LIMITING MOBILITY AND IMPROVING STUDENT ACHIEVEMENT

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LIMITING MOBILITY AND IMPROVING STUDENT ACHIEVEMENT

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I. INTRODUCTION

In the United States, there is a growing concern about the failure of public education. While the country is attempting to move toward higher academic standards to compete in the global community, many children are being left behind. These children, most of whom reside in poor urban communities, may never have the skills needed for self-sufficiency. Critics blame the schools for not meeting the needs of these children. In turn, the schools as well as the courts defend current practices claiming that many children come to school with problems beyond the ability of the schools to address. 1 They claim that poverty, and the problems associated with poverty, are the most significant barriers to academic success, and that the schools do not have the resources to deal with the growing number of poor children and the associated risk factors.

"Urban students perform far worse, on average, than children who live outside central cities on virtually every measure of academic performance." 2 The gap between suburban and urban school performance in many ways mirrors the income level of the parents in the community. In addition, the gap reflects the growth of the suburbs and the decline in central cities that has occurred since the 1970's due to middle class flight to suburbia and the loss of city manufacturing jobs. The net result is that poverty is concentrated in the city and the city schools. 3

Poverty is a barrier to academic achievement. Poor children have lower-than-normal birth weights, fewer preschool opportunities, more exposure to environmental toxins and less access to medical care. 4 The Children's Defense

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4 See generally James Garbarino, Educating Children in a Socially Toxic Environment, in EDUCATIONAL LEADERSHIP; ROBERT HAVEMAN & BARBARA WOLFE, SUCCEEDING GENERATIONS ON THE EFFECTS OF INVESTMENTS IN CHILDREN (1995); Margaret C. Wang et al., Introduction: Inner-city Students at the Margins, in MAKING A DIFFERENCE FOR STUDENTS AT RISK: TRENDS AND ALTERNATIVES
Fund found that family income has a much stronger correlation to a five year old's I.Q. than maternal education, ethnicity, and growing up in a single-parent family. Poor children are more likely to live in female-headed households with many siblings and a parent with less than a high school education, in an area with poor housing and high crime. Most of these poor children grow up with other poor children and go to school with them, and concentrated school poverty is consistently related to lower performance on every educational outcome measured. Moreover, it is likely that, as test scores go down, middle class flight accelerates. The end result is that many central city schools have poor children as 70 to 100 percent of their student population.

Although the link between poverty and low student performance in the general population is clear, what remains uncertain is the causal connection between the two, if any. Some individual schools within central cities throughout this country are very successful. Some poor children are very successful within a school that is not performing well. Thus, it is not poverty alone that causes school failure or individual failure. For this reason, research has attempted to focus on the environmental characteristics of poor children as factors that lead to low academic performance. These factors are generally, lack of parental involvement, inadequate housing, health problems, lack of educational stimulation in the early years, unsupportive school climate, and high mobility.

(Margaret C. Wang & Maynard C. Reynolds eds., 1995).


See Olson & Jerald supra note 2, at 14.


See generally Understanding the Consequences, EARLY REPORT. (Center for Early Education, Spring 1988).


See generally James E. Bruno & Jo Ann Isken, Inter- and Intra-school Site Student Transiency: Practical and Theoretical Implications for Instructional Continuity at Inner City Schools, 29 JOURNAL OF RESEARCH AND DEVELOPMENT IN EDUCATION 4 (1996).
This article will focus on one of these characteristics: mobility, also known as transiency. The article will demonstrate, however, that mobility is related to the other characteristics of poverty listed above. Researchers have attempted to study the relationship between frequent family moves and academic success. It is apparent that high mobility negatively impacts educational achievement, and that children who are from low-income families and attend inner city schools are more likely than others to have changed schools frequently. As a result, many inner-city schools have established special programs to acclimate new students. Yet, this may not be enough.

Parents move for a wide-variety of reasons including: to find employment, to join family or friends, to escape high crime rates or their own domestic abuse, and to provide their children with better schools and better housing. Although they may be trying to improve conditions for their children, parents who move frequently may be harming the educational development of their children. Can the state step in and say that this constitutes educational neglect? Can the state develop programs that either penalize parents for moving or reward them for staying in one location during the school year? In other words, can we do more than we are currently doing?

Part II of this article will examine the impact of mobility on student achievement. Part III will review the relationship between mobility and achievement in the Minneapolis Public School District. Part IV will analyze the concept of educational neglect to determine whether or not a parent’s frequent moves could constitute educational neglect that would lead to some type of state involvement to protect the child. Part V will present potential legal responses and legal barriers to reducing student mobility. Finally, Part VI and VII will suggest what appropriate government action could be taken to improve the education of the children.

II. MOBILITY AND STUDENT ACHIEVEMENT

Studies indicate that those students who move frequently are lower-achievers. One study found that 41 percent of highly mobile students were low achievers compared with 26 percent of those who have never changed schools. Other studies have found that three or more moves more negatively impacted achievement than one or two moves, and that 23 percent of the children who


18 See Vail supra note 17 at 12.


20 See Mary Hefner, What is the effect of the rate of transfer on the academic achievement of fourth grade students? (1994) microformed at ERIC: ED 364886; Gary M. Ingersoll, Geographic Mobility and Student Achievement in an Urban Setting, 11 EDUCATIONAL EVALUATION AND POLICY ANALYSIS,143,143-150; David B. Schuler, Effects of Family Mobility on Student Achievement, 8 JOURNAL OF SCHOOL RESEARCH AND INFORMATION, 17, 17-24 (1990).

21 See U.S. GENERAL ACCOUNTING OFFICE (GAO), ELEMENTARY SCHOOL CHILDREN, MANY CHANGE SCHOOLS FREQUENTLY, HARMING THEIR EDUCATION 6 (February 1994).

22 See Theresa Z. Waters, Mobility and Reading Achievement (1996) (unpublished masters
moved frequently had repeated a grade. In addition, children who have moved often are also more likely to have behavioral problems, which in turn, could lead to more missed classes and more academic difficulties. This section will examine the relationship between student mobility and student achievement.

A. Characteristics Associated with Highly Mobile Students

Although there is considerable evidence showing the links between mobility and poverty, mobility and low student achievement, and poverty and low student achievement, it is difficult to isolate the characteristics of each of these conditions in order to determine causal and predictive relationships among and between them. As a matter-of-fact, it may be simultaneously true that poverty is a factor of mobility and mobility is a factor of poverty. Existing studies on mobility have been criticized for being inconclusive and contradictory because student mobility at the classroom level does not seem to play a consistently independent role in patterns of achievement. Yet, high mobility does have a negative impact on achievement and must be examined from a policy standpoint.

Children who are from low-income families or who attend inner-city schools are more likely than others to have changed schools frequently. While one study indicated that about 17 percent of all third graders have attended three or more schools since first grade, 30 percent of third graders with family income below $10,000 have changed schools frequently while only 10 percent of third graders with family income above $25,000 followed the same pattern. About 25 percent of third graders in inner city schools changed schools frequently, compared with about 15 percent of third graders in rural or suburban schools. It appears that inner city children change schools more frequently because a higher percentage of these children are from low income families. In addition, even a short move within the same inner city may result in having the student attend a new school because of school attendance boundaries.

Another characteristic of highly mobile students is that many reside in a family headed by a single parent or adult. An analysis of student mobility found that children living with one parent move twice as often as children living with two parents, and that children in single-parent families have lower achievement than those living in two-parent families. It is difficult to assess which of the two factors, mobility or having a single parent, had the most significant impact on student achievement. Nevertheless, both factors do have an impact on student achievement. One might conclude that student achievement is even lower when both factors are present.

Migrant and Limited English Proficiency (LEP) students are much more

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24 See id.
25 See generally John S. Heywood et al., Does Classroom Mobility Hurt Stable Students? An Examination of Achievement in Urban Schools, 32 URBAN EDUCATION 354 (1994).
26 See GAO Report, supra note 21, at 5.
27 See id.
likely than others to have changed schools frequently. About 40 percent of migrant children and 34 percent of LEP children changed school frequently, compared with 17 percent of all children. In a study by the education department of Michigan, children of migrant workers were found to be, on average, three to four years behind academically. Because these are children who have a difficult time in school and have a need for more stability in their lives, mobility compounds challenges to achievement. In addition, many of these students arrive after the school budget has been determined. Therefore, special funding for migrant and LEP students may not be available for the new arrivals, which may create economic stress for the school.

A group of children who face even greater difficulties are those children who experience extreme mobility as a result of homelessness. Some estimate that 750,000 children are homeless in the United States. Studies have found that homeless children must often transfer into several new schools during one academic year even if the moves are of a short distance. Many students transfer schools five or six times until their families find suitable housing. Most homeless children do not attend school regularly, and at least 23 percent of homeless school-aged children do not attend at all because of their homelessness. Due to school district residency requirements and lack of transportation, children must often transfer to a new school each time the family moves to a different shelter or living arrangement. Many families remain homeless for about a year before securing permanent housing.

B. Why Highly Mobile Students Have Academic Difficulties

1. Attendance

One of the main reasons highly mobile students academically perform at lower levels than their more stable counterparts is due to attendance. Attendance rates negatively impact achievement. It only makes sense that a student has to be

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30 See GAO Report, supra note 21, at 5.
31 See Edgar Leon, Challenges and Solutions for Educating Migrant Students (Michigan Department of Education 1996), microformed on ERIC: ED393615.
33 See Deborah M. Thompson, Breaking the Cycle of Poverty: Models of Legal Advocacy To Implement the Educational Promise of the McKinney Act for Homeless Children and Youth, 31 CREIGHTON L.J. 1209,1210 (1998). Note that there is wide disagreement about the number of homeless children in this country.
35 See U.S. DEP’T OF EDUC., A REPORT TO CONGRESS: A COMPILATION AND ANALYSIS OF REPORTS SUBMITTED BY STATES IN ACCORDANCE WITH SECTION 722(D)(3) OF THE EDUCATION FOR HOMELESS CHILDREN AND YOUTH PROGRAM 2 n.3 (July 1995).
36 See Thompson supra note 33, at 1212.
exposed to a lesson in order to learn it, and therefore any days away from instruction will likely have an adverse affect on learning.

2. Poverty

Economic deprivation is, by and large, a principle source of socio-cultural risk in children. Therefore, when poverty is combined with mobility, the risk to children increases, because children in poverty face a double jeopardy: they are exposed to more environmental risks, and yet, due to their poverty, they are least capable of combating these risks. Highly mobile children do not have the opportunity to establish barriers to these environmental risks. Children in high mobility poverty are also not necessarily able to escape the risk factors associated with poverty when they enter schools. The schools that poor children attend often lack the facilities, equipment, and student-teacher ratios found in more affluent schools and school districts.

3. Classroom Environment

In the classroom, mobility can disrupt instruction because some students leave while new students arrive. Teachers are faced with a constantly changing student population in each classroom. In addition, rarely are teachers given much advance notice of the new arrivals so regular instruction is interrupted when new students first enter, and it continues as the teacher takes time to assess the new student’s needs or to complete evaluations of departing students. This demands more classroom management of the teacher. When teachers spend more time dealing with classroom management, time is taken away from what is needed for student achievement. In addition, the teacher has to take time to acclimate the child to the classroom environment and may have to provide special instruction. In some cases the student has missed so many bits and pieces of sequential knowledge that he may never be able to catch up to the academic level of the class.

Further, students who make frequent school changes can experience inappropriate placement in a new school, lack of continuity of lesson content, disruption in social ties, and feelings of alienation. Teachers may find it difficult to identify and meet both the academic and social needs of the highly mobile student. Research indicates that the teachers who would best be suited for working with these students are those with higher verbal ability and more experience, and yet teachers with these characteristics often choose to work in more homogeneous and affluent

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38 See JAMES GARBARINO ET AL., NO PLACE TO BE A CHILD: GROWING UP IN A WAR ZONE (1991).
40 See Gary Orfield, Asking the Right Questions 8 EDUCATIONAL POLICY404, 404-13 (1994); See generally Marleen C. Pugach, Twice Victims: The Struggle to Educate Children in Urban Schools and the Reform of Special Education and Chapter 1, in MAKING A DIFFERENCE FOR STUDENTS AT RISK (Margaret C. Wang, et al. eds., 1995).
41 See GAO report supra note 21, at 38.
schools. This is further exacerbated by the fact that schools with the highest mobility rates have been found to be poorer and less accountable than others. In schools where mobility is rare this is problematic, where mobility is common, this may be a crisis.

4. School Curriculum and Programming

The variation in school curricula across schools, school districts, and states is a significant problem for a new student and her teacher. The concept of local control limits a centralized curriculum between and among schools in many states. Academic skills are taught at different rates at different schools using different teaching methods and sometimes different curriculum. Thus, the new student may be thrust into an instructional lesson with which the student is totally unfamiliar. Moreover, the student may be far ahead or far behind her peers in the classroom. Either way, this compounds the academic challenge for a student whose life is already in transition and who needs more security and stability.

Children who move frequently may not receive the services that are specifically in place to assist low achieving students. Students who move frequently are less likely to receive federal Title I funding, formerly Chapter I support or Migrant Education services than low-achieving students who have never changed schools. In many schools the Title I and Migrant Education fund allocations are done well in advance of the school year so that sufficient money is not available for all late-arriving students even though the schools may have reserved some money for that purpose. In addition, students may arrive without student records that indicate an assessed need for services. The student may not receive any special services until the new school completes a new assessment, if they are able to before the student once again moves.

On the other hand, highly mobile students, who may or may not need additional services, may be labeled inappropriately and separated into special programs. This may be especially likely if they are African-American. This creates an additional stigma in that students who are pulled out of regular programming go through their school experience feeling part of a sort of underclass and also missing content area subjects. The end result is that they may never catch up to where their peers are in the regular classroom.

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47 See GAO report, supra note 21, at 12.
48 See Margaret Wang & Joe Kovach, Bridging the Achievement Gap in Urban Schools: Reducing Educational Segregation and Advancing Resilience -- Promoting Strategies, Paper presented at a Conference of the Urban Education National Network of the Regional Educational Laboratories, Washington, DC (May 5, 1995) microformed at ERIC:ED389806. These authors claim that “African-American students are labeled retarded or behaviorally disturbed and set aside from regular classes at rates two or three times higher than those for white students.” Id. at 2.
49 See generally Marleen C. Pugach, Twice Victims: The Struggle to Educate Children in Urban Schools and the Reform of Special Education and Chapter 1, in MAKING A DIFFERENCE FOR STUDENTS AT RISK, (Margaret C. Wang et al. eds.,1995).
5. Relationships with Teachers

Teacher expectancy about a student’s intellectual abilities has an influence over how teachers treat that student and the student’s subsequent achievement. A teacher does not know what to expect from a student who suddenly shows up in her classroom in the middle of the year, and as is human nature, she may rely on her past experience with highly mobile students and her perceptions as to what kind of students are highly mobile as well as what kinds of families from which they come. Boykin found that children who think the teacher does not like their work will come to believe that the teacher must also not like them. This can then affect both their motivation to learn and their motivation to please the teacher.

Unfortunately, the very teachers who highly mobile students need are not generally the ones they find in their schools. According to researchers Summers and Wolfe, teachers who are the most effective in promoting student achievement are those with high verbal ability and more experience, and yet these are the very teachers who generally choose to work in more homogeneous and affluent schools and not in poor urban schools. Even in large urban districts, the more experienced teacher may use seniority to select the better school within the district.

Research also indicates that parental involvement with the school and regular contact with school staff are major components of educational attainment, both of which are difficult when the parent is under the stress of and facing continuous acculturation to new schools, together with the acclimation of a new home and neighborhood.

6. Relationships with Family and Peers

A child’s family and peers have an enormous affect on how the child develops, how the child perceives education, and the importance the child places on education in her life. An inadequate education can arise when the socialization patterns the child faces every day at home and in the neighborhood are different from what school programming is designed around. A child who is highly mobile is clearly learning to socialize and cope in an environment different from, if not contrary to, those assumed by the teacher, school environment, and curriculum. At the same time, the student may be finding support to not work hard. Children who are highly mobile do not have strong peer relationships, and may therefore be more

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fearful of peer rejection and more susceptible to peer pressure. This is compounded by the fact that in high school there is often peer pressure to not work hard in school.\textsuperscript{57}

As was pointed out earlier, the typical parent of a highly mobile student is poorly educated, which has an influence on the child's educational achievement. The National Assessment of Educational Progress found that of students in grade twelve who had parents with some post-secondary education, 73% were at the basic reading level; for those whose parents had finished high school it was 60%; and, for those who had not finished high school, it was 47%.\textsuperscript{58} The relationship of the parent and child in a highly mobile family may not include adequate direct assistance with schoolwork.

7. The Student

Not all students faced with the same external variables make the same choices and reap the same results. Something internal to the child impacts outside variables. "Student motivation and out-of-school components of the student achievement equation tend to be weakest from students coming from low-income families and high-poverty neighborhoods."\textsuperscript{59} Students who do succeed display characteristics of social competence, autonomy, problem solving ability, and a sense of the future.\textsuperscript{60} In her studies, Werner found that children that are classified as resilient tend to have temperamental characteristics that invoke positive responses from family members and strangers.\textsuperscript{61} The student also personally needs to value education.\textsuperscript{62} Students who perceive that they do not have the ability to master their school-work develop low levels of effort and persistence.\textsuperscript{63} Students who do not believe they have any influence on what they are learning will not be as committed to their own education,\textsuperscript{64} and a negative perception of self-worth can lead students to reject school all together.\textsuperscript{65} Conversely, a positive perception of self and school will lead students to apply themselves.\textsuperscript{66} Weiner has determined that if a student perceives her failure to be the result of a stable cause, such as lack of ability, she is

\textsuperscript{57} See John H. Bishop, Why the Apathy in American High Schools?, 18 EDUCATIONAL RESEARCHER 6, 6-10(1989).
\textsuperscript{59} Andrew C. Porter, National Equity and School Autonomy, 8 EDUCATIONAL POLICY 489, 492 (1994).
\textsuperscript{60} See Belinda Williams & Ellen Newcombe, Building on the Strengths of Urban Learners, 51 EDUCATIONAL LEADERSHIP 75, 76 (1994).
\textsuperscript{61} See generally Emmy E. Werner, Resilient Children, 40 YOUNG CHILDREN (1984).
unlikely to be motivated to change. However, if she perceives her failure is due to an unstable attribute such as effort, she can be receptive to motivation.\textsuperscript{67} If a child is highly mobile, it is reasonable to conclude that the student would see this as a stable factor harming her education, and she would be therefore less likely to make personal improvements.

III. Mobility in the Minneapolis School District

Parents move and change school districts for a variety of reasons. In some cases the move may lead to better living conditions, a better school, or a better learning environment, all of which may help a student. Mobility alone is not a barrier to academic success as demonstrated by the impact of frequent moves in the military, which found little impact of mobility on reading achievement scores of the children of enlisted military personnel.\textsuperscript{68} However, as we have seen, mobility, in combination with other factors that relate to poverty, can harm a child's education. This was demonstrated in a study of mobility in the city of Minneapolis.

Some have observed that Minneapolis is a city at the crossroads. It could either move into a deep decline such as occurred in Detroit, Gary, Chicago, or Milwaukee, or it could avoid urban destruction by finding a solution for the growing concentration of poverty in certain areas. Virtually all the metropolitan regions in the United States have dense areas of concentrations of poverty at their cores.\textsuperscript{69} Although the concentration increased dramatically in some cities during the 1970's, the increase did not hit Minneapolis until the 1980's. There is little evidence to indicate the increase in the concentration of poverty is slowing down. This concentration of poverty impacts students as seen by examining statistics in Minneapolis.

Generally, the level of poverty in schools is measured by the number of students who are eligible for federal lunch programs based on income. From 1980 to 1991 the percentage of students eligible for free lunch in Minneapolis went from 28.9 percent to 46.4 percent. During this same period the percentage of students eligible for free and reduced lunch programs went from 34.9 percent to 52 percent. The figures continued to increase during the 1990's.\textsuperscript{70} To a large extent, these figures represent both the increases in children who are in poverty as well as the continuation of middle class flight from the district.

As the percentage of poor children increased, the reading test scores in the district decreased. This shows the most direct link to poverty and academic achievement. The students on free and reduced lunch plans have lower scores than the students who are not participating. In addition, the students who are the poorest -those on free lunch programs - have the lowest scores, as illustrated by the following chart:

\textsuperscript{67} See Bernard Weiner, Speculations Regarding the Role of Affect in Achievement-change Programs Guided by Attributional Principles, in TEACHER AND STUDENT PERCEPTIONS: IMPLICATIONS FOR LEARNING. (Levine & Wang eds., 1983).


\textsuperscript{69} See MYRON ORFIELD, METROPOLITANS: A REGIONAL AGENDA FOR COMMUNITY AND STABILITY 2 (1997).

\textsuperscript{70} See Interview with Bob Burke, Minneapolis Office of Student Accounts, Minneapolis, MN (1999).
Chart 1: Mean 1995 Reading Scores by Lunch Assistance Status

The above chart provides general information about the link between poverty and test scores. It does not provide additional insight or analysis about the specific link to mobility as a factor. For this reason, in 1997 a group of local planners and researchers from a variety of educational and community organizations decided to initiate the Kid’s Mobility Project to learn more about the effects of changing residences on the student achievement of poor children. The project first analyzed data from the Minneapolis School District that related to achievement and mobility. Secondly, the project analyzed interviews with 100 mostly low-income families to learn their perception of the impact of moving.

The first analysis showed that students who move frequently have lower average reading scores on the California Achievement Test in Reading. Average reading scores for those students with three or more moves were nearly 20 points lower than those of students who did not move, as illustrated by the following chart:

\[\text{Chart 1: Mean 1995 Reading Scores by Lunch Assistance Status}\]

\[\begin{array}{ccc}
\text{Lunch Status} & \text{Mean 1995 Total Reading} \\
\text{Not Participating} & \text{Reduction Price} & \text{Free}
\end{array}\]

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71 Hennepin County Office of Planning & Development, Appendix to the Kids Mobility Project: Findings from the Minneapolis Student Mobility Research File, 11(1998) [hereinafter "Appendix"].

72 See City of Minneapolis et al., A Report from the Kid’s Mobility Project, 3 (1998).
Chart 2: Mean 1995 Reading Score by Number of Residential Moves

It is important to note that most of the mobility that takes place is highly concentrated within areas of the city that correspond closely to the geographic distribution of low-income families. In addition, families who moved tended to move only very short distances, and usually within the city of Minneapolis. Thirty-nine percent moved less than one mile, 66 percent moved less than two miles, and 81 percent moved less than three miles.

Because some students change residences, it does not necessarily mean that the students will change schools. Unlike other districts, the Minneapolis School District attempts to maintain some continuity in schools, even if a student moves into another attendance area, by bussing the student to the same school that they were attending for the remainder of the school year. This policy has been under review by the district because of its desire to return to neighborhood schools in an attempt to increase parent involvement and to reduce the cost of transportation. As a result of this policy, only one in twenty students moving within the district needed to change schools due to a residential move.

The study did not examine and compare the test scores of those students who moved without changing schools with those students who moved and changed schools within the district. However, the district keeps records on student mobility and student turnover by individual schools. Overall, 84% of all elementary students remain in one school for the entire academic year. However, the stability varies from school to school and is closely related to the percentage of children on free and reduced lunch programs. As expected, the higher the percentage of students on lunch programs the lower the percentage of stability. As an example, one school with 92.5% of the students on lunch programs has a stability percentage of 50%. In other words, only half of the students who started the year remained in the same

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73 See Appendix, supra note 71, at 9.
74 See id at 3.
76 See Kid’s Mobility Project, supra note 72, at 6.
school for the entire year. Actually, the statistics from this school are even more alarming because of the turnover rate.

The Minneapolis district keeps track of the turnover rate. Turnover is defined as the number of students coming in and out of a school during a school year divided by the fall enrollment. Thus, even though 84% of the elementary students remain stable for a year, because the unstable children keep coming in and out, the district turnover average for each year is 29.2%. In the school cited in the previous paragraph, the actual turnover rate for the school was 95%. Thus, although half of the children remained stable for one year, nearly twice as many students came and went during the same time period. This is in a district in which every attempt is made to keep students in the same school throughout the year. One can envision the difficulty that teachers and administrators have in a district in which there is not such a priority. Mobility has an impact on education.

Nevertheless, because mobility is correlated with a number of other factors that are also related to lower scores, it is very difficult to isolate the exact effect of mobility. The Minneapolis study used multiple regression analyses to show that multiple moves is a significant predictor of test performance, although its contribution was small relative to other factors such as race, free lunch status, attendance, limited English spoken at home, not living with both parents, and birth in one of eight states from which migrants to Minneapolis come.

One of the strongest predictors of performance in this study proved to be attendance, which is an obvious component of mobility. Students with nearly perfect attendance outperformed by more than 20 points those students who attended less than 80 percent of the time, as shown in the following chart:

Chart 3: Mean Reading Score by Attendance

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78 See id.
79 See Appendix, supra note 71, at 3.
80 See id.
Attendance is highly correlated to academic performance. Clearly, students cannot be expected to score well on tests when they are not in school a substantial amount of time. The study examined this issue and found that mobility and attendance are closely connected. Students who move frequently tend to miss a lot of school. Mobility and family structure were the strongest predictors of attendance at school, as illustrated in the following chart:

Chart 4: Percentage Attendance by Number of Moves

The second part of the Minneapolis study consisted of interviews with 100 families, most of whom were low income. Seventy-seven highly mobile families were compared to 23 non-mobile families. The mobile families reported living in crowded homes, oftentimes in temporary housing while waiting for subsidized housing to become available. Many of the single parent families relied on extended family to meet their shelter needs. Many of the larger families were frustrated over their inability to find adequate, affordable housing.

Many of these families had a family history of mobility, and many of the adults reported moving frequently during their own childhoods. A majority of the families reported that they did not choose to move, but they needed to escape from unsafe, run-down buildings. They often viewed the move as an opportunity for a fresh start in order to improve their lives.

The interviewees seemed to recognize the stress that the move placed on the family, which was confirmed by the behavior problems of the children. For children in this study, moving either exacerbated or affected problems, which increased behavior and learning difficulties. Follow-up reports from teachers indicated poorer school attendance, school performance, and social and emotional

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81 See id.
82 See generally Karla Buerkle, Mobile Children and Families: Qualitative and Quantitative Explorations of the Meaning and Impact of Residential Mobility and School Change, DISSERTATION ABSTRACTS (May 1997).
83 See id.
adjustment for children who moved frequently. 84

It is not just important whether the child has changed residences, but also whether or not he has changed schools. The study compared groups of children who moved at least three times during the last year and one half and changed schools, children who moved at least three times but stayed in the same school, and children who had not moved for at least one and a half years. Children who move but stayed in the same school had better math achievement than those who moved and changed schools. No other significant differences in achievement were noted. Children who did not move or moved and did not change schools had better attendance than those who moved and changed schools. Children who did not move at all had better attendance than the other groups.

Overall, both parts of the Kid’s Mobility Project indicated that attendance is a critical factor in student achievement. Students who have good attendance do better than those who do not. Families who frequently move have poor attendance and thus poor achievement. If we acknowledge that these highly mobile children are suffering educational harm, whom do we hold responsible for this harm? Is it the government, the family, or both? While parents have a duty to ensure that their children receive an education, the state also has a duty. The state has an interest in ensuring that students attend school and meet state educational standards. Can the state step in and attempt to reduce family mobility in an effort to improve both attendance and student achievement? This issue will be considered in the next section.

IV. EDUCATIONAL NEGLECT AND MOBILITY

Education is an important state interest. An educated citizenry is of paramount importance in a democratic society in which citizens participate in the process. Education is also essential for the economic and social benefits for both the people and the society. 85 For this reason every state now has compulsory education statutes requiring that children be sent to school, usually between the ages of six and sixteen. 86 A rationale for compulsory universal education is as follows:

If education alone could provide the intelligent electorate and leadership necessary for republican government, if education alone could prevent crime, provide for general happiness, and secure the rights of persons and property, then the state had the right to compel it for the general welfare. Moreover, a government which had already established the power to tax for public education certainly had the right to enforce school attendance. 87

Enforcement of compulsory education statutes varies from state to state. Sanctions for noncompliance with these statutes may include misdemeanor

84 See Kid’s Mobility Report, supra note 72, at 3.
convictions of the parents and civil proceedings in the juvenile courts against the children for their truancy. In some extreme cases, the state may declare that the child is educationally neglected and the state will intrude into the parent-child relationship in order to protect the interests of the child and of the state.

The fact that education is an important and compelling interest gives the state, in its sovereign power, the right to make reasonable laws that relate to education even though some parents object. Thus, there are three sets of interests in actual or potential conflict, those of the parent, those of the child, and those of the state. Even though parents are given a great deal of autonomy in bringing up their children, the state still has an interest in protecting the rights of the child.

The legal rationale for the state to intrude into the parent-child relationship is found in the common law doctrine of *parens patriae,* which makes the state the guardian of all of those under a disability and in need of protection. The state has the power to provide for the commonwealth and individual welfare and to establish reasonable laws for the protection of those in need, including minor children. The doctrine gives the state the power to abrogate parental decisions, restrict parental control, and act in the best interest of the child. Thus, the doctrine provides the foundation for compulsory education laws, child labor laws, and child neglect laws. These laws protect children from abuse, neglect, or exploitation by their parents or guardians by intervening in the family relationship.

But, there are limits on the ability of the state to exercise this power. The state cannot intervene in matters of the family without establishing a compelling, or at least a rational interest to do so. Nevertheless, the family is not beyond regulation in the public interest. When acting to protect the general welfare and to protect children, the state has wide latitude to restrict parental control. Yet, there are various levels of state intervention that may be either punitive or supportive.

The power of the state to protect and educate children, generally, supersedes the custodial authority of the parent over the child. Parents may have the inherent right to rear and control their own children, but this right may be legitimately restricted by the state when parental prerogatives are exercised to the detriment of the child. Because parents do not always act in the best interest of their children, the state must be able to step in to protect the children. Courts have long recognized this principle. Under its *parens patriae* power, the state may intervene with case management, may remove an abused or neglected child from his or her parent’s home and may, under certain circumstances, permanently terminate all relationships and rights between parent and child.

The level of state involvement in the family relationship may vary

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88 The doctrine of *parens patriae* originated several centuries ago in Anglo-American common law. It emanated from the right of the Crown to protect those of its subjects who were unable to protect themselves. The concept was used reportedly for the first time in 1696 in *Falkland v. Bertie,* 23 Eng.Rep. 814, 818 (1696).
90 *See generally* Stanley v. Illinois, 405 U.S. 645 (1972) (finding that father's due process rights were violated by a state law that presumed unwed fathers were unsuitable and neglectful parents); Prince v. Massachusetts, 321 U.S. 158 (1944) (upholding criminal sanctions imposed on a parent who allowed a child to work in violation of city ordinance).
depending on the potential harm to the child. The initial state contact when a child misses school may be a phone call from a teacher or administrator from the public school. This may be the first time that the parents are aware of the problem. In some cases, this initial contact may be sufficient to resolve the attendance problem. If the child continues to miss school after this initial contact, the district will then likely use the state truancy statutes, which provide for enforcement mechanisms for violating the state's compulsory attendance laws. When the child is declared to be a truant, the district initiates legal proceeding that may include penalties for either the child and his or her parents. Truancy laws in most states are defined based on the number of days missed.

As an example, Minnesota has several levels of truancy based on the number of missed days. A "continuing truant" is a student who is absent for three days if an elementary student or one who misses three or more class periods on three days if the child is in middle school, junior high school, or high school. A child who misses seven days moves up to be classified as a "habitual truant." A child who is classified as a habitual truant becomes a neglected child in Minnesota. Moreover, even without missing seven days the child could still be classified as in need of supervision because of the general provision of "educational neglect." This principle was confirmed in a recent Minnesota appellate case that found that the parent's persistent failure to get the child to school regularly supported a finding that the child was in need of protective services, irrespective of whether the absences constituted habitual truancy as defined by statute.

The court distinguished truancy statutes from neglect statutes on the basis of whether the conduct was of the child or of the parent. "Truancy implies volitional conduct on the part of the child for which the child is responsible." But, when the child is absent from school because of the action of the parent, the parent is responsible. Thus, habitual truancy focuses on the behavior of the child, whereas educational neglect focuses on the conduct of the parent.

States usually define child neglect by a statutory listing of specific harms. Approximately half of the states list educational neglect as one of the specific harms. Usually the language is expressed in very general, broad, or vague language in order to give the courts the flexibility to balance the interests of parents, children, and the state. This also leads to subjective determinations by judges about when state intervention should commence. This subjective approach has been the focus of much criticism. However, more specific language could prevent intervention when the child is being harmed.

The primary concern of child neglect law is to serve the best interest of the child. Courts have recognized that children need food, clothing, shelter, and medical attention. The best interest of the child includes living a physical and emotionally

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96 See MINN. STAT. § 260.015 (18)(1997).
99 See B.A.B. 572 N.W. 2d at 776.
100 See R. HOROWITZ & H. DAMIDSON, 2 LEGAL RIGHTS OF CHILDREN 276-77(1984). Minnesota is an example of a state with a very general provision that defines a child in need of protection if the child "is without necessary food, clothing, shelter, education, or other required care." MINN. STAT. § 260.015 (2)(a) (3)(1997).
healthy life. The best interest of the child standard should include the right to a good education. Without a good education, the full potential of the child may never be reached. Thus, the child will be harmed on both a short-term and long-term basis. Parents and the state should have a duty to ensure that a child receives a good education in order to prevent this harm from occurring. Courts should be willing to step in when the child is not receiving a good education due to parental conduct.

The study of Minneapolis students showed the relationship between attendance and academic achievement. The study also demonstrated the correlation between students who move frequently and their attendance. If a student who moves frequently is not attending school, and if the lack of attendance is harming the child's education, can the parent who moves frequently be charged with educational neglect in order to begin state intervention to protect the child? This issue will be examined in the next section.

V. LEGAL RESPONSES AND LEGAL BARRIERS TO REDUCING STUDENT MOBILITY

As stated earlier, the link between poverty and lower academic achievement is supported by statistical evidence, but the causal link remains uncertain. Children who live in poor urban areas face many challenges that provide barriers to academic performance and have many reasons for moving frequently. Thus, it is difficult to isolate each of these challenges in order to establish a direct correlation between poor academic performance and one of these factors. There appears to be a link between high mobility and low academic achievement. Yet, the link is not absolute in all cases. Without a causal connection, a remedy for the "problem" is difficult to ascertain.

In addition, mobility is one of the several characteristics of those who live in poverty. But, it is not present in all cases of poverty. Thus, a potential successful approach would be to address the root causes and effects of poverty. A reduction in poverty would reduce the mobility issue. Clearly, an increase in jobs in the city and an increase in safe, affordable housing reduces poverty and provides a disincentive to move. Yet, prior attempts to eradicate poverty have all failed. No immediate global solution to end poverty is available. Thus, the state will have to rely on other solutions, which may not be available within our legal structure. This section will analyze potential responses and legal barriers to any government response to reducing student mobility.

A. Using Truancy and Neglect Laws to Limit Mobility

Neglect laws have been constructed intentionally in vague and uncertain language in order to give the state the flexibility an individual case requires. Each case must be decided on the basis of its own facts with the focus on what is in the best interest of the child. Low academic achievement should trigger state involvement in order to protect a child. A court would have to examine all of the factors that may be impacting the educational development of the child. If the child is not performing well the state should look at the quality of the education that is being provided by the school, whether or not the child is attending school, and

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103 See supra note 10 and accompanying text.
whether or not the parent is neglecting the education of the child. An examination of the truancy standards and state educational standards is beyond the scope of this article. Nevertheless, a state should insure that the school is providing an appropriate educational program before the state goes after a parent for educational neglect. If an appropriate educational program is available and a child is not enrolled, the state could take action against the parent or the child.

Clearly, there are a number of levels of state intervention, varying somewhat by state, some of which would be punitive in nature. Punishing a family criminally for neglecting a child’s education is obviously the most punitive, especially if the child were removed from the home or guilty family members were incarcerated. The state could also remove a child from the family through child neglect statutes declaring that the child is in need of supervision (CHINS) and protection by the states. The CHINS statutes would also provide less severe remedies than removal. Yet, these would still be the extreme cases. The state should attempt to identify children who are at risk very early and attempt to remedy the problem in order to avoid such criminal or neglect proceedings.

In many cases, state truancy laws could be used against the frequently moving parent whose child has an attendance problem. Even if the family is moving the parents still have a duty to insure that the child meets the compulsory education requirements. Moreover, the school may be providing the most stability that a child may have in his or her life. These children need that stability. Thus, the child may be harmed even if he or she misses fewer days than required by a state law that defines truancy based only on the number of days missed. Perhaps states should redefine truancy based on the specific harm to the child.

The study in Minneapolis indicated that mobile students have significant attendance problems. The attendance may or may not directly relate to parental mobility. Yet, in many cases mobile students continue to attend school, especially when the student does not change schools because of the proximity of the move or the fact the district keeps the student in the same school despite the move. Thus, the child may be meeting state provisions for attendance, but the instability in the child’s life is severely impacting the education of the child. Is this educational neglect?

These are difficult cases for which there may not be easy solutions because there may be numerous reasons for the family’s instability. In some situations the multiple moves may be beyond the control of the parent. Thus, even though the multiple moves are harming the education of the child, the state may have a difficult time in establishing a specific remedy to protect the child.

B. Restricting Mobility and the Right to Travel

One straightforward remedy would be to prevent the family from moving frequently. It is doubtful that the state could force a family to stay in one location during an academic year. The right to travel between and among the states has been recognized as a fundamental constitutional right. Any government act that restricts interstate travel is subject to strict judicial scrutiny and will be upheld only if the state can demonstrate that the restriction serves an overriding governmental

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104 See supra notes 80 and 81 and accompanying text.
interest. Although the case law in this area dealt with interstate travel, some of the same analysis could be used for intrastate travel. However, the state would need to have a compelling interest to interfere with the right of the family to relocate within a state.

Nevertheless, courts still might distinguish between intrastate and interstate travel.\textsuperscript{106} First, there may not be a federal issue because in intrastate cases there is no attempt by the state to interfere with the ability of persons to change their state residency.\textsuperscript{107} On the contrary, a person moving within the state will remain a resident and entitled to the same state government benefits. Second, in intrastate cases the person may only be attempting to move a short distance so any state interference with the move may not be that significant. Finally, in intrastate moves the children remain residents of the state so the state has a greater interest in the education of those children. If the state has made a determination that the children are educationally neglected, the state has the power to act in the best interest of the children.

However, the federal issue may not be avoided in all situations because there may be federal funds supporting the family. Although federal welfare support is now in the form of block grants to the states, federal dollars are used to support and finance state welfare systems. In addition, the recipient may also be receiving federal funds more directly in federally subsidized housing programs. Some of these programs are specifically designed to allow the recipient freedom to find housing outside of concentrated poverty areas.\textsuperscript{108} The federal interests may also exist in situations in which a person was having difficulty in finding housing because of past or current discrimination based on race.\textsuperscript{109} The state would have to balance these important concerns against the state interest in protecting a child.

The Supreme Court has never held that a state or local government is prohibited from requiring persons to be residents of that location in order to receive government benefits.\textsuperscript{110} The Supreme Court upheld a state statute that permitted a school district to deny tuition free education to a child who lived apart from his parent or lawful guardian.\textsuperscript{111} The Court noted that a "bona fide residence requirement, appropriately defined and uniformly applied, furthers the substantial state interest in assuring that services provided for its residents are enjoyed only by its residents."\textsuperscript{112} The Court has also found constitutional municipal requirements

\textsuperscript{106} Courts have classified the right to travel interstate to be higher than a right to travel internationally. See Califano v. Aznavorian, 439 U.S. 170, 175 (1978). The Aznavorian Court cited Kent v. Dulles, 357 U.S. 116, 126-27 (1958), for the proposition that "freedom of international travel is 'basic in our scheme of values' and an 'important aspect of the citizen's liberty.'" Aznavorian, 439 U.S. at 175-76. The Court went on to distinguish the "virtually unqualified" constitutional right of interstate travel from the "'right' of international travel . . . [which] has been considered to be no more than an aspect of the 'liberty' protected by the Due Process Clause of the Fifth Amendment . . . [and, therefore,] can be regulated within the bounds of due process." Id. at 176 (quoting Torres, 435 U.S. at 4 n.6).

\textsuperscript{107} See NOWAK & ROTUNDA, supra note 105, at 926.


\textsuperscript{110} See NOWAK & ROTUNDA supra note 105, at 930.


\textsuperscript{112} Id. at 328 & n.93.
that public employees reside in the city as a condition of employment. These cases indicate that although the state might not require parents to stay in one location during the school year, the state may provide incentives for the parents not to move.

C. Privacy Rights

Parents also have privacy rights. Modern constitutional jurisprudence has carved out an enclave of family decisions that are protected from state intrusion. These privacy decisions include the right to choose a spouse, to use contraceptives, to terminate or continue a pregnancy, to establish family living arrangements, and to educate and rear one's children. The Court has specifically stated that the Due Process Clause of the Fourteenth Amendment established as fundamental the parents' right to "establish a home and bring up children." Moreover, the Court has also reaffirmed the privacy rights of parents.

It is cardinal that the custody, care and nurture of the child reside first in the parents, whose primary function and freedom include preparation for obligations the state can neither supply nor hinder, and it is in recognition of this that these decisions have respected the parents' realm of family life which the state cannot enter.

Nevertheless, the Court carefully balanced the reaffirmation of parental rights by declaring that in areas that concern child welfare, the state could act to protect children by "limiting parental freedom and authority." In a later case, the Court noted that "the power of a parent, even when linked to a free exercise claim, may be subject to limitation . . . if it appears that parental decisions will jeopardize the health or safety of the child, or have a potential for significant social burdens."

These principles and doctrines were later incorporated into the fundamental right of privacy. Because the Court has classified privacy as a fundamental constitutional right, state action interfering with this right must meet the strict scrutiny test in order to survive a challenge: the state action must serve a compelling state interest and must be narrowly tailored to advance that end. The fundamental right of the individual is favored over the right of the state.

One could argue that a compelling interest is to protect the child and to insure that the child receives a proper education. However, the evidence linking mobility and achievement is far from certain, which makes it problematic that a state

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115 See Loving, 388 U.S. at 12; Zablocki, 434 U.S. at 390-91.
120 See Meyer, 262 U.S. at 399.
121 See Prince, 321 U.S. at 166.
122 See id. at 167-68.
123 See Griswold, 381 U.S. at 479-80 (1965) (affirming doctrines in Meyer and Pierce).
124 One could also raise the claim that parents have a fundamental right to direct the upbringing of their children under the Ninth Amendment. See generally Daniel E. Witte, People v. Bennett: Analytic Approaches to Recognizing a Fundamental Parental Right Under the Ninth Amendment, 1 BYU L. REV. 183 (1996).
would succeed in demonstrating a compelling interest in preventing a family from moving, even if the move were determined to be a type of “educational neglect.”

The state would not be able to show a compelling interest in preventing the family from moving because the move itself could lead to a better environment for the child in terms of better housing, a better neighborhood, more extended family or social support, or more income for the family. Thus, any state policy that limits mobility would require considerable flexibility to administer in order to allow families to improve their living conditions.

As an example, the family may want to move in order to get out of substandard housing, which also could harm the child. First of all, the state could not compel a family to remain in housing below state standards. Rather, the state should have a duty to insure that the housing is brought up to a standard of habitability or require that the family move. The lack of quality affordable housing may be one of the major causes of mobility. Secondly, the Minneapolis study indicates that one of the primary reasons for moving is to attain better housing or to escape from a bad area. Thus, even if the current housing was adequate, it would be difficult for the state to justify interfering with any attempt at upward mobility. Any improvements in the living conditions of the family could lead to more support for the children, which could help their education.

In addition, states are now imposing work requirements as part of public assistance. In many cases this may require that recipients relocate in order to obtain suitable employment or education. The goal is to require self-sufficiency and to reduce the number of families on public assistance. This public policy may directly conflict with another public policy that attempts to keep families in the same location so that children remain in the same school.

D. Providing Incentives to Parents to Limit Mobility

Even though the state may not have a constitutional basis for preventing a family from relocating, the state may still attempt to provide incentives to limit mobility. One approach might be to establish conditions on the acceptance of public assistance. The United State Supreme Court has held that a welfare recipient cannot refuse to allow a caseworker to visit the home as a condition of receiving welfare benefits. The court noted that the visitation in itself is not forced or compelled, and that the beneficiary’s denial of permission is not a criminal act so that the visit cannot be equated with a search in the traditional criminal law context. If consent to the visitation is withheld, no visitation takes place. The aid then never begins or merely ceases, as the case may be.

The basic argument is that the government has no obligation to provide benefits, but voluntarily chooses to do so. The recipients do not have to apply for the benefit, but voluntarily choose to do so. The offer and acceptance of benefits result from a voluntary exchange on both sides. Both sides become parties to a contract voluntarily so that the government is immune from normal constitutional restrictions on its conduct. By accepting government financial assistance the recipient agrees to be bound by any conditions or terms of the contract.

127 See id. at 324-25.
One condition might be that upon accepting public assistance the beneficiary agrees to keep the children in the same school for the academic year. Such a condition would need to have exceptions to deal with families who need to escape from inadequate housing, to improve their lifestyle, to get a job as required by welfare rules. Nevertheless, not all welfare recipients move frequently. Some children who move often are still doing well in school. Should the state require all recipients to meet this condition, or only those whose children are not doing well under the definition of educational neglect?

Any requirements imposed upon welfare recipients would have to withstand constitutional scrutiny because any restrictions conflict with rights of travel and privacy, which includes a right to educate and rear your children. Parents should be able to make the decision about where their family will reside. If the state cannot prevent all parents from moving during the academic year, can the state single out only poor people and prevent them from moving? More specifically, can the state single out poor families who are receiving public assistance and prevent them from moving? “Although the [court cases] explicitly rejected equal protection challenges resting on wealth discrimination, judicial opinions and the literature agree that the freedom accorded to states in the distribution of subsidies does not permit invidious discrimination.”

There would be great difficulty for the state to prevent all poor families receiving public assistance. There would also be difficulty in creating a plan that would exclude those who have been adjudicated of having committed educational neglect by their frequent moves. Those who have neglected their children are subject to state restrictions in order to protect the children who have been deemed to be in need of state supervision.

An approach less severe than restrictions on moving would be for the state to give the family a bonus for not moving during the academic year. This might be in the form of an additional cash payment or an increase in rent subsidies as long as the parents do not move or they sign a contract to remain in the present location for the remainder of the school year. Several states have attempted to use a bonus system to encourage welfare recipients to take the contraceptive Norplant in order to limit reproduction.

Such bonus programs might lead to difficulties under the unconstitutional conditions doctrine, which says that whatever the Constitution forbids the government to do directly, it equally forbids the government to do indirectly. The


130 See generally Lynn A. Baker, The Prices of Rights: Toward a Positive Theory of Unconstitutional Conditions, 75 CORNELL L. REV. 1185 (1990) (arguing that in public assistance cases, the doctrine should guarantee that persons incapable of earning a subsistence income should not have to pay more to exercise their constitutional rights than persons earning a subsistence income); Richard A. Epstein, The Supreme Court, 1987 Term—Foreword: Unconstitutional Conditions, State Power, and the Limits of Consent, 102 HARV. L. REV. 4 (1988) (arguing that the doctrine should minimize the monopoly, collective action, and externality problems that can arise from the government's power to condition
privacy right may give a family the ability to decide where to live without interference from the government. The state cannot directly interfere with this decision by saying who can and who cannot move. The permissibility of any given condition is whether it burdens, penalizes, or impinges on a constitutional right. Under this approach, the Court would condemn conditions that "coerce" a right holder into not exercising a constitutional right or, conversely, that "coerce" one who exercises a right into sacrificing a benefit to which he would otherwise be entitled.\(^{131}\)

Bonus programs make grants of cash or the equivalent conditional on a person agreeing not to move. This would place those who want to move at a financial disadvantage relative to those who do not move. A person gives up the right to privacy right for a financial benefit. Did the government coerce this person to give up a privacy right? Should the privacy right of the parent be balanced against the state's interest in protecting the education of the children?

This balancing approach would be needed in the placement of a condition or the offer of a bonus. The constitutional right of the parent must be balanced against the duty of the state to protect children. The Court took this issue into consideration in \textit{Wyman v. James},\(^{132}\) which involved a challenge to certain New York statutes and regulations that conditioned the receipt of welfare benefits on the recipient permitting periodic home visits by a caseworker. The Court determined that the challenged condition did not involve a "search" that would have been prohibited by the Fourth Amendment.\(^{133}\) The condition was justified to assist the parent and to ensure that the needs of the children were being met. The Court held that"[t]he dependent child's needs are paramount, and only with hesitancy would we relegate those needs...to a position secondary to what the mother claims as her rights."\(^{134}\) Thus, the mother's rights were balanced against both the state's \textit{parents patriae} interest in the child and the child's right to receive financial assistance for its well-being.

Yet, the Court was able to avoid a direct constitutional issue by holding that the visit was not a search subject to the protection of the fourth amendment. Rather the visit was merely an "interview" in the home.\(^{135}\) Therefore, the challenged condition did not involve any constitutionally protected activity by the claimant.

The Court has reviewed numerous challenges to conditions that states placed on the receipt of public assistance.\(^{136}\) In cases in which the Court determined that the condition was impermissible, it found that the condition "burdened" a constitutional right without a compelling state justification for the burden. In cases

\begin{footnotesize}
\begin{enumerate}
\item See Baker, supra note 130, at 1213.
\item 400 U.S. 309 (1971).
\item \textit{See id.} at 318. The Court's determination of this issue has disturbed many commentators but is beyond the scope of this article. \textit{See e.g.} Baker, supra note 130, at 1223 n.133 (citations omitted).
\item \textit{See Wyman}, 400 U.S. at 318.
\item \textit{Id.} at 317-18.
\item See Baker supra note 130 at 1186.
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\end{footnotesize}
in which the condition was permissible, it found that the condition did not impinge or burden a constitutional right and that the state had a rational basis for the condition. A condition that directly violates a right would be unconstitutional and would end the inquiry of the court. But, to burden or impinge on a constitutional right would require the court determine the sufficiency of the state interest. A compelling state interest could justify the burden. The protection of children could make this interest compelling.

The Wyman case was decided before the development of the constitutional right to privacy. Therefore, the mother raised a search claim and not a right to privacy claim. Yet, even under a privacy claim, it is uncertain that a parent would have an absolute right to control the education of a child who was having difficulty in school. A finding of educational neglect would limit any privacy right of a parent. At the same time, it is uncertain that courts will find a fundamental right to travel intrastate, especially when the child is harmed by a series of moves. Nevertheless, the Wyman case provides important guidance because the Court clearly put the rights of a parent in a secondary position behind the needs of a child.

Under this reasoning, states would not have the power to restrict all parents from moving during the academic school year based on the potential harm to a child’s education because in many cases the move may benefit the child in numerous ways. In addition, the state could not limit the ability of all parents to move as a condition of the receipt of public assistance. There would be no compelling state interest that would burden the rights of all of these parents. Instead, the state might be able to place some restrictions on moving if an individual parent has been found to be neglecting the education of the child and the child has been harmed by frequent moves. Such action would be determined on a case-by-case basis with clear evidence of educational neglect. This would be a difficult standard to prove because mobility alone may not be the major reason for a student’s low academic performance.

In addition, parents move for a variety of reasons, especially those parents with low incomes who struggle to find decent, affordable, and safe housing. These parents are not moving with the intention of harming the education of their children. Therefore, the state would have a difficult time finding a legal basis for directly intruding in the parent-child relationship. Nevertheless, several indirect interventions may be possible.

VI. GOVERNMENT INTERVENTION TO DECREASE MOBILITY

Mobility is now a major concern for many school districts, not only the large urban ones, because poverty is not confined to the inner city. In many states the number of poor children is increasing throughout the metro areas and into the rural areas. In Minnesota, the number of poor children is not isolated to the large cities. In recent years, the number of poor children located in the first tier suburbs of Minneapolis has changed dramatically. By 1994, nine of the eleven metro inner-suburban school districts had more than 20 percent of their children on free and reduced lunch.

The problem is compounded by the fact that there seems to be an increasing

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137 See id. at 1202.
138 See generally Griswold, 381 U.S. at 479.
139 See ORFIELD supra note 69, at 47-48.
level of mobility between inner city schools and the schools in the first tier suburbs, in part because parents are in search of the affordable housing that is rapidly diminishing in the inner city. As the problem of mobility moves beyond the confines of the city into the suburbs more state policy makers and educators become aware of the seriousness of the problem. This can be demonstrated by the increased educational research in this area. However, the research seems to focus on the educational problems but does not seem to adequately address the policy solutions for this multi-faceted problem.

Clearly, eliminating poverty would reduce the impact of mobility. Federal and state efforts to reduce poverty should continue despite the apparent lack of success over the past four decades. A discussion of a global approach to eliminating poverty is beyond the scope of this article. However, there are several actions that could be taken in order to reduce mobility within the context of poverty in order to enhance the education of children. These actions may require local, state and federal resources in order to have any significant impact.

A. Need for More Affordable Rental Housing

The demand for affordable rental housing is at an all-time high, but the supply of units for low-income families continues to shrink each year. Federal housing assistance helps more than 2 million very low-income households in central cities, but another 2.75 million renters still have urgent housing assistance needs. There is a shortage of decent, safe housing at prices poor families can afford. A typical two-bedroom apartment in the Minneapolis metropolitan area rented for $621 per month in 1997. This is out of the price range for most poor families. Moreover, low vacancy rates have caused rents in the area to rise dramatically during the past few years and force many families to look for other housing.

Since 1995, Congress has provided virtually no new rental assistance to serve the more than 1 million families on waiting lists. In addition, many of the 20-year contracts that HUD signed since 1975 with private owners to provide project-based Section 8 subsidies are now expiring and owners are electing not to renew. During the next 5 years, two-thirds of all project based Section 8 contracts will expire, totaling nearly 14,000 properties that contain 1 million subsidized housing units.

Federal Section 8 is an example of a program that allows poor families to attain better housing because it helps families obtain housing at the market rate through the use of an additional voucher for a rent subsidy. These vouchers help to reduce mobility because the federal program requires that recipients sign one year leases. However, many landlords decline to accept families on Section 8 because the program limits what they can charge for rent. Section 8 should be expanded, tax
incentives should be available to landlords, and states should consider the most efficient way to use existing resources to support the program.

B. Expand Home Ownership

Many mobile families could be stabilized by becoming homeowners instead of renters. This would create a connection between the home and the school and a commitment to improve the community. Recent efforts at the federal level to increase home ownership have been somewhat successful. By the end of 1997, home ownership had reached a record high 66 percent rate.\textsuperscript{146} However, home ownership in central cities and among women, minorities, and lower income Americans continues at or below 50 percent.\textsuperscript{149}

The federal Department of Housing and Urban Development has proposed several new additional initiatives to expand home ownership opportunities. These include increasing the Federal Housing Administration loan limit to provide borrowers more room to finance housing rehabilitation costs; funding inner-city home-ownership zones; increasing the budget for the Neighborhood Reinvestment Corporation; expanding the use of tenant-based Section 8 rental assistance so that the money can be used to help pay a mortgage instead of rent; and increasing funding for housing counseling programs to assist families in purchasing homes.\textsuperscript{150} This program should be continued.

C. Deconcentrating Poverty

The information is clear that poor children, as a group, have significant barriers to academic achievement. In addition, the problem is compounded when a large percentage of poor children are in one school.\textsuperscript{151} Nevertheless, the poverty rate in the central cities remains high. Although there was a slight decline in recent years, the poverty rate was 17.2 in 1980 and increased to 19.6 in 1996.\textsuperscript{152} Despite these recent gains, cities still face the triple threat of concentrated poverty, shrinking populations, and middle-class flight that began two decades ago.\textsuperscript{153}

One approach to deconcentrating poverty is to ensure that poor families have housing options out of ghetto areas. This was the proposal of the Kerner Commission over thirty years ago.\textsuperscript{154} The premise was that moving people to better

\textsuperscript{146} See COOME supra note 145, at 31 (citing statistics from the Bureau of the Census, Department of Commerce).

\textsuperscript{149} See id.

\textsuperscript{150} See id.

\textsuperscript{151} See Judith Anderson, Poverty and Achievement: Re-examining the Relationship Between School Poverty and Student Achievement: An Examination of Eight Grade Student Achievement Using the National Educational Longitudinal Study of 1989 (U.S. Department of Education, Office of Educational Research and Improvement, Washington, DC, 1992); See also supra notes 1-10 and accompanying text.


\textsuperscript{153} See COOME supra note 145 at 8.

\textsuperscript{154} See generally REPORT OF THE NATIONAL ADVISORY COMMISSION OF CIVIL DISORDERS (1968)
areas can improve their opportunities. Proponents of this type of program cite the success of the Gautreaux Program in Illinois, in which public housing residents used Section 8 housing certificates to move to private apartments either in mostly white suburbs or within the city of Chicago. Over 4500 families have participated since 1976. One study found that the children who moved to the suburbs were more likely to be (1) in school, (2) in college-track classes, (3) in four-year colleges, (4) employed, and (5) employed in jobs with better benefits and pay.\footnote{See James E. Rosenbaum, et al., \textit{Can the Kerner Commission's Housing Strategy improve Education, and Social Integration For Low-Income Blacks?} 71 N.C.L REV. 1519, 1554 (1993).}

The state could not require parents to move into the suburbs. However, the state has a duty to ensure that parents would have an opportunity to move if they so desired. In addition, the state can encourage families to move though either information or incentives. One of the primary reasons that poor families move is to find better housing. Thus, the availability of affordable housing in areas outside the city becomes the type of incentive that many families need.

At the same time, the state should ensure that school districts do not intentionally concentrate poverty in one school or in one district. This may be difficult if poverty is concentrated in one area of a city that establishes school attendance on the basis of neighborhoods. Affordable housing should be available in all areas of a city as well as in all suburbs. The state should also encourage deconcentration of poverty by using some of the methods that have been employed for racial desegregation. One such method is found in the Desegregation rule of Minnesota.

\section*{D. State Sanctions and Incentives}

While it would seem that states could interfere with parental moving under the best interest of the child doctrine, there are clear limits to state authority. A state could not prevent families from moving during the academic year because a move could be beneficial rather than detrimental to the education of the children. There might also be legal difficulty for a state to require that upon accepting public assistance the beneficiary must agree to keep the children in the same school for the academic year. Such a condition would need to have broad exceptions to deal with families who need to escape from inadequate housing or to gain employment as required by welfare rules. Moreover, these conditions would also interfere with rights of travel and privacy, which include a right to educate and rear one's children. Nevertheless, the state might be able to provide some incentives that would serve the best interest of children. However, the placement of such a condition requires that the constitutional rights of the parents be balanced against the duty of the state to protect children. A more conducive approach would be to find ways to encourage parents and landlords to enter into leases for the length of the academic year.

One approach would be for a state to establish a program similar to federal Section 8, an optional voucher that could be used to supplement rent on a year-long lease. The vouchers could be used only if the housing was in a safe area near a good school. The state would become a party to the transaction to ensure that the housing exceeded basic standards, the landlord and tenant would meet the conditions of the lease, and the parent would ensure the children would attend school.
E. Neglect and Truancy Proceedings

Students who move frequently tend to miss a lot of school, and attendance is highly correlated to performance. One study found that mobility and family structure were the strongest predictors of attendance at school.\textsuperscript{156} Therefore, any reduction in mobility should lead to an increase in attendance and student achievement. Traditionally, states have used truancy and neglect proceedings to enforce compulsory education laws. An analysis of the effectiveness of these proceedings is beyond the scope of this article. Nevertheless, these are tools that should be used in order to reduce the consequences of mobility.

Compulsory education statutes make it the duty of parents or guardians to see that their children are educated and to provide penalties for noncompliance.\textsuperscript{157} The state can proceed against the parent for not enrolling their children in school or against the child for not being in school. States usually have set a number of days that if missed without a valid excuse, trigger a truancy action.\textsuperscript{158} However, the effectiveness of this approach might be questioned since studies indicate that many students miss more than the minimum number of days without consequence.\textsuperscript{159} Nevertheless, school districts should continue to use truancy laws to keep children in school.

Child neglect laws should also be used more aggressively. Although many states do not define educational neglect as a specific harm, parental neglect in this area does harm a child. Using child neglect laws to protect the education of the child has some advantage over using truancy laws because truancy laws focus on the action of the parent while neglect law focuses on both the action of the parent and the harm to the child.\textsuperscript{160} The problem, of course, is that neglect statutes often include vague definitions that can lead to both beneficial as well as overly intrusive and harmful intervention. One approach could be to create a new definition of educational harm that would be based on specific achievement standards and accountability models set by the state. This could be based on the use of basic skill examinations, performance on standards, and independent evaluations by educators. The evaluation could also factor in attendance, the number of school changes, and parental responsiveness and involvement. Thus, the state would not intervene unless the student was not meeting education standards that were appropriate for the child and consistent throughout the state.\textsuperscript{161}

F. Parental Involvement

While coming after parents legally is one approach for obtaining increased responsibility on their part, another approach is to appeal to their own desire to be the best parents they can be. If parents are positively involved in the education of

\begin{footnotes}
\item[156] See supra notes 66–85 and accompanying text.
\item[157] See E. EDMUND REUTTER, JR., THE LAW OF PUBLIC EDUCATION 736 (4th ed. 1994). As an example, in Minnesota it is a misdemeanor for a person who is legally responsible for a child to receive instruction, to fail or refuse to provide instruction for that child; MINN. STAT. § 120A.34 (1998). See generally P. LINES, COMPELLARY EDUCATION LAWS AND THEIR IMPACT ON PUBLIC AND PRIVATE EDUCATION 83-87 (1985).
\item[158] See supra Part III and accompanying text.
\item[159] See KID'S MOBILITY PROJECT supra note 72, at 3. The Minneapolis study found that many of the tested students had missed over 30 school days that year. See id.
\item[160] See Johnson, supra note 103, at 176.
\item[161] See id. at 186.
\end{footnotes}
their child, the child's academic performance will be enhanced. In addition, a study of 1,300 low-income children in Chicago found that mobility was lessened if the parents had been engaged in the child's earlier preschool experience. Since parental involvement is generally a component of preschool, continuing this framework in the elementary may further decrease family mobility. Effective school research suggests other methods of ensuring parent school connectedness and involvement include offering parenting courses to teach parents directly how they can help their child and providing them with state or district handbook so they know where and how to apply this knowledge.

VII. GOVERNMENT INTERVENTIONS TO MINIMIZE THE EDUCATIONAL EFFECTS OF MOBILITY

While the government has an interest in reducing student mobility, it is questionable whether it can ever be eliminated entirely. Further, as we have demonstrated earlier in this article, student mobility is often not the fault of the student. Therefore, in addition to local and state policies designed to decrease student mobility, education policies should address the need to minimize the negative educational impact of mobility on the student. The state should develop appropriate educational standards and provide resources to the districts enabling them to meet the needs of their students, including those who are highly mobile. The districts should develop policies that limit mobility and provide resources to the school sites to ameliorate the effects of mobility. Clearly the state, districts, and schools must work together.

A. State and District Educational Policies

The state should insist that school districts examine their own policies so that mobile students are not concentrated in a few schools. To some extent this may actually be an attempt to reduce the concentration of poverty in schools. Parents and students newly arriving to a district should be provided with opportunities to choose schools meeting their individual needs. Where districts have attendance policies based on the residence of the student, flexibility or the pairing of schools should be built into the system to avoid the concentration of poor or highly mobile students in particular schools. Districts should also consider sending additional and targeted resources directly to those schools with the highest mobility rates.

One method to decrease school and classroom mobility is for the district, when possible, to provide transportation in order to keep mobile students in the same school. Such a policy was adopted voluntarily by the Minneapolis School District. This type of policy could be enacted at the state level, however, if there are statewide standards and accountability it is not necessary to dictate methods of delivery. Districts and schools already have the incentive to best meet the needs of mobile students entering their district or moving around within their district. Providing transportation to students might mean the district using existing bus service, but it may also need to include transportation agreements with other districts.

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162 See Andrew Reynolds, Multiple Influences on Early School Adjustment: Results from the Longitudinal Study of Children at Risk (1991), microformed at ERIC ED334019.
164 See supra notes 65-85 and accompanying text.
and with public mass transportation systems.

Statewide educational standards provide a safety net for mobile students, and every state except Iowa has statewide standards. Such uniformity in a state, while allowing for local curriculum and delivery, provides equity to the state’s children regardless of where they reside or how often they move. The parents and students are thereby empowered because they know what is expected of them and that this is consistent throughout the state. When a student moves from one school to another or from one district to another, it can at least be relied upon that the expectation of the student and the requirements for graduation are the same. Because states are naturally competitive with each other, these standards are also remarkably similar from one state to another.

In addition to setting statewide educational standards for students, standards should be set at the state level for teacher and administrator preparation programs to ensure that those persons working with students are adequately trained for coping with and meeting the needs of an increasingly transient population, as well as in developing flexible curriculum. These standards could be set by a state department of education, a state board of teaching and licensure, or by the teachers’ union if it is sufficiently professionalized. This, of course, also entails regular dialogue with professors and administrators within the teacher colleges. In addition, the state can work with districts in providing in-service programs and professional development training for experienced teachers faced with a changing student population.\(^{165}\)

The state could provide leadership and support to the districts, whose personnel may need to upgrade and systemize their record keeping to deal with the chronic problem of lack of records for transient students.\(^{166}\) Many new students arrive in school without any records or evaluations of their previous experience and performance or any indication of special services needed. While some students arriving from other counties may not have any school records available, students arriving from places within the United States do have records, and it is just a matter of getting them and making meaning out of them quickly. In the meantime, the receiving school must either place the child in a class without knowledge of needs and abilities, or begin a new, time-consuming, and costly process of evaluation. Ironically, this may actually delay the student in receiving what he or she needs.

States could develop computer software for districts that allow records to be kept and transferred. The databases can have sufficient fire-walls to prevent those without need or without parental permission to access information. The Migrant Student Records Transfer System is an example of a system that centralizes the records for children of migratory agricultural workers and fishers.\(^{167}\) Although states could develop their own systems and coordinate the transfer of records between and among states, another option is to provide parents with a computer disk of information regarding their child. It only stands to reason that parents should have ready access to the information regarding their children that the bureaucrats do. Parents who are mobile within a state or among states would need only present the computer disk to the receiving school for the school to have information regarding the child. This information could include performance on standardized tests, completion of content standards, special needs services, attendance rates, special interests of the child, immunization records, and if on a CD rom, it could include

\(^{165}\) See Beck, et al. supra note 20, at 365.

\(^{166}\) See id. at 366.

\(^{167}\) See id.
examples of the student’s work and perhaps video of the student himself. This would provide the teachers with an opportunity to equip students with examples of authentic assessments, rather than just the results of tests and completion rates. States could also have this software be web compatible thereby eliminating the need for a disk. The parent instead would just choose a password. This is not unlike what universities are already doing with their students. Some argue that in districts where there is greater mobility among the schools, there should be serious consideration for consistent district-wide curriculum in addition to the state standards.

David Kerbow, in his studies of Chicago mobility found that there are clusters of schools that exchange students from year to year. Such unified curriculum would enable teachers to quickly assess where student learning is and to immediately give the student something familiar with which to work. This would also empower the parents and students because they would have specific knowledge on what the student should be working on, and could even continue the child’s homework during the transition time. If there was district-wide curriculum, faith communities and neighborhood community centers would be able to actively help students because they could have actual curriculum on site themselves.

In addition to district-wide curriculum, the district could provide parent handbooks and student survival guides. While parent information book are common place, booklets that tell a parent what a child should know when and how to navigate the system, are not. Student survival guides can provide students with information about the district, but can also provide information about tutoring lines and hotlines that can help a student find help and guidance regardless of the issue. Often the student is the only person with enough information regarding his needs to adequately connect the dots -- but he has to know where the dots are. Having such control over one's own life can also increase a student’s belief in self, which studies indicate is a factor in student achievement. Districts could also offer some year-round schools which would provide three more months of remedial opportunities to mobile students as well as other students who are at risk of not achieving and graduating.

B. School Policies and Programs

Districts will need to provide sufficient resources directly to the school site to enable the teachers and staff to meet the unique or exacerbated needs of mobile students. Mobility presents special challenges for educators: First, educators must spend significant time and resources in order to evaluate, place, and support transient students. This diverts time and resources from other students who also need support. However it should be noted that in at least one study researchers found no correlation between mobility of students and lower achievement in their stable classmates. Second, it decreases the number of opportunities for students, parents, and teachers to know each other and build caring relationships. Third, highly mobile students may not be ready to learn when they enter a new classroom. They may be traumatized from the move or from the event that led to the move. Fourth, having a large number of transient students may distort the test scores of the school and cause


frustration for the educators. Many students whose scores make up the composite score have been at the site for a short time and may distort the real or perceived quality of the site, especially if all of the scores in the state are published publicly. Finally, transient students, because of the correlation to poverty and to the lack of continuous care, may come to school with a myriad of developmental, behavioral, and learning difficulties that create special challenges for teachers and schools. Young people who move frequently "are at greater risk for a number of problems including reported delay in growth or development, learning disorders, failing a grade, and four or more frequently occurring behavior problems."

Nevertheless, public schools are legally obligated to educate those children who come to their doors. Thus, schools who are experiencing highly mobile students should develop the formal structures, policies, and practices that best address the needs of transient students both as a group and individually.

Studies have shown that there are various practices that can assist highly mobile students including multi-age classrooms and year-round schooling. Researchers from the University of California, Los Angeles, engaged in a qualitative study of one school site that, by various indices, was successful in creating a supportive and effective learning environment for its highly transient student body. Washington School, a part of a small school district in urban Los Angeles, had a transience rate of 79 percent during the 1993-94 school year. The educators at the school tried to address the common concerns and problems of transient students. They attempted to create structures and policies with a reasonable amount of flexibility to accommodate the special needs of students and families.

Rarely did new students arrive at the school with records from previous schools. Instead of just placing a new student in a classroom with a vacancy, Washington "developed an intake process in the hope that it would ease the transition for students and increase the chances of placing children in a class where they can succeed academically and socially." All new students are tested in the areas of oral language development, reading, mathematics, and writing. The student and parents are also interviewed about the prior education of the child in order to discover what would make the student feel welcome in school. The information is used by the principal, staff, and teachers in order to make an appropriate placement. Groups of teachers meet each year in order to develop restructured classrooms to assist the incoming students.

Washington also has a structure for intervention for assisting highly mobile students by providing individualized instruction, which includes special time in a computer lab and tutoring. The school has a curriculum resource teacher who assists in providing remedial assistance to those students who are functioning well below the levels of their classroom peers.

Overall, Washington has developed a "culture of caring" with a commitment to whatever is in the best interest of the child even if it is frustrating or

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171 See Beck, et al. supra note 19, at 345.
172 See generally KERBOW, supra note 170.
175 See generally Beck et al., supra note 19.
176 See Beck, et al. supra note 19, at 353.
difficult for educators. The principal, teacher and staff work together as a team to create this culture. They all work to make every child feel welcome and to reach out to parents who are often the only sources of influence for these children outside of the school. Counselors contact parents of new students who exhibit the first sign of chronic absenteeism. Teachers and students are given the resources to get the support they need in order to succeed.

If using such an approach, a district or school may decide to use teaching methodology specifically targeted at highly mobile students. In their study of mobile students, Brent and Diobilda found that direct instruction appeared to minimize the adverse effects of mobility, and this was more noticeable in reading.

Students can feel welcome at a school and a culture of caring can be further supported by surrounding the student with familiar behaviors and symbols. Seeing the American Flag and reciting the Pledge of Allegiance can help a child feel rooted and connected. State or district flags, a district song, posters about behavioral or academic expectations can accomplish the same thing for students who have been moving, but within a particular district or state. Students who feel connected with a school are more apt to strive to meet the expectations of that school. Feeling welcome in a school helps students who are frequently changing schools, but it may help kids stay in the same school even if the family moves elsewhere in the district. This especially may be the case if the student is in middle school or high school and willing to take mass transit. For this reason, public transit should be made available at little or no cost during the day to students on their way to and from school.

Schools and districts need to continually develop other reasons to entice students to stay in school. Students can feel connected to symbols and familiar expectations, and thereby want to stay in school, but they connect more to other students and to teachers. Extra-curricular activities facilitate these relationships for many students, but this can be too expensive and too time-consuming for some families. Teachers and students need other opportunities to engage.

Researchers have found that high achieving students often have a network of high achieving friends. Since highly mobile students, regardless of achievement ability, do not have the opportunity to form such networks, schools could incorporate practices that provide alternate methods for such relationships to develop. One way would be through the use of community centers. Community centers that can be reached by public transportation and that are open early in the morning and close late in the evening can be a location for the continuity of activities and friendships. Schools can also help encourage pen pal relationships by telling students that if they ever leave the school they can still send letters to their friends using the school address. Schools that are hooked up to e-mail can facilitate such communication by having their computers and e-mail addresses available to the students in the community. If students can communicate with each other, and with teachers, regardless of where they are living or attending school, they have the opportunity to develop long-term, caring relationships.

The use of the Internet is another way to help mobile students. In addition to e-mail accounts where they can continue meaningful relationships with friends and teachers, the Internet provides the opportunity for state departments of

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177 See Beck, et al. supra note 19, at 359.
179 See SALLY M. REIS, ET AL., CASE STUDIES OF TALENTED STUDENTS WHO ACHIEVE AND UNDERACHIEVE IN AN URBAN HIGH SCHOOL (National Research Center on the Gifted and Talented 1995).
education, school districts, faith communities, or community organizations to offer tutoring help lines -- which could be a lifeline for children who have very little else that is stable in their lives. This, of course, entails computer and support staff available where students feel comfortable going, and communities need to assess this for themselves. Instead of trying to get students to computers, communities should find out where kids are and bring the computers to them.

C. Coordinated Approaches

There is no panacea that will eliminate student mobility. Clearly, a number of approaches are needed to attempt to address the problem. A federal or state top-down mandate will not provide a solution. Rather, ideas and potential solutions could best be developed from those who are closest to the children, teachers and social workers, and their communities. The state of Minnesota is following this approach.

One approach is for districts to work together to form magnet schools and charter schools. This can give students a school choice unrelated to where the student lives, and if there is sufficient transportation, this could give school continuity even if the student is mobile. Magnet schools and charter schools also hold the potential to decrease the concentration of poverty and racial segregation where communities are struggling with those issues. One researcher found that magnet schools in Los Angeles had the highest stability and lowest transiency rates.\footnote{See generally D. OLIVER, TRANSIENCY AND STABILITY IN THE LOS ANGELES UNIFIED SCHOOL DISTRICT, 1989-90 (Los Angeles Unified School District 1990).}

Family Collaboratives can make a difference for mobile children through their team approach to addressing needs and their efficient use of resources. They may also be in the unique position to find solutions to mobility since they bring to the table the policy-makers involved with such issues as transit, childcare, medical care, mental health, housing, welfare, other social services, and education. They can also bring parents and students directly to the table since they may be in continuous contact with the family even when the schools are not.

The 1999 Minnesota Legislature has appropriated $1,000,000 for a one-time demonstration project with the focus on school stability.\footnote{See Laws 199, Ch. 223, art. 2, §51, to be codified at Minn.Stat. §462A.204, subd. 8, effective July 1, 1999.} The Minnesota Housing Finance Agency will give grants to a number of communities with schools experiencing high mobility. Each project will target families with children under age 12 who have changed homes or schools at least once in the last month or who have been absent from school at least 15 percent of the school year. Each local project will be designed to reduce absenteeism, stabilize children in one home setting, and reduce the use of homeless shelters. These projects will be designed to connect families with social services designed to keep families in their current homes. Hopefully, these grants will provide the state with useful information about approaches that work to stabilize families and keep children in the same school. The information can provide the basis for targeting more resources to get the best result for children.
VIII. CONCLUSION

Educators must become aware of the impact that mobility has on education. Schools need to develop their own strategies that be targeted toward their own population. Educators must also work with parents to involve them in the educational process and to make parents aware the child will be impacted when the family moves.