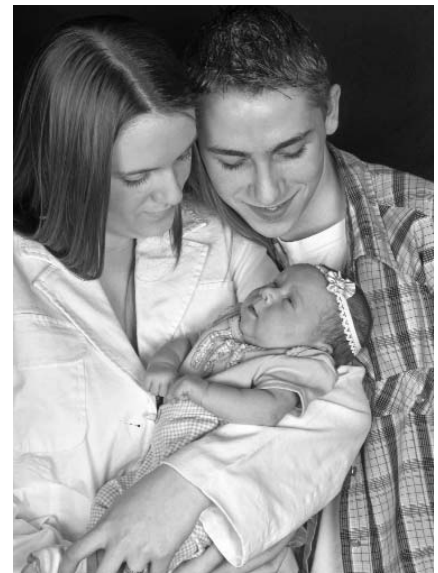


The Ensuring Success in School Act: Promoting School Success and Safety for Young People Who Are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence

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The Sargent Shriver National Center on Poverty Law represents low-income people by pursuing public policies that not only alleviate poverty but also affirmatively help people escape poverty permanently. We are “client-focused” in that the issues we pursue derive from low-income people’s needs and concerns. Low-income individuals and their service providers, community leaders, researchers, bureaucrats, and legislators routinely contact us; we lead and participate in numerous coalitions and partnerships; we engage in administrative and legislative advocacy, public education, and training that amplifies our exposure; and we disseminate information and receive feedback through publishing newsletters, writing for *CLEARINGHOUSE REVIEW*, and through our website.

All of the above led the Shriver Center to draft and advocate the Ensuring Success in School Act (ESSA). The legislation promotes successful school completion for young people who are parents, expectant parents, or victims of domestic or sexual violence by carefully balancing students’ needs and the responsibility of schools and the broader community to educate all youth. ESSA is pending in the Illinois General Assembly, and we have developed a model version for advocates in other states who are interested in advancing similar legislation.¹

In this article we review some of the social science research that informs ESSA, describe its significant provisions, and discuss the Shriver Center’s ESSA campaign in Illinois.

¹The Ensuring Success in School Act (ESSA) was originally introduced in the Illinois General Assembly in 2005 as House Bill 3615, available at www.ilga.gov/legislation/fulltext.asp?DocName=&SessionId=50&GA=94&DocTypeId=HB&DocNum=3615&GAID=8&LegID=20024&SpecSess=&Session= (last visited Jan. 22, 2006), and in the Illinois Senate as Senate Bill 1728, available at www.ilga.gov/legislation/fulltext.asp?DocName=&SessionId=50&GA=94&DocTypeId=SB&DocNum=1728&GAID=8&LegID=19929&SpecSess=&Session= (last visited Jan. 22, 2006). The model legislation is available at www.povertylaw.org/advocacy/school_success_modelbill.htm.

I. What the Research Says

While the national high school dropout rate, methodology to calculate it, and even who is considered a high school dropout and who is considered a graduate vary among states and among researchers, concern is widespread about the ability of young people who have not completed high school to become economically and socially secure and independent adults.² This concern has motivated educators, policy experts, government officials, and others to study and strive to understand the factors that lead students to leave school without graduating.

Some young people who drop out of school are parents, expectant parents, or victims of domestic or sexual violence. Social science research, as well as first-hand accounts from youth themselves, suggests that such youth face unique barriers related to their status—barriers that make it difficult for them to stay in school and complete their education.

A. Pregnant and Parenting Youth

Each year over 800,000 adolescents under 20 become pregnant in the United States.³ Although the pregnancy rate

among young women aged 15 to 19 has declined steadily since 1990, the rate remains higher than in most other developed countries.⁴

The relatively high rate of adolescent pregnancy and childbirth in the United States is a source of much public anxiety, particularly because it is often believed to cause girls to drop out of school and to live in poverty as adults, in turn causing a range of social ills.⁵ Pregnancy and parenting are among the primary reasons female students give for dropping out of school.⁶

However, a significant body of social science literature refutes this view. In fact, research shows that background disadvantages such as growing up poor and negative lived experiences such as being the victim of sexual abuse or sexual violence, not teen childbearing alone, are what adversely affect girls' schooling and impede their abilities to achieve labor market success.⁷

Studies of the relationships of teen childbearing to labor market participation and welfare use also show that women who give birth as teens do not necessarily fare

²The National Center for Education Statistics puts the dropout rate for youth 16 through 24 who neither are in nor have completed high school at 10.7 percent (National Center for Education Statistics, Dropout Rates in the U.S.: 2001, available at http://nces.ed.gov/pubs2005/dropout2001/sec_3.asp (last visited Jan. 22, 2006)), while the Center for Labor Market Studies at Northeastern University shows the rate to be 13.7 percent (Center for Labor Market Studies, Northeastern University, Schooling and Labor Force Status of 16–24 Year Old Youth in the U.S., Illinois, Metropolitan Chicago Area, and Chicago City, 2000, at 11 (2003), available at www.asnchicago.org/PDFs/October2003/p_3_0_2000%20PUMS5%2016-24%20US%20IL%20Ch%20Metro%20Chi%20city.pdf (last visited Jan. 22, 2006)).

³Centers for Disease Control and Prevention, *National and State-Specific Pregnancy Rates Among Adolescents United States, 1995–1997*, MORBIDITY AND MORTALITY WEEKLY REPORT, July 14, 2000, available at www.cdc.gov/mmwr/PDF/ww/mm4927.pdf; Alan Guttmacher Institute, U.S. Teenage Pregnancy Statistics, Overall Trends, Trends by Race and Ethnicity and State-by-State Information 3, available at www.guttmacher.org/pubs/state_pregnancy_trends.pdf (updated Feb. 19, 2004). Eight in ten of these pregnancies are unintended. The National Campaign to Prevent Teen Pregnancy: General Facts and Stats (May 2005), available at www.teenpregnancy.org/resources/data/genfact.asp.

⁴In 1990 the pregnancy rate per 1,000 women aged 15–19 was 116.9; in 1995 the rate fell to 99.6 and by 2000 to 83.6. Centers for Disease Control and Prevention, *supra* note 3; Alan Guttmacher Institute, U.S. Teenage Pregnancy Statistics, available at www.guttmacher.org/pubs/state_pregnancy_trends.pdf (updated Feb. 19, 2004). In England and Wales during the 1990s the rate was 46.9; in Canada, 45.4; in Sweden, 24.9; in France, 20.2, and in Japan, 10.1. Sushela Singh & Jacqueline E. Darroch, *Adolescent Pregnancy and Childbearing: Levels and Trends in Developed Countries*, 32 FAMILY PLANNING PERSPECTIVES 14–23 (Jan.–Feb. 2000).

⁵The following statement captures this view of teen pregnancy and parenthood: “If three risk factors for poverty are present—teenage childbearing, failure to complete high school, and nonmarriage—then it is all but inevitable that the mother and her child will live in poverty....” Barbara Dafoe Whitehead, *The Failure of Sex Education*, ATLANTIC MONTHLY, Oct. 1994, at 55–80.

⁶Personal factors that students report as reasons for dropping out included marriage, pregnancy, parenting, having a family to take care of, or wanting to have a family. One-third of the girls were pregnant when they left school. DALLAS COMMISSION ON CHILDREN AND YOUTH, STUDENT DROPOUT SUMMARY REPORT AND RECOMMENDATIONS 2 (2000); accord Wendy Schwartz, *School Dropouts: New Information about an Old Problem*, ERIC/CUE DIGEST, Aug. 1995, summarizing RICHARD COLEY, EDUCATIONAL TESTING SERVICE, DREAMS DEFERRED: HIGH SCHOOL DROPOUTS IN THE UNITED STATES (1995).

⁷See KRISTIN LUKER, DUBIOUS CONCEPTIONS: THE POLITICS OF TEENAGE PREGNANCY (1996) (see especially ch. 5); Arline T. Geronimus, *Teenage Childbearing and Personal Responsibility*, 112 POLITICAL SCIENCE QUARTERLY 405 (1997).

worse than similar women who delay childbirth. A comparison between labor market participation by teen girls who gave birth and teen girls who miscarried (consequently delaying childbirth) found that early childbirth neither curtailed the number of hours teen mothers worked annually nor lessened their annual earnings through age 34. In fact, teen mothers in the study earned *more* at every age through 34 than they would have if they had delayed childbearing. The authors of this study note that, based on their evidence, women who give birth as teens not only come from less advantaged backgrounds but experience less success in school. They speculate that teen mothers are more likely to work in jobs that value job-specific experience and continuity rather than the attainment of higher education. For these women, then, early childbearing may be more compatible with their likely career paths.⁸

A study of African American sisters found that women who had *not* given birth as teenagers were as likely as their biological sisters who had given birth as teens to receive welfare as adults. Both sets of sisters also spent similar amounts of time in poverty as adults. The authors conclude that not only did both sets of sisters “fare badly as adults” but also, more significant, background disadvantages are “stronger predictors” of low adult income, poverty, and

welfare use than giving birth as an unmarried teen.⁹

B. Youth Victims of Domestic and Sexual Violence

Beginning in the 1980s, research among youth in high school definitively established that dating violence occurred among adolescents and posed a serious health problem.¹⁰ Between 12 percent and 35 percent of high school students engage in or are victims of violence, both physical (scratching, slapping, pushing, kicking, biting, and forcing sex) and psychological (intentionally hurtful comments, threats of harm, insulting remarks made in front of others, and prohibiting the girlfriend or boyfriend from doing things with other people), in a dating relationship.¹¹ Early research showed that both girls and boys sustain and perpetrate abuse.¹² Some studies even found that, in heterosexual dating relationships, girls were more likely than boys to perpetrate physical violence, but other studies demonstrated that girls might use physical violence more frequently than boys to defend themselves against acts of sexual dating violence, which adolescent girls are more likely to sustain and boys are more likely to perpetrate.¹³

For any youth, dating violence can be devastating because of its harmful impact on victims’ health and lives. Indeed, sociologists argue that youth exposure to

⁸V. Joseph Hotz et al., *Costs and Consequences of Teenage Childbearing*, 1 CHICAGO POLICY REVIEW 55 (Fall 1996).

⁹Mary E. Corcoran and James P. Kunz, *Do Unmarried Births Among African-American Teens Lead to Adult Poverty?*, 71 SOCIAL SERVICE REVIEW 274–87 (1997).

¹⁰Research by June Henton and Rodney Cate (1983) is often cited as the groundbreaking study of dating violence among high-school-age youth. See June Henton et al., *Romance and Violence in Dating Relationships*, 4 JOURNAL OF FAMILY ISSUES 467 (1983). Other early research studies include Bruce Roscoe & John Callahan, *Adolescents’ Self-report of Violence in Families and Dating Relationships*, 20 ADOLESCENCE 545 (1985), and Nona O’Keeffe et al., *Teen Dating Violence*, 31 SOCIAL WORK 465 (1986).

¹¹Shaista Malik et al., *Community and Dating Violence among Adolescents: Perpetration and Victimization*, 21 JOURNAL OF ADOLESCENT HEALTH 291 (1997); William James et al., *Youth Dating Violence*, 35 ADOLESCENCE 455 (2000). Between one-fifth and one-quarter of all adolescents experience psychological and physical abuse in dating relationships; see John Hagan & Holly Foster, *Youth Violence and the End of Adolescence*, 66 AMERICAN SOCIOLOGICAL REVIEW 874 (Dec. 2001). Among public high school students in Massachusetts, approximately one in five female students reported being physically or sexually abused or both by a dating partner; see Jay Silverman et al., *Dating Violence against Adolescent Girls and Associated Substance Use, Unhealthy Weight Control, Sexual Risk Behavior, Pregnancy, and Suicidality*, 286 JOURNAL OF THE AMERICAN MEDICAL ASSOCIATION 572 (2001). Another study of female high school students found that 31.5 percent of sexually active adolescent girls reported ever experiencing physical or sexual violence (Michele R. Decker et al., *Dating Violence and Sexually Transmitted Disease/HIV Testing and Diagnosis Among Adolescent Females*, 116 PEDIATRICS 272 (2005)).

¹²O’Keeffe et al., *supra* note 10.

¹³Vangie Foshee, *Gender Differences in Adolescent Dating Abuse Prevalence, Types and Injuries*, 11 HEALTH EDUCATION AND RESEARCH: THEORY AND PRACTICE 275 (1996); James et al., *supra* note 11, at 464.

violence, particularly violence in romantic relationships, “forces a premature end to adolescence through early exits from conventional teenage roles.”¹⁴ A study of high school female students showed that adolescent girls’ experience of dating violence increased their risk of engaging in seriously harmful behaviors, including substance abuse; unhealthy weight control (e.g., using laxatives or vomiting); sexual risk behaviors (e.g., having sex before age 15 and having multiple sex partners); pregnancy; and seriously considering or attempting suicide.¹⁵ The researchers concluded that to alleviate the health risks of girls who had experienced dating violence, prevention programs and services should be expanded. They recommended that medical and mental health professionals routinely screen adolescents for dating violence and be aware of appropriate referrals, and they advised practitioners working to reduce substance use, pregnancy, eating disorders, and suicide among teens to consider dating violence as a possible factor in these behaviors.¹⁶

Sociologists argue that youth exposure to dating violence can have life-changing results in addition to negative health consequences. Youth exposed to violence in intimate partner relationships were found susceptible to depressed feelings, suicidal thoughts, running away from home, and dropping out of school. Teenage girls, in particular, were found to be at greater risk for depression and pregnancy. Teen dating violence may not only precipitate the “end of adolescence” for girls and boys but also reduce opportunities in adulthood.¹⁷

Whether a causal connection exists between early parenthood and future economic prospects, or whether economic prospects are diminished instead by preexisting poverty and other negative lived experiences such as domestic or sexual violence, young people who are parents, expectant parents, or victims of domestic or sexual violence deserve the opportunity to stay in school and earn a high school diploma.

II. Ensuring Success in School Act

The Shriver Center’s direct work with young people who are parents, expectant parents, and victims and survivors of domestic or sexual violence, as well as anecdotal information from advocates who work closely with the youth, suggests that such young people are saddled with especially difficult challenges as they try to juggle parenting responsibilities and school obligations; struggle to maintain their safety in the classroom and as they travel to and from school; face harassment, ridicule, and threats from peers and sometimes even school staff when personal information about their situation is not kept confidential; and encounter teachers, school officials, and administrators who fail to recognize their needs, refer them to appropriate services and agencies, or accommodate them in the classroom.

In response to these and other barriers, the Shriver Center drafted ESSA, which aims to promote school success and safety for youth who are parents, expectant parents, and victims and survivors of domestic or sexual violence.¹⁸ ESSA approaches school suc-

¹⁴ Hagan & Foster, *supra* note 11, at 875.

¹⁵ Silverman et al., *supra* note 11. A total of 4,163 female students participated in the youth risk behavior surveys—1,977 in 1997 and 2,186 in 1999—and they were fairly evenly distributed across age groups and grades. During both years of the survey, most of the female students were white (73 percent in 1997 and 72.7 percent in 1999); the rest were Hispanic (9.4 percent in 1997 and 11 percent in 1999), black (6.3 percent in 1997 and 6.7 percent in 1999), Asian (5.7 percent in 1997 and 6.1 percent in 1999), and some other racial or ethnic group (5.7 percent in 1997 and 3.5 percent in 1999).

¹⁶ *Id.* at 578.

¹⁷ See Hagan & Foster, *supra* note 11, at 875, 892.

¹⁸ ESSA was introduced in the Illinois General Assembly in January 2005 but was not passed into law during the spring 2005 session of the ninety-fourth Illinois General Assembly. The Shriver Center and its coalition partners plan to continue ESSA advocacy efforts in the 2006 legislative session. The full text of ESSA, introduced as H.B. 3615, and an amendment are available at www.ilga.gov (search by number “HB3615”). All references in this article to “ESSA” reflect H.B. 3615 in either its first version or of the first amendment to H.B. 3615, both of which are available online. For more information on ESSA, see Aleeza Strubel & Wendy Pollack, *Illinois Advocates Promote School Success and Safety for Young People Who Are Expectant Parents, Parents, or Victims of Domestic or Sexual Violence*, 39 CLEARINGHOUSE REVIEW 146 (July–Aug. 2005).

cess and safety from the perspective of young people and strikes a careful balance between their needs and the responsibility of schools, and local communities more generally, to educate all youth. In drafting ESSA, the Shriver Center and its coalition partners first considered what young people need to succeed and stay safe in school. Next we researched the laws in all fifty states to learn how legislators and advocates outside Illinois have addressed school success and safety for youth who are parents, expectant parents, and victims of domestic or sexual violence. Finally, in consultation with youth, their parents, and advocates from across the state, we drafted a bill that we hope will enable more young people in Illinois to complete their education and realize their social and economic goals. In the next section we review the rights, programs, and services that are necessary for school success and safety and are incorporated into ESSA. We also describe similar laws in other states.

A. Balancing Academic Demands and Parenting Responsibilities

Students who are expectant parents or parents often face an untenable choice between fulfilling their obligations to their children (or their need to act responsibly prior to childbirth) and meeting their obligations at school. When the two sets of obligations clash, students can face long-term consequences.

1. Parenting-Related Absences

When a young parent must stay home to care for her sick child or because her child care arrangements fell through, she may miss a test or other important school event. Too many missed tests, incomplete assignments, or absences, even when excused, can jeopardize a young parent's good academic standing.

ESSA ensures that schools recognize, and do not punish, acts of responsible par-

enting. For example, under ESSA, a parent who must miss school to care for a sick child or because child care arrangements fall through will have her absence excused, has a right to home instruction, can get assistance from her school in making up missed work, and may be referred to school- or community-based education and support services that are designed to help a youth complete her education in a secure and encouraging environment. Under current Illinois law a student's illness is valid cause for absence from school but her child's illness is not.¹⁹ ESSA proposes to amend the school code to recognize as "valid cause" for absence ... fulfillment of the student's parenting responsibilities (including, but not limited to, arranging child care, caring for the student's sick child, and attending medical appointments for the student's child).²⁰

Simply excusing parenting-related absences, without more, may nevertheless not prevent a young parent from falling behind in school. ESSA recognizes this problem and proposes an amendment to require all schools to adopt procedures to help young people make up their course work if they have missed school to fulfill parenting obligations or because of their status as an expectant parent. Local school districts would have flexibility in the policy that they set but would have to address the problem. Thus a student who is absent because her child care arrangements are unreliable or due to complications from her status as an expectant parent need not fall behind in school.²¹

Some young parents may miss a significant amount of school if their children are seriously ill. Currently in Illinois home instruction is available to a pregnant student only when a physician indicates that the student is medically unable to attend school, or following childbirth or a mis-

¹⁹See 105 ILCS § 5/26-2a.

²⁰See H.B. 3615.

²¹Currently, under Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681 *et seq.* (2005), and its implementing regulations, 34 C.F.R. § 106.40 (b), pregnancy-related absences should be excused. Likewise, in Illinois, sex equity regulations ensure that pregnancy may not be the basis for dismissal from a school-operated program or activity. ILL. ADMIN. CODE tit. 23 § 200.50(e) (2005). Neither Title IX nor state law expressly requires schools to help pregnant young women and girls keep up with their coursework, even if the schools must excuse their pregnancy-related absences.

carriage.²² ESSA would expand the program to enable young parents to receive instruction at home when they cannot attend school because they must care for a sick child; the student would have to submit a written statement from her child's health care provider explaining that the child has a serious health condition that requires the student's care and that alternative care is unavailable.²³ ESSA would also correct a problem in current Illinois law by prohibiting schools from penalizing students in grading, course completion, grade level advancement, or graduation solely on the basis of the student's absence from school while receiving home instruction, providing that the student complied with home instruction program requirements.²⁴

2. Certain School and Community-Based Services and Accommodations for Expectant and Parenting Students

Sometimes expectant or parenting students need very little help to succeed in school. In other cases, students need support to balance their parenting and school obligations successfully. With the latter in mind, ESSA encourages schools to offer services and accommodations to meet expectant and parenting students' needs and to promote school success. Specifically, an ESSA provision would allow young people and their parents or guardians to request information about or referrals to school- or community-based education and support services that are designed to help the young people meet Illinois learning standards in a safe, secure, and encouraging environment.²⁵ While some school districts have the resources to provide school-based

services, in other communities students must rely on outside resources. ESSA recognizes the financial constraints that many school districts face and clarifies that "[s]chool districts are not required to create or fund any new services."²⁶ This would not, however, relieve school districts of the obligation to connect students with existing community resources.

As in ESSA, Florida requires school districts that run teenage parent programs to help parenting students with ancillary services, such as child care, health care, social services, and transportation, necessary for school success.²⁷ School districts in Florida may provide these services directly or, as ESSA proposes, "through the coordination of existing programs and services and through joint agreements between district school boards and local school readiness coalitions or other appropriate public and private providers."²⁸

California takes a different approach. In 1998 California enacted the California School Age Families Education Program (Cal-SAFE), which offers comprehensive, school-based and community-linked services to foster educational achievement, effective parenting, and healthy families.²⁹ The programs are open to any female or male student 18 or younger who has not earned a high school diploma or its equivalent and is an expectant or custodial parent or a noncustodial parent in an active role caring for and supervising the student's child.³⁰ Children of students enrolled in a Cal-SAFE program may also receive services until they turn 5 or enter kindergarten.³¹ Through Cal-SAFE, schools may provide

²²See 105 ILCS § 5/10-22.6a.

²³See H.B. 3615.

²⁴This provision is modeled on Tennessee law. See TENN. CODE ANN. § 49-6-3002.

²⁵See H.B. 3615.

²⁶*Id.*

²⁷Fla. Stat. § 1003.54 (2005).

²⁸*Id.*

²⁹See CAL. EDUC. CODE. §§ 54740-54759.5 (Deering 2005); *id.* § 54746 (listing support services that may be funded under Cal-SAFE).

³⁰*Id.* § 54747.

³¹*Id.* § 54746 (c) (2).

on-site services such as academic support, parenting education, life skills training, career counseling, peer and family support groups, and child and domestic abuse prevention education.³² Cal-SAFE programs also offer transportation from home to school and free meal supplements for pregnant and lactating students.³³

Many parenting and expectant students need in-school accommodations in addition to help with child care, housing, and parenting skills. ESSA would require all schools and school districts to “make reasonable accommodations and adjustments in school policy and practice to facilitate the full participation of youth who are expectant parents, parents, or victims of domestic or sexual violence in the interest of providing equal access to educational programs and services and of ensuring the youth’s safety, attendance, and academic progress.”³⁴ In accommodating students, ESSA would encourage schools to consider being flexible in enforcing rules such as dress codes and uniform policies. ESSA does not, however, limit schools’ authority to craft accommodations to meet students’ diverse needs. Similarly, under current Wisconsin law, school boards must “make available to any school age parent who is a resident of the school district program modifications and services that will enable the pupil to continue his or her education.”³⁵

Although ESSA, if passed, would ensure the availability of services and accommodations to meet the needs of expectant and parenting students, ESSA makes equally clear that students may not be required to participate in services or seek accommodations.³⁶ ESSA also ensures that youth who do receive services or accommodations

will not suffer any adverse effects as a result.³⁷

3. Transportation for Parenting Students

Many parenting students report transportation-related barriers to school attendance. For some, the challenge is traveling with their child from home, to child care, and then on to school in a timely manner. For others who are lucky enough to attend a school with on-site child care, transportation to school with a young child may not be readily available. Although ESSA does not directly address this difficulty, at least one state, New York, gives school districts discretion to help with transportation for the children of parenting students. Under New York law, a board of education may transport the non-school-age children of students 21 or younger who have not yet received a high school diploma to and from the school that the student parent attends. The parent must accompany her non-school-age child on the bus, and the transportation must be “furnished for the purpose of allowing the child to receive child care services and/or attend a nursery school, preschool, or parenting program.”³⁸ New York school districts are eligible for state aid to cover the expenses that they incur in providing such transportation to the non-school-age children of students in the district.³⁹

B. Ensuring School Success and Safety for Victims of Domestic or Sexual Violence

Students who are victims of domestic or sexual violence are too often ignored by school personnel or left vulnerable and at risk of further harm. ESSA offers schools guidance on appropriate responses.

³²*Id.* § 54746.

³³*Id.*

³⁴See H.B. 3615.

³⁵See Wis. STAT. § 115.915 (2005).

³⁶See H.B. 3615.

³⁷*Id.*

³⁸See N.Y. EDUC. LAW § 3635 (1)(f) (Consol. 2005).

³⁹*Id.*

1. In-school Accommodations

We have heard from too many students, parents, and advocates that schools refuse to accommodate the safety-related needs of victims of domestic and sexual violence by making simple changes in class schedules, seating assignments, and lunch periods. One student reported that her parents chose to home-school her rather than force her to continue to attend school with a fellow student who sexually assaulted her, after her school refused to honor a civil no-contact order that the student had obtained. ESSA proposes to require schools to honor orders of protection and civil no-contact orders, permit students to change seats to gain greater distance from a perpetrator in the classroom, and encourage schools to allow students to change their class schedules to ensure safety at school.⁴⁰

2. Transfers and Transportation

For some students, in-school accommodations are inadequate. These young people may need to transfer to a different school to continue their education safely. Illinois law currently allows school transfers only for students who are the victims of violent crimes that occur on school grounds during regular school hours or during a school-sponsored event.⁴¹ ESSA proposes to permit students who are the victims of domestic or sexual violence to transfer whether or not they were the victim of a crime that meets the definition of a “violent crime” under Section 3 of the Rights of Crime Victims and Witnesses Act, and whether or not that crime occurred on school grounds during school hours or at a school-sponsored event.⁴² In doing so, ESSA would recognize that many victims of domestic or sexual violence face safety-related problems as they travel to and from school, and while at school, even if their perpetrator has never attacked them at school. Further, ESSA makes school transfer a

practical solution by requiring school districts to waive tuition for youth who transfer to a school district where they do not reside to accommodate these safety concerns.⁴³ Without tuition waiver, school transfer would be too costly to offer many students relief.

3. Special Consideration During Disciplinary Proceedings

Sometimes school officials, because of adherence to aggressive “zero tolerance” policies or ignorance about the dynamics of domestic or sexual violence, discipline victims who report abuse. We have heard reports of school administrators expelling both victims and their perpetrators. The Illinois school code provision on suspension and expulsion currently does not take status as a victim of domestic or sexual violence into account in disciplinary proceedings.⁴⁴ ESSA proposes to amend the school code by adding the following:

If a pupil is faced with either (i) suspension from school due to gross disobedience or misconduct or suspension from riding a school bus due to gross disobedience or misconduct on the school bus as provided in this Section or (ii) expulsion due to gross disobedience or misconduct as provided in this Section *and if there is a substantial relationship between the behavior that gives rise to the suspension or expulsion proceedings and the pupil's status as an expectant parent, parent, or victim of domestic or sexual violence, then the suspension or expulsion requirement may be modified by the district superintendent on a case-by-case basis.*⁴⁵

This provision would give school officials discretion to consider status as a victim of domestic or sexual violence, as well as status as an expectant or parenting stu-

⁴⁰See H.B. 3615.

⁴¹See 105 ILCS 5/10-21.3a (2005).

⁴²See H.B. 3615.

⁴³*Id.*

⁴⁴See 105 ILCS 10-22.6 (2005).

⁴⁵H.B. 3615 (emphasis added).

dent, in the disciplinary process. For victims of domestic or sexual violence in particular, this will create much-needed flexibility by recognizing that such students may be involved in an altercation at school for which they are not to blame if, for example, they engage in an act of self-defense or respond to an abuser's taunts and harassment.

4. Collaborating with Community-Based Organizations

Many domestic and sexual violence advocates across Illinois report strained relationships with local school officials, at a cost to students who stand to benefit when schools and service providers cooperate. ESSA strives to build and improve ties between schools and community agencies by encouraging school districts to collaborate with community-based organizations that serve youth in order to promote school success and safety for students who are parents, expectant parents, or victims of domestic or sexual violence.⁴⁶ Promoting such collaboration may also spur development of more programs and offer services to meet the needs of these young people.

5. Tracking Graduation, Dropout, and Transfer Rates

The Illinois State Board of Education must submit to the General Assembly and the governor an annual report that includes the statewide high school dropout rate broken down by grade level, sex, and race.⁴⁷ A recent amendment requires the board to prevent dilution of the dropout rate by ending the practice of reporting dropouts as "transfer students" when many do not enroll in a new school.⁴⁸ ESSA proposes to

take this amendment a step further. To learn more about the educational needs of young people who are parents, expectant parents, or victims of domestic or sexual violence, and to measure ESSA's impact on the ability of such young people to complete their schooling, ESSA explores the need to develop an accurate method to count and report separately their graduation, transfer, and dropout rates.⁴⁹ In New Mexico, for example, school districts submit an annual "accountability report" that details high school graduation rates for each public high school.⁵⁰ In that report, each district must "indicate contributing factors to nongraduation such as transfer out of the school district, pregnancy, dropout and other factors as known."⁵¹ ESSA aims to give Illinois school districts the information they need to help more students fulfill their educational potential.

C. Promoting Appropriate and Meaningful Responses from School Employees and Officials

To help students realize school success and to ensure school safety, ESSA proposes training to help school personnel identify and respond appropriately to students in need of assistance, and strict measures to maintain confidentiality and preserve student privacy.

1. Training School Personnel and Responding Appropriately to Students' Needs

Recent news reports in Illinois and elsewhere call attention to the problems that arise when school officials turn a blind eye to reports of domestic or sexual violence involving students.⁵² Regardless of the

⁴⁶*Id.*

⁴⁷105 ILL. COMP. STAT. § 5/1A-4 (D) (2005).

⁴⁸*Id.* § 5/2-3.13a (C) ("(c) The State Board of Education shall, by rule, establish a system to provide for the accurate tracking of transfer students. This system shall, at a minimum, require that a student be counted as a dropout in the calculation of a school's or school district's annual student dropout rate unless the school or school district to which the student transferred (known hereafter in this subsection (c) as the transferee school or school district) sends notification to the school or school district from which the student transferred (known hereafter in this subsection (c) as the transferor school or school district) documenting that the student has enrolled in the transferee school or school district. ").

⁴⁹See H.B. 3615.

⁵⁰See N.M. STAT. ANN. § 22-2C-11 (2005).

⁵¹*Id.*

⁵²Lisa Church, *Parents of Abused Student Say Civil Rights Violated, Sue District*, SALT LAKE TRIBUNE, July 2, 2005, at B5 (documenting allegations in Utah that principal deliberately failed to take any corrective or investigative action following report that a teacher sexually harassed and abused a student, thus enabling teacher to continue abuse); Brett McNeil, *Bervyn Principal Charged; Official Accused of Failing to Report Abuse Allegations*, CHICAGO TRIBUNE, March 2, 2005, at C1 (same in Illinois). Clearinghouse REVIEW Journal of Poverty Law and Policy ■ March–April 2006

motivations, the consequences for students are devastating when trusted school officials fail to act on reports of abuse.

One Illinois parent contacted us to report that her school-age daughter turned to a teacher shortly after a classmate sexually assaulted the student and the teacher took no action.⁵³ The teacher neither referred the student to a rape crisis center, where the student could have obtained needed counseling, support, and crisis intervention services, nor reported the incident to school administrators, who could have investigated the allegations and taken safety precautions to protect the student and her classmates from future harm. The teacher did not report the incident to the police, nor did she encourage the student to contact the police, although doing so could have ensured a proper criminal investigation and held the perpetrator accountable for his actions. And, finally, the teacher did not encourage the student to report the incident to her parents, who could have helped her obtain the support and assistance that she needed to recover from sexual assault and to bring her perpetrator to justice. In this case the parent began to notice distressing changes in her daughter's behavior: social withdrawal, signs of depression, and poor school performance. Eventually the student disclosed to her parent that a classmate had sexually assaulted her. By that time it was too late to collect evidence necessary to pursue a rape prosecution, and when the perpetrator was finally arrested and convicted, it was only for a lesser charge. The parent's primary complaint against the teacher and the school was not the failure to bring the report to the parent's immediate attention but rather the teacher's complete failure to act in any way to help the student obtain assistance, whether at school, in the community, from the police, or at home. The parent filed a civil lawsuit to try to ensure that future student

reports of abuse at school are taken seriously and acted upon promptly and responsibly.

Several ESSA provisions would correct inappropriate or inadequate responses to domestic or sexual violence involving students. First, ESSA would amend the Illinois school code to require in-service training for school personnel at least once every two years. This training, which would be conducted by experts in domestic and sexual violence and the needs of expectant and parenting students, would at a minimum train school personnel on how to "understand, provide information and referrals, and address issues pertaining to youth who are expectant parents, parents, and victims of domestic or sexual violence."⁵⁴

Next, ESSA would require each school district to designate at least one staff person—a school social worker, psychologist, counselor, or nurse—who is trained by the school district to address, confidentially and sensitively, the needs of young people who are parents, expectant parents, or victims of domestic or sexual violence.⁵⁵ ESSA intends that such specially trained personnel will serve as "go-to" people within schools and that they will have greater expertise in meeting the needs of youth who are parents, expectant parents, or victims of domestic or sexual violence. Along with the in-service training, ESSA tries to ensure that school staff members can identify students in need of assistance and then refer them to properly trained school district personnel, who will connect the students to needed resources in school or in the community. ESSA does not intend for specially trained school personnel to become experts in domestic or sexual violence, nor does it replace the need for community-based agencies that address this issue. Instead ESSA requires that specially trained personnel receive further training to enable

⁵³A student disclosure to a teacher or school personnel of abuse by someone other than a "parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent" does not automatically trigger a mandated report to the Department of Children and Family Services under current Illinois law. 325 ILL. COMP. STAT. § 5/3 (2005).

⁵⁴See H.B. 3615. For current law on in-service training programs for school personnel, see 105 ILL. COMP. STAT. § 5/10-22.39 (2005).

⁵⁵See H.B. 3615.

them to communicate with and listen to young people who are parents, expectant parents, or victims of domestic or sexual violence; connect such youth to appropriate in-school services and other agencies, programs, and services as needed; implement the school district's policies, procedures, and protocols required under ESSA; and assist young people in their efforts to exercise and preserve their rights as set forth in ESSA.⁵⁶

2. Maintaining Confidentiality and Student Privacy

None of the assistance offered under ESSA will help young people who do not take advantage of the rights and remedies proposed by ESSA for fear that their confidentiality and privacy will be violated. Reputation matters in the school environment, which is often small and insulated. In response to these concerns, ESSA has a separate section on confidentiality and builds confidentiality and privacy protections into the provisions that deal with accommodations and specially trained school personnel.

ESSA's confidentiality provision instructs school districts to adopt and implement a policy to

ensure that all information concerning a youth's status as an expectant parent, parent, or victim of domestic or sexual violence provided to the school or school district or its employees or agents pursuant to this Law, including a statement of the youth or any other documentation, record, or corroborating evidence, and the fact that the youth has requested or obtained assistance, accommodations, or services pursuant to this Law, shall be retained in the strictest confidence by the school or school district or its employees or agents.⁵⁷

Nevertheless, ESSA recognizes that in some circumstances the need to disclose information will trump a student's interest in confidentiality and privacy. For that reason, ESSA makes an exception when "disclosure is (i) requested or consented to in writing by the youth or the youth's parent or guardian, if it is safe to obtain written consent of the student's parent or guardian, or (ii) otherwise required by applicable federal or state law."⁵⁸

III. The Illinois ESSA Campaign

The Shriver Center has led the effort to pass ESSA since advocates conceived the idea for the bill. We have long worked on issues that affect children, adolescents, and young adults, but this work has largely been in the context of public benefits, child care, and family law. Our advocacy on workforce development has focused largely on access to and quality of education, training, and family-sustaining employment for adults. Despite our growing concern about the high school noncompletion rate among the low-income population, limited resources had prevented us from doing more to address issues facing youth. Three factors prompted the Shriver Center to take action on this issue. First was the No Child Left Behind Act of 2001 and the Act's potential negative impact on school completion for both girls and boys, particularly those already at risk of school failure.⁵⁹ Second, young women who were finding it hard to stay in school or were "pushed out" or disenrolled because they were parents and had child care or other problems related to parenting and pregnancy began to contact us. And, third, a friend and colleague of the Shriver Center, Angie Kennedy, was completing her Ph.D. and called to discuss her dissertation and whether her findings could be used to advocate change.⁶⁰

⁵⁶*Id.* In light of the budgetary constraints under which most school districts operate, ESSA requires school districts to appoint and train only one person for every 10,000 enrolled students.

⁵⁷*Id.*

⁵⁸*Id.*

⁵⁹No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 *et seq.*

⁶⁰Angie Kennedy, M.S.W, Ph.D., is currently an assistant professor in the School of Social Work, Michigan State University.

For her dissertation, Angie interviewed both in-school and out-of-school pregnant and parenting adolescents in Chicago and evaluated their exposure to community, family, and partner violence and the relationship between this exposure and a variety of school-related outcomes. She found very high rates of lifetime exposure to violence; each form of violence exposure was significantly and positively associated with attention and behavior problems in school and high rates of school dropout and suspension or expulsion.⁶¹ While community violence is a serious problem, particularly for poor urban youth generally, the increased exposure to family and partner violence among the young women interviewed for the study and the effects on school outcomes compelled action.

In June 2003 the Shriver Center invited advocates, service providers, and funders involved in issues affecting low-income girls and young women to hear Angie present her findings and to discuss what, if any, steps we should take. The result was a coalition that works specifically on the school-related issues facing young women and girls who are pregnant, parenting, or the victims of domestic or sexual violence.

The coalition focused first on administrative advocacy with the Chicago Public Schools and the Illinois State Board of Education. Given the initial makeup of the coalition and most participants' greater knowledge of and experience in working with Chicago schools and students, we started with the Chicago Public Schools and the district's in-house Cradle to Classroom program. However, in late 2003 we were

diverted to legislative action. We heard rumblings that the Cradle to Classroom program in several high schools was in jeopardy due to fiscal constraints (the program did end in 2004 and was subsequently replaced, with contracts with community-based organizations taking over many of the same responsibilities); criticism of the No Child Left Behind Act was growing; and researchers and advocates at the national, state, and local levels were exposing increased dropout numbers.

In Illinois education advocates, some of whom operate alternative schools in Chicago, released reports on the dropout problem in Chicago and statewide. One report that examined the high school dropout rates of Chicago public school students emphasized the greater number of male dropouts compared to female dropouts.⁶² This report analyzed data from the Illinois State Board of Education and found an overall Chicago dropout rate for the 2001–2002 school year of 17.59 percent, with 21.67 percent of male students and 13.64 percent of female students dropping out.⁶³ A series of reports prepared for the Alternative Schools Network in Chicago indicated that one of seven youth aged 16–24 statewide was a high school dropout. The figures are even higher for black youth—almost one in five, and for Hispanic youth—one in three.⁶⁴ The statewide dropout rates for males are higher than for females within each ethnic and racial category; the rate for Hispanic females is higher than for any group except Hispanic males. This is true on the national, state (Illinois), and local (Chicago metropolitan area and the city of Chicago) levels.⁶⁵ In any event,

⁶¹Angie Kennedy, *Urban Adolescent Mothers Living with Violence and Going to School in the Age of Welfare Reform* (May 2003) (draft of unpublished Ph.D. dissertation, University of Illinois at Chicago) (on file with Wendy Pollack).

⁶²Greater West Town Community Development Project, *Chicago's Dropout Crisis: Continuing Analysis of the Dropout Dilemma by Gender and Ethnicity, 1996–2002* (revised Nov. 11, 2003) [hereinafter *Chicago's Dropout Crisis: Continuing Analysis*] (on file with Wendy Pollack). See also Greater West Town Community Development Project, *Chicago's Dropout Crisis: Hard Facts About Our High Schools' Continuing Problems* (revised Sept. 10, 2003) (on file with Wendy Pollack).

⁶³*Chicago's Dropout Crisis: Continuing analysis*, *supra* note 62, at 12.

⁶⁴CENTER FOR LABOR MARKET STUDIES, NORTHEASTERN UNIVERSITY, *SCHOOLING AND LABOR FORCE STATUS OF 16–24 YEAR OLD YOUTH IN THE U.S., ILLINOIS, METROPOLITAN CHICAGO AREA, AND CHICAGO CITY, 2000*, at 11–12 (2003). For this and other reports on the connection to out-of-school youth and the labor market, see www.asnchicago.org/Publications.aspx.

⁶⁵The overall U.S. dropout rate is 13.7 percent: 15.7 percent for males and 11.6 percent for females. The rate for non-Hispanic white males is 9.7 percent, for non-Hispanic white females 7.6 percent, for non-Hispanic black males 16.8 percent, for non-Hispanic black females 14.3 percent, for Hispanic males 35.7 percent, and for Hispanic females 26.6 percent. *Id.* Compare *Chicago's Dropout Crisis: Continuing Analysis*, *supra* note 62, at 12 (the Chicago Public Schools 2001–2002 dropout rates for African American, white, and Hispanic males exceed the dropout rates for females in any ethnic or racial category).

the rates are unacceptably high for both genders and all ethnic and racial groups.

Education advocates captured the attention of legislators, who agreed to study the problem and seek solutions. Their advocacy made clear that not all students who leave school “decide” to drop out. Many are pushed out by principals who have the authority to do so under Illinois law. One group of advocates drafted state legislation, Senate Bill 2115, to help curb the dropout-pushout problem.⁶⁶ Our coalition opted to participate, welcoming the opportunity to improve the legislation. To address some of the reasons that girls have trouble staying in school, we drafted an amendment to include, for example, absences related to a student’s pregnancy or parenting obligations, such as, among excused absences, taking a sick child to the doctor.

Unfortunately our efforts met resistance from the education advocates, who feared the amendments would make the legislation more difficult to pass. We disagreed but respected their opinion. However, we were also told that this was really a “boys” issue. Perplexed, we decided to support the legislation as it was but also to draft our own legislation for the 2005 legislative session. Access to quality education for all students is imperative, and we know that male and female students share many of the same reasons for not graduating, most profoundly poverty and its accompanying ills and inadequate education. But we also know that there are some very real differences in the reasons that girls and boys do not finish school, and different consequences of those shared reasons. As we strive toward the larger goals of eliminating poverty and offering quality education to all students, we must act in the short term to address the factors that cause far too many students to drop out of school or that push them out. For girls and young women, this means addressing issues related to pregnancy, parenting, and domestic or sexual violence.

In early January 2004 two hearings were held—one by Chicago’s City Council Committee on Education and Child Development and the other by the Illinois

State Senate’s Education Committee (a joint subject-matter hearing before members of the House and Senate). The Shriver Center testified on the reasons many female students drop out or are pushed out of school—issues relating to pregnancy, parenting obligations, and being a victim of domestic or sexual violence. Arne Duncan, the chief executive officer of the Chicago Public Schools also testified and reported that the high school dropout situation in Chicago was caused, among other reasons, by domestic violence, a lack of child care, and the need of many students to work to support their families. Mr. Duncan offered little assurance that Chicago schools had a plan in place to address these problems. Students who testified were mostly young women who had been pushed out of school because of their pregnancy or parenting obligations.

During the spring 2004 session of the Illinois General Assembly, while testifying in favor of the education advocates’ bill, S.B. 2115, we also made clear our specific concerns about the ability of students who are parents, expectant parents, or victims of domestic or sexual violence to stay in school safely and noted that legislation addressing these issues would be forthcoming. S.B. 2115 passed the General Assembly and was signed into law without controversy. With our coalition partners, we turned our attention to researching and drafting comprehensive legislation to ensure that students who are parents, expectant parents, or victims and survivors of domestic or sexual violence can stay in school safely to complete their education and receive their high school diplomas. We named this legislation the Ensuring Success in School Act, or ESSA.

In addition to undertaking legal and social science research, we sought input from our coalition partners, young people, their parents, and other advocates across the state. We also spoke to teachers and school administrators. The experiences of young people and their parents and the innumerable problems they face in dealing with school personnel, admin-

⁶⁶The legislation (now law) restricts a school district’s authority to deny enrollment or reenrollment and gives added procedural safeguards. S.B. 2115, 93d Ill. General Assembly (2004) (enacted); Pub. Act 093-0803 (2004), at www.ilga.gov/legislation/publicacts/fulltext.asp?Name=093-0803.

istrators, and school boards significantly shaped the legislation, both its priorities and its comprehensiveness. The legislation grew into something much larger in scope than we originally conceived, but we determined to present it in its entirety, to demonstrate not only the problem's scope and magnitude but also the possibility of thoughtful and real solutions.

With any legislation, political realities almost always bump up against and too often defeat the needs and concerns of low-income people. We drafted the bill with this in mind, considering particularly the fiscal crisis that Illinois and most other states have experienced in the last few years—a crisis that resonates sharply in the education arena, which derives funds primarily from property taxes and other state and local funds.⁶⁷ Thus we drafted a bill that gives schools a blueprint for how to help more students stay in school and stay safe while there, but does not fund badly needed services that would help achieve these goals. We were very aware of the danger that our bill would be construed as yet another “unfunded mandate” imposed on underfunded schools, even though the bill did not require such services.

Legislation in hand, the coalition approached potential sponsors in both the Illinois Senate and House. Several legislators expressed interest, but we ran into our first, not unexpected, hurdle: legislators' concern that the bill was too large to navigate through the legislative process. We had experienced this reluctance to take on a lengthy bill—the preference to break it down into bite-size chunks. However, we resisted breaking the legislation into smaller bills for a couple of reasons. First, we thought it important to present the problems and

solutions holistically and viewed 2005 as the first year of what would likely be a multiyear campaign. During the first year we would educate legislators, school district representatives, and the state Board of Education.⁶⁸ We would also educate ourselves. While all coalition members worked on issues related to children, adolescents, and young adults, for many of us, including the Shriver Center, this was an initial foray into significant amendments to the school code. We would learn from legislators, the school districts, and the state board about their knowledge of the subject and their willingness to make statutory changes. We would also gain a greater sense of the magnitude of the problems throughout the state.

Second, we did not want to negotiate against ourselves. We consulted seasoned education advocates who warned us not only about the bill's length but also about specific controversial provisions. Our disinclination to presume opposition to any particular provision proved prophetic. Believing that the funding issue would cloud any discussion of the rest of the bill and doom it from the start, we did delete a few costly provisions before the bill was introduced. However, our opponents did not object to other provisions that most coalition members thought might have to be diluted or sacrificed. Conversely some provisions that we presumed would be noncontroversial proved otherwise. In any event, we remained undaunted by the assessment about the length of the bill and particular provisions, and we found legislators willing to introduce the entire bill in both the House and the Senate.⁶⁹

Thus we began our first legislative session. The coalition discussed strategy, developed fact sheets and other promo-

⁶⁷For the 2003–2004 school year, Illinois schools were financed through a combination of local (53.8 percent), state (35.9 percent), and federal (10.3 percent) revenues. ILLINOIS STATE BOARD OF EDUCATION, 2004 ANNUAL REPORT 14(Jan. 2005), at www.isbe.state.il.us/budget/annual_report_04.pdf (last visited Dec. 3, 2005). Most of the federal dollars are targeted for special education, school food programs, Title I programs, and vocational education programs. RONALD J. GIDWITZ & GLENN MCGEE, STATE, LOCAL AND FEDERAL FINANCING FOR ILLINOIS PUBLIC SCHOOLS 2000–2001, at 7 (2002), at www.isbe.state.il.us/sfms/pdf/slf01.pdf (last visited Dec. 3, 2005).

⁶⁸The Illinois State Board of Education is responsible for the educational policies and guidelines for public schools, preschool through grade 12, and vocational education. 105 ILCS 5/1A-4(C) (2005).

⁶⁹The House bill, H.B. 3615, is available at www.ilga.gov/legislation/fulltext.asp?DocName=&SessionId=50&GA=94&DocType=HB&DocNum=3615&GAID=8&LegID=20024&SpecSess=&Session= (last visited Jan. 21, 2006). The Senate bill, S.B. 1728, is available at www.ilga.gov/legislation/fulltext.asp?DocName=&SessionId=50&GA=94&DocType=SB&DocNum=1728&GAID=8&LegID=19929&SpecSess=&Session= (last visited Jan. 21, 2006).

tional materials, talked to pregnant and parenting teens and survivors about their experiences and how much of their information we could use to promote ESSA, honed the testimony of teen parents, survivors, and service providers who were willing to testify before legislative committees, and continued education and outreach to grow the coalition and gain support for the bill statewide. Because we had both Senate and House sponsors, we decided to proceed in both chambers simultaneously. The lion's share of the lobbying responsibility, including meetings with members of the education committees of both houses and with school district and state board of education lobbyists, fell to the Shriver Center.

The problems of parents, expectant parents, and victims of domestic and sexual violence in the schools were not new to most of the legislators with whom we spoke. This news dismayed us in that the problems were so widespread as to be known to legislators, even if the legislators did not understand students' viewpoints or agree with our solutions. Legislators' knowledge also heartened us, though, in that it meant that our agenda would move faster than expected.

The Senate and House committee hearings were scheduled on consecutive days. To testify, we had recruited a teen parent service provider and young adult survivors of domestic or sexual violence that had occurred while they were in high school at least a couple of years earlier. Things did not go well in the Senate. Due to time pressure the committee met only for an hour; there was no opportunity to testify, and the senators declined to vote on the bill. While this was certainly discouraging, it did not necessarily mean

certain death for our bill in the Senate. We had another opportunity to get the bill out of committee in the House, and the next day was a completely different experience.

We felt that even if the House education committee did not vote, or worse, voted the bill down, we had to present the issue and to have our witnesses testify. When our bill number was called, the House sponsor led the proponent witnesses—a survivor, a service provider and Shriver staff—to the table to testify. A school district lobbyist spoke in opposition. The state board was neutral on the bill's merits but had concerns.

Due to the overwhelming number of bills before the committee, the chair allowed only one person besides the sponsor to testify. We asked the survivor to speak. She lives in a small central Illinois town, and her story of rape by a former boyfriend and the school administrators' ignorant response are heartbreaking.⁷⁰ Too often during hearings, committee members pay just enough attention to witnesses to appear polite. This time, during the survivor's testimony, the whole committee was rapt. Afterward the remaining proponent witnesses were invited to testify further. The teen parent service provider testified next.⁷¹ Again the committee listened closely and the room was hushed. A bill that was expected to fail due to school districts' opposition looked alive. Then the opponents testified. Shriver Center staff members were allowed to respond and to answer questions posed by committee members, who appeared very moved by the testimony and listened attentively. Even the most conservative members expressed outrage at the problem and said that they would

⁷⁰The survivor testified to being sexually assaulted by her ex-boyfriend the summer before her sophomore year. She obtained a protective order but was faced with attending the same school and riding the same bus as the perpetrator. Things at school did not go well, and she and her parents sought help from school administrators, asked that the girl be allowed to change classes, change schools, have the perpetrator change schools, ride different buses, have increased protection—anything to keep her in school and safe. Administrators said nothing could be done. The survivor and her parents decided they had no choice but home schooling; administrators discouraged this and even said she would be unable to reenroll in public high school if home-schooled. The survivor spent her sophomore year home-schooled. The next year she reenrolled in the high school despite obstacles presented by the administration. In the end she was able to graduate on time. (The March 9, 2005, testimony is on file with Wendy Pollack.)

⁷¹Carmen Abrego of Southwest Youth Collaborative in Chicago testified about her years of experience working with pregnant and parenting teens—the parenting responsibilities that force them out of school due to unexcused absences, the schools' lack of support, and the need to improve collaboration between the public schools and community programs that serve the students. (The March 9, 2005, testimony is on file with Wendy Pollack.)

vote for the bill. One member known for her concerns about “unfunded mandates” on schools and for listing all the statutory provisions she believes merit that title had the floor. This time, she said, she would not recount her usual list; she would have to vote for this bill because it addressed a known problem in her district to which solutions must be found. The bill passed out of committee unanimously, with the caveat that all parties come to agreement on a version of a bill. This “education” year would in fact become a season of intense negotiations.

Over the next two months we met with the lobbyists from the school districts and the state board and slowly made progress. As in any negotiation, each side learns more about the other’s positions, the reasons for them, and where to find common ground. During those meetings we educated the lobbyists about the difficulties that pregnant and parenting students have both in and out of school, the cycle of violence too often present in dating relationships, the devastating realities of sexual assault among young women and girls, and the need for all students to stay in school and stay safe while there. For our part, we learned more about school operations, the day-to-day impact of the fiscal crisis, how that crisis may harden their position against reasonable policies and put those policies in the “unfunded mandate” category, and how the issues we present fit in their overall view of the school districts’ responsibilities.

For example, regarding transfer to another school or district for safety reasons, at first our opponents resisted even the notion (despite a House committee member’s statement during the committee hearing that the perpetrator, not the survivor, should be transferred). After discussion, a suggestion was that a student be allowed to transfer but not to take part in any extra curricular activities at the new school. From the school districts’ point of view, too many students try to transfer to play on better athletic teams. We responded by speaking of the long-standing resistance to trusting girls and women, particularly when the issue con-

cerns allegations of domestic or sexual violence. We also explained that a victim must normalize her life as soon as possible and that restricting her ability to do so would be unfair and unwise. They understood but their concern, to which we must remain sensitive, endured. On other issues, the school district representatives’ response was more nuanced, giving rise to hope of reaching agreement. ESSA would create a statewide task force to deal with some of the issues. Our opponents suggested that the bill be amended to create a task force only to study the problem, suggest solutions, and report to the General Assembly in two years, with no specific mandates or responsibilities. We resisted and chose to persevere, deciding that breaking the legislation down into more than one bill was better than creating a task force that had no real mandate or authority to make change.

The discussions went on until the end of the legislative session in May. We had not agreed to a bill, or even one of several bills, but we left feeling that we had made significant progress. Now that the 2006 session has begun, we will once again be in the hallway outside the House chambers, talking to legislators, gaining their support, meeting with the bill’s opponents, not skipping a beat.

IV. The National ESSA Campaign

The Shriver Center hopes to work with students and their parents, educators, school boards, and advocates for youth and other advocates around the country to promote ESSA or similar policies in other states. We have developed a model version of ESSA that is available on the Shriver Center website at www.povertylaw.org/advocacy/school_success_modelbill.htm. For further information on ESSA, to discuss launching a local ESSA effort, or to participate in a national coalition to promote school success and safety for young people who are parents, expectant parents, or victims of domestic or sexual violence, contact Wendy Pollack at 312.263.3830 ext. 238 or wendy.pollack@povertylaw.org.