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Medical-Legal Partnerships: A good idea for Virginia families

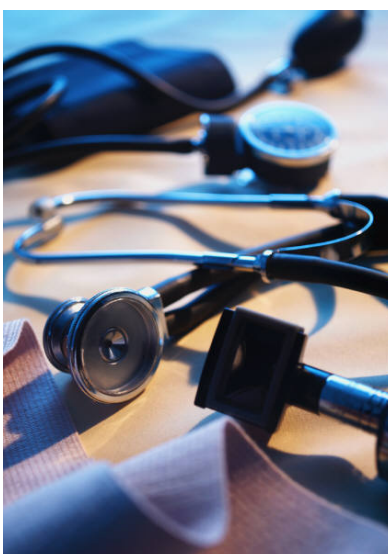
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The Child Health Advocacy Program (CHAP) is a medical-legal collaboration between the University of Virginia Children's Hospital, the University of Virginia School of Law, and the Legal Aid Justice Center that offers legal advocacy in the pediatric clinical setting to positively affect child health outcomes. The main goals of the medical-legal partnership are to provide holistic services to patient families with non-medical needs (such as housing, public benefits, school services, and disability); to train medical center personnel about legal issues; and to engage in systemic policy advocacy.

CHAP trains physicians, social workers, and other health

care providers to identify non-medical issues during medical visits by asking appropriate screening questions about



food, housing, health insurance, public benefits, and resources for basic needs at each healthcare visit. A few families self-refer to the program, but most are identified by a pediatrician, nurse or clinic social worker. After a referral has been made, the program staff attorney works with the family and volunteer law

students to assess the family's needs and to determine the best advocacy strategy. CHAP received over 200 referrals during the past year and believes this number will continue to rise since the University of Virginia Children's Medical Center receives over 60,000 patient visits annually and the majority of these patients are economically disadvantaged.

In Virginia, approximately 23% of children are insured under Medicaid while 8.6% of children living in the state are uninsured. Most of these children (78%) live in households where at least one

continued next page

In this issue:	
Employment opportunities	3
Segregation decision analyzed	4
Help for law school debt	7
FAQs on Tax Relief	8

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Medical–Legal partnerships help Virginia families with low incomes

continued from page 1

parent works and are thus the “working poor” of Virginia.

Many of the families served at the UVA Children’s Hospital are part of the “working poor.” A Family Needs Assessment completed in the pediatric clinic by CHAP staff found that of 97 families surveyed, 25% of adult caretakers and 10% of the children had no health insurance.

Most parents and guardians (79%) had at least a high school education, and 42% were employed. Many of the families received public benefits, including food stamps (31%) and WIC (30%).

The families reported a number of problems that negatively affected their child’s health, including lack of health insurance (15%), lack of food stamps (9%), lack of employment (9%), inadequate parental education (8%), not enough food (7%), and

Stress, poor housing conditions, and homelessness are associated with increased prevalence and severity of childhood asthma. Low socioeconomic status is also associated with increased risk for obesity and its associated complications.

problems with WIC (6%).

Families needed assistance with parental education (31%), finding health insurance (29%), housing (28%), job training (24%), food stamps (21%), employment (20%), WIC (15%), public benefits (12%), special education (5%), and children’s disability (5%).

The majority of families (72%) identified at least one issue they would like to receive legal help for, and more than 60% identified more than one issue. Most families (65%) felt that legal assistance available

through the health care system would help keep their children healthier.

During the past decade, medical research has increasingly focused on these social determinants of child health. Poor housing conditions, food insecurity, environmental toxin exposure, and lack of health insurance contribute significantly to poor child health and educational outcomes.

For example, studies have found that stress, poor housing conditions and homelessness are associated with increased

prevalence and severity of childhood asthma. Low socioeconomic status is also associated with increased risk for obesity and its associated complications. Poor health, nutritional deficiencies, behavioral problems, and learning issues all correlate with food insecurity. More than 50% of low-income children have unmet dental needs, regardless of insurance status. Such poor health leads to poor school performance, missed days from school, and missed days from work for the parent(s). Chronic conditions frequently worsen and the stress on the family increases. However, when children receive benefits for which they are eligible, their health status measurably improves.

One of the most important benefits is the supplemental children’s health insurance program (SCHIP) which provides insurance coverage to children of the working poor and is associated with improved access to health care, decreased unmet health needs, and improved continuity of care.

Children enrolled in SCHIP have also been shown to experience fewer asthma attacks and medical visits for asthma care after obtaining SCHIP coverage. Similarly, children receiving food stamps have improved performance in reading and math. By helping

continued next page

Replicating partnerships across Virginia can be achieved

continued from page 2

families access legal and social systems needed to address these and other important issues, CHAP can improve the health and well-being of children and their families.

CHAP's first full-time staff attorney started in 2007 and has regular hours in the pediatric clinic, newborn nursery, and neonatal intensive care unit in order to be immediately available to families and health care providers.

CHAP benefits from the services of volunteer law students from the UVA School of Law. Student volunteers conduct on-site client intake and also provide case follow-up under the supervision of the program's staff attorney.

Many clients are served directly by staff and volunteer students at the Legal Aid Justice Center; while others are referred to one of the 15 academic clinics at the law school for follow-up services. The law school also has a Pro Bono partnership with the Richmond office of the law firm of Hunton & Williams. The partnership pairs volunteer law students with the firm's attorneys to represent victims of domestic violence and asylum seekers on a pro bono basis. CHAP clients with these issues can be referred to the partnership for representation.

Recently, CHAP completed an assessment of quantitative data

(including families served, case type, legal services provided) for more than 200 of its patient-families. The types of issues faced by these families ran the gamut of civil poverty law practices areas with family, public benefits and special education comprising more than 75% of the caseload.

Almost 70% of the cases were resolved through either referral to another provider or brief advice. Approximately 15% of the families could not be contacted for follow up or withdrew from the program.

There is clearly a tremendous need across the Commonwealth for indigent patient families to have greater access to benefits and legal services and the medical legal partnership model can be easily replicated at medical centers throughout the state, as well as at community clinics and hospitals in collaboration with their local legal aid society.

A CHAP team has been developed at the Medical College of Virginia, in

collaboration with the Legal Aid Justice Center's Richmond office and the University Of Richmond School Of Law.

The Charlottesville program has been providing on-going training and support. The Richmond program became fully operational in March, 2007, and currently focuses primarily on housing issues. In addition, CHAP has been consulting with the Virginia Legal Aid Society as they work to establish programs in Suffolk and Lynchburg.

CHAP was able to provide information and support for the VLAS's successful application for an Obici Healthcare Foundation Grant that has been used to fund a full-time program attorney in their Suffolk office. Legal services programs in Tidewater and Northern Virginia have also been in contact with CHAP and have indicated their interest in replicating the medical-legal model in their areas.

The medical-legal collaboration is an idea worth trying.

Staff attorney positions open at LASEVA

The Legal Aid Society of Eastern Virginia, a non-profit public interest law firm serving the poverty community in civil matters, seeks staff attorneys for our Norfolk office.

Applicants should be licensed or have taken the February 2008 State Bar Exam.

An interest in poverty law is a must.

Salary DOE plus excellent benefit package.

Mail resumé to: Administrator, LASEVA
125 St. Paul's Blvd. Suite 400, Norfolk, VA,
23510.

You may also e-mail us at:
sherry@laseva.org.

Resegregation and Regret: The impact of the Seattle and Louisville decisions in Virginia

By Angela A. Ciolfi and Sarah A. Geddes, JustChildren Program



On the last day of its 2007 term, the United States Supreme Court struck down the race-based student assignment plans voluntarily adopted for the purpose of achieving racial balance in their schools by two local school boards in Seattle, Washington and Jefferson County, Kentucky.

We ask, is the Supreme Court's fragmented decision in these cases good news, bad news, or no news at all?

Few of us who represent students caught in the quicksands of racially and socio-economically isolated schools would call it good news, and the bad news is plain. In the words of Justice Breyer, "The last half-century has witnessed great strides toward racial equality, but we have not yet realized the

promise of *Brown* [v. Board of Education] . . . This is a decision that the Court and the Nation will come to regret."¹

But we would also like to make a case for the 'no news' scenario. First, prior to the decision, school boards were not falling all over themselves to adopt race-conscious assignment plans. Indeed, no one knows exactly how many school districts were using race-based plans, but it is not likely to be more than a few hundred—out of 15,000 nationwide.²

Second, the high Court did not invalidate many forms of race-conscious school integration plans. Justice Kennedy, the swing vote, made it clear in his pivotal concurring opinion that only plans based on individual racial classifications violate the Equal Protection Clause

because they are not narrowly tailored enough to meet the compelling state interest of encouraging a diverse student body.³ His opinion suggests numerous alternatives that likely would swing his vote the other way, including "strategic site selection of new schools; drawing attendance zones with general recognition of the demographics of neighborhoods; allocating resources for special programs; recruiting students and faculty in a targeted fashion; and tracking enrollments [sic], performance, and other statistics by race."⁴

Third, many would argue that concentrated poverty is the real culprit behind the low test scores and graduation rates plaguing racially isolated schools and that socioeconomic integration is a more exacting approach to combating these ills. More than 40 years of social science research "shows that the single most important predictor of academic achievement is the socioeconomic status of the family a child comes from, and the second most important predictor is the socioeconomic makeup of the school she attends."⁵ At least 40 school districts across the country are now using socioeconomic status as a factor in student assignment and more may join them as a result of the Court's decision.⁶ Only one of them is in Virginia: Williamsburg-

continued next page

Supreme Court decision on school desegregation— Forward, backward or no movement at all?

continued from page 4

James City County Public Schools.

Fourth, the Court has been chipping away at the promise of Brown for over 30 years – beginning with the 1974 decision, *Milliken v. Bradley*, when it invalidated an interdistrict busing plan that was necessary to desegregate the urban schools of Detroit and its surrounding suburbs.⁷ It is hardly surprising, then, that the Court's retreat should further enfeeble Brown's promise of equal educational opportunity, even while invoking the specter of Brown in its plurality opinion.⁸

But the real reason the decision is no news is that racial segregation, at least in urban districts, often has more to do with housing patterns and municipal boundaries than school board policies regarding student assignment plans. In fact, the Seattle and Louisville plans themselves resulted in the transfers of only a small number of students and had a minimal effect on the racial composition of the districts' schools.⁹ The reason that Jefferson County is one of the most "thoroughly integrated urban school systems in the nation" is that it is a metropolitan district that includes urban Louisville and its surrounding suburban neighborhoods.¹⁰

Thus, the Supreme Court is not to blame for the racial

and socioeconomic isolation of Virginia school districts. Thomas Jefferson—and subsequent legislative efforts to defeat interdistrict busing—are to blame.

In an endeavor to preserve agrarian landscapes—such as Albemarle County where he lived—Thomas Jefferson proposed strict divisions between cities and counties.¹¹ Although there are some consolidated school districts in Virginia that cross magisterial lines (Williamsburg-James City County, for example), our school districts today largely track these boundaries as a matter of administrative convenience and fiscal dependence—and have for over a hundred years.¹²

There is no constitutional requirement that Virginia school division lines map onto city and county lines. The power to draw or redraw school division lines is vested by the Virginia Constitution in the Board of Education. Article VIII, Section 5 requires that "the Board [of Education] shall divide the Commonwealth into school divisions of

such geographical area and school-age population as will promote the realization of the prescribed standards of quality."¹³

The Board's power in this regard is checked only by the General Assembly's authority to prescribe conditions and criteria for drawing division

lines.¹⁴ The General Assembly has used its authority to require, among other things, that the "consent of the school board and the governing body of the municipality be obtained for division or consolidation" of school districts.¹⁵

The real reason the decision is no news is that racial segregation, at least in urban districts, often has more to do with housing patterns and municipal boundaries than school board policies regarding student assignment plans.

Enacted during massive resistance when federal court litigation was pending that, should plaintiffs prevail, would require the consolidation of the Richmond, Chesterfield, and Henrico school divisions, this section's predecessor¹⁶ has been read to thwart attempts at integration through the redrawing of district lines or the use of interdistrict student transfers.¹⁷ Thus, because of this statute and the decision

continued next page

Supreme Court decision on school desegregation

continued from page 5

to end annexation in 1970, existing political subdivision and school division lines have become entrenched in Virginia. The battle for equity among these three school divisions persists to this day.¹⁸

Within these constraints, innovative school districts such as Arlington Public Schools have devised plans to maintain integrated schools using their authority, under section 22.1-79(4) of the Virginia Code to move, consolidate, or assign pupils within the school division. One of Arlington's countywide schools, H-B Woodlawn, uses geographic admissions that apportion a certain number of slots to each feeder elementary school thereby guaranteeing that students from low-income neighborhoods gain admission.¹⁹ Another school, Arlington Traditional, takes family income into account by enrolling low-income preschoolers into its at-risk four-year-olds program and then permitting them to stay on at the school rather than switch to a neighborhood school.²⁰

Arlington's effort to integrate these two schools is the exception, not the rule. According to a report recently released by the Civil Rights Project at UVA, "the country's rapidly growing population of Latino and black students is more segregated [now] than they have been since the 1960s," and resegregation in the South—once the

most integrated region—is accelerating.²¹ Moreover, the percentage of low-income students in the United States has risen dramatically.²² This is a troubling trend. Schools beset by racial and socioeconomic isolation differ from integrated schools "in teacher quality, course offerings, level of competition, stability of enrollment, reputations, graduation rates, and many other dimensions."²³

Here in Virginia, Governor Kaine's Urban Policy Task Force noted in a 2007 report that Virginia's central cities are "landlocked" and that "higher levels of urban poverty [] translate to high concentrations of poverty that attend urban public schools."²⁴ For example, the percentage of students participating in the free lunch program is five times greater in Roanoke City than in Roanoke County and three and one-half times greater in Richmond City than in Chesterfield County.²⁵

The report also notes that Virginia school divisions with the highest concentrations of poverty generally have the lowest performance on Standards of Learning tests.²⁶ Virginia's districting clause, which is unique as far as state constitutions go, suggests that drawing district lines cannot take place in a vacuum outside considerations of

school quality. In other words, if a school division is too small or too poor to provide a constitutionally adequate education—one where students have a meaningful opportunity to pass Standards of Learning tests—the Board of Education should consider how redrawing district lines might promote better outcomes.

Of course, such a move would be very controversial, even among members of our client population and would require the support of the community in order to be effective.

Alternatively, the state could provide additional resources to schools with high percentages of low-income students. Authorities estimate that a 40% to 60% adjustment is needed above basic per pupil funding to pay for research-based interventions targeted at students at-risk of educational failure.²⁷ Nevertheless, Virginia dedicates very little additional money to address the challenges of educating students in schools of concentrated poverty.²⁸

Given the doubly devastating effects of being poor and attending a poor school, it is urgent that policymakers take a hard look at the options for reducing the effects of concentrated poverty. It is equally urgent that we, as



continued next page

Supreme Court decision on school desegregation

continued from page 6

advocates for children growing up in poverty, continually look for creative ways to help more of our clients stay in school, in the right school, and on track to finish school.

Inaction is a decision we will all come to regret.

See *Parents Involved in Community Schools v. Seattle School District No. 1*, et al., 127 S.Ct. 2738, 2837 (2007) (Breyer, J., dissenting).

² See Sam Dillon, "Schools' Efforts on Race Await Justice's Ruling," *N.Y. Times* (June 4, 2006), available at <http://www.nytimes.com/2006/06/24/us/24race.html?pagewanted=1&r=1>.

³ See *Parents v. Seattle*, supra note 1, at 2792 (Kennedy, J., concurring) ("If school authorities are concerned that the student-body compositions of certain schools interfere with the objective of offering an equal educational opportunity to all of their students, they are free to devise race-conscious measures to address the problem in a general way and without treating each student in [sic] different fashion solely on the basis of a systematic, individual typing by race.").

⁴ *Id.*

⁵ Richard D. Kahlenberg, "Rescuing Brown v. Board of Education: Profiles of Twelve School Districts Pursuing Socioeconomic School Integration," *The Century*

Foundation, 6 (2007), available at <http://www.tcf.org/list.asp?type=PB&pubid=618>. (Emphasis added.)

⁶ *Id.* at 3-4.

⁷ 418 U.S. 717 (2004).

⁸ See *Parents v. Seattle*, supra note 1, at 2767-2768.

⁹ See *id.* at 2759-2760.

¹⁰ See Dillon, supra note 1.

¹¹ See Chris Dovi, "The Real Problem With Our Schools," *Style Weekly* (Aug. 22, 2007), available at <http://www.styleweekly.com/article.asp?idarticle=15006>.

¹² See 2 A. E. Dick Howard, *Commentaries on the Constitution of Virginia* 934-35 (1974).

¹³ Va. Const. art. VIII, §5(a). The standards referred to are the standards of quality prescribed by the Board of Education and approved by the General Assembly under the mandate of Article VIII, §2 of the Virginia Constitution. Va. Const. art. VIII, §2.

¹⁴ See *id.*

¹⁵ Va. Code § 22.1-25.

¹⁶ Va. Code § 22.1-30 (1972) has been amended and recodified at Va. Code Ann. § 22.1-25.

¹⁷ See, *Bradley v. School Board*, 462 F.2d 1058, at 1079 n.16 (4th Cir. 1972) (Winter, J., dissenting).

¹⁸ See Michael Paul Williams, "How Long Until Schools Are Equal?" *Richmond Times Dispatch* (November 30, 2007), available at <http://www.inrich.com/cva/ric/news.apx.-content-articles-RTD-2007-11-30-0154.html>.

¹⁹ Tara Bahrapour, "A Local Answer to the Integration Challenge," *Washington Post* (Sept. 8, 2007).

²⁰ *Id.* A legislative subcommittee, "The

SubCommittee on the U.S.S.C. decision in *Parents Involved in Community Schools v. Seattle School District No. 1*, et al.," is currently studying the recent Supreme Court decision and its potential impact in Virginia. The Commission is chaired by Senator Marsh who has drafted a study proposal to (1) review the decision; (2) conduct a thorough review of the Virginia Code regarding pupil placement and school assignment; (3) determine local school board assignment procedures with the assistance of the Virginia School Board Association; (4) examine other state practices in this area; (5) consider ways to promote racial diversity in schools; and (6) develop findings and recommendations and consider legislation. The results of the subcommittee's work are expected in 2009.

²¹ Gary Orfield & Chungmei Lee, "Historic Reversals, Accelerating Resegregation, and the Need for New Integration Strategies," *UCLA Civil Rights Project*, 4 (2007), available at http://www.civilrightsproject.ucla.edu/research/deseg/reversals_reseg_need.pdf.

²² *Id.* at 19.

²³ *Id.*

²⁴ See Commonwealth of Virginia's "Urban Policy Report," at p. 7-9 (2007), available at http://www.commerce.virginia.gov/Urban_policy.pdf.

²⁵ *Id.* at 9.

²⁶ See *id.* at p. 13. Figure 4 of the report demonstrates the impact of the poverty level of a school on SOL passage rates.

²⁷ See Weiner, Ross and Eli Pristoop, "How States Shortchange the Districts That Need Help the Most," *The Education Trust* (2006).

²⁸ *Urban Policy Report*, supra note 18, at p. 14.

House approves debt relief for civil legal aid lawyers

On February 7, the U.S. House of Representatives approved Senator Tom Harkin's D-IA, loan repayment assistance amendment for civil legal aid lawyers. The amendment was included as section 426 of the College Opportunity and Affordability Act (HR 4137), which passed the House by a vote of 354 to 58.

Senator Harkin's amendment would require the U.S. Department of Education to provide loan repayments of up to \$6,000 a year — \$40,000 for a lifetime — to full-time civil legal aid lawyers who agree to remain employed as such for no less than three years. Payments would be awarded on a first-come first-served

basis, subject to the availability of appropriations, with priority given to attorneys with less than five years of employment. The bill authorizes \$10 million for the program in FY 2009.

Harkin introduced the program as a separate bill (SB 1167) in April 2007. Senator Richard Durbin, D-Ill., attached Harkin's bill as a secondary amendment to the Higher Education Amendments Act (SB 1642), which passed the Senate that month.

Though both houses of Congress have approved Harkin's amendment, they will have to reconcile the two bills before sending a version to President Bush for final approval.

The ABCs of the Economic Stimulus package

Note: Your clients who are low-income Social Security recipients must file 2007 Tax Return to Receive Economic Stimulus Check

Q: What is the stimulus package?

A: To help spur a slowing economy, the IRS will send tax rebate checks to over 130 million households beginning in May 2007 and continuing through the summer. Up to 20 million Americans who rely primarily on Social Security income qualify for a rebate check.

Q: How do people qualify for a stimulus tax rebate check?

A: Generally a person has to have more than \$3,000 in income. Even if a person does not have any earned income they can still qualify for a stimulus tax rebate check if their Social Security benefits, Veteran's Affairs (VA) benefits, and/or railroad retirement benefits equal at least \$3,000 annually.

To qualify, they must file a 2007 tax return on IRS Forms 1040 or 1040A with the IRS (even if

their income is normally low enough that they are not required to file).

Q: If they file a tax return, how much are they eligible for?

A: In most cases, they will get payments ranging from \$300 to \$600. Payments increase by \$300 for families with dependent children under the age of 17.

Q: By what date does the 2007 tax return have to be filed and when will the checks be received?

A: The IRS encourages filing a return if possible, by the regular April 15 deadline to get the rebate check in May 2008. Those filing later than April 15, with or without a tax-filing extension, may delay receipt of the rebate check. Those who qualify for a stimulus check will receive one by the end of 2008 if they file by October 15, 2008. No rebate checks will be issued after 2008 ends.

Q: Will the stimulus payment affect eligibility for needs-based benefits programs?

A: No. Receiving a payment under the stimulus package does not have any effect on eligibility for or amount of needs-based benefits programs (i.e. Food Stamps).

In fact, the Joint Committee on Taxation indicated in their report on the technical aspects of the federal economic stimulus package that these rebate checks will not count as income in the month of receipt and will not be counted as a resource for two months after the month of receipt. The money is not to be counted for the purposes of determining eligibility of an individual or any other individual for benefits or assistance, or the amount or extent of benefits or assistance, under a Federal program or under any State or local program financed in whole or in part with Federal funds.

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