Homeless Students Sue St. Louis County School District and State of Missouri for Denying Basic Educational Rights

ST. LOUIS, August 13, 2018— Public Counsel, the Education Justice Program of Legal Services of Eastern Missouri, and Arnold & Porter LLP announced today that they have filed a lawsuit on behalf of two homeless students, their parents, and two non-profit organizations in St. Louis against Riverview Gardens School District and the State of Missouri over the failure to provide homeless students basic access to public education. Under the McKinney-Vento Act, schools are required to provide homeless children immediate enrollment in school, the transportation they need to get there, and the resources they need to succeed. For years, Riverview Gardens School District and the State Board of Education in Missouri have failed to provide all three.

Homeless students are an especially vulnerable population who experience trauma, violence, racism, and discrimination at higher levels than their peers. Because of the high levels of toxic stress in their lives, they are sick four times more often than other children and experience higher rates of absenteeism and mental health problems. However, the specific barriers that homeless students face at school are well known, and the federal government has taken steps to ensure that this population is protected. The complaint against the school district and the state of Missouri claims that they are failing to follow the law by not implementing these protections for their most vulnerable students.

“Providing homeless students with an opportunity to succeed at school isn’t just a moral obligation—it’s a legal one,” said Alisa Hartz, staff attorney with Public Counsel Opportunity Under Law. “What works isn’t a mystery. We know what barriers keep homeless children from thriving at school, and the failure to correct for them is irresponsible and illegal. For over thirty years, the McKinney Vento Act has been in place to ensure that homeless students have an equal opportunity to succeed in school. It’s up to the state and the school district to make sure these protections are in place. Sadly, in the Riverview Gardens School District, they are not.”

The complaint details stories from plaintiffs about schools making it impossible for homeless students to enroll, the lack of safe transportation options to get students to school and allow them to participate in extracurricular activities, the use of physical restraints as punitive measures, zero-tolerance suspension policies, law enforcement presence in schools, and an absence of support systems.
“For many homeless students, the toxic stress they experience both in and out of school prevents them from getting access to an education,” said John Ulin of Arnold & Porter LLP. “As a result, a trauma-sensitive approach is crucial to giving students the opportunity to succeed. Without it, trauma goes unaddressed and leaves students behind.”

Homelessness and trauma exposure fall disproportionately on Black communities in St. Louis County. In 2017, 98.4% of the students in Riverview Gardens identified as Black and 98.8% of students qualified for free and reduced-price lunch. Additionally, 30% of Black individuals in Riverview Gardens moved residences last year compared to only 8% of white individuals. Continued divestment in the area that Riverview Gardens School District serves has meant increased exposure to socioeconomic hardships, housing insecurity, violence, and racism. This case seeks to correct the resulting discriminatory impact of educational deprivations on these communities.

“By excluding homeless students from school, the State is telling these children that they are not worth educating,” said Luz María Henríquez, managing attorney of Legal Services of Eastern Missouri’s Education Justice Program. “It is the state’s responsibility to ensure that all children, whatever their race, have access to a quality education. The children in Riverview Gardens, who are predominantly children of color, deserve the same quality of education as the predominantly white children in Ladue or Clayton.”

For more information on Scott C. v. Riverview Gardens School District and to view the complaint in full, please visit this page.

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**Legal Services of Eastern Missouri** has been a voice of fairness in the legal system to low-income families by providing free civil legal help for 62 years. In 2017, nearly 24,000 people in 21 counties of eastern Missouri received services from four regional offices. The Education Justice Program (EJP) is a groundbreaking unit at Legal Services that works to disrupt the “School-to-Prison-Pipeline” by ensuring that every child receives a good education, in a safe school, no matter what a child looks like or where a child is from. To achieve this goal, EJP employs a community lawyering model and racial justice lens to all of its work. For more information, please visit [www.lsem.org](http://www.lsem.org).

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