders can be modified downward or do not know how to do this" (p. 106).

OTHER IMPORTANT FINDINGS:

Ashley Dalton, *How School-Based Legal Aid Can Help Keeps Kids in Class*, Hartford Courant (October 12, 2016), available at <http://www.courant.com/opinion/op-ed/hc-op-fresh-talk-dalton-housing-security-school-1012-20161011-story.html>

Keeping children in school and barriers to education often intersect with other issue areas. One organization, the New Haven Legal Assistance Association, staffs legal aid advocates in schools. In their first year, they stopped 95 percent of evictions brought to the clinic. New Haven Legal Assistance worked with a mother to remain in her home and kept her children in the same school district after being threatened with eviction and about to lose her \$4,000 security deposit. The clinic also helped her get her security deposit reduced and paid back to her.

Legal Services for Children, *Achieving Community Connections & Educational Supports for Students (ACCESS): An Alternative to Expulsion in School Discipline Matters*, available at <https://www.lsc-sf.org/wp-content/uploads/2016/02/ACCESS-Summary-LSC.pdf>

The Legal Services for Children in San Francisco has a program called Achieving Community Connections & Educational Supports for Students (ACCESS), which is an alternative to an expulsion hearing that focuses on the underlying causes of the problematic behavior. When a student would normally get expelled, the district contacts the ACCESS facilitator and the student will be assigned an ACCESS Case Manager. This Case Manager then works with the student to address the harm done by their actions, and might involve other students, teachers, and parents. On ACCESS's site, the organization provides self-help documents for families like discipline and special education referral lists, and resources about rights.