

Date of Hearing: April 21, 2021

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Lorena Gonzalez, Chair

AB 27 (Luz Rivas) – As Amended April 5, 2021

Policy Committee: Education Committee

Vote: 7 - 0

Urgency: No

State Mandated Local Program: Yes

Reimbursable: Yes

SUMMARY:

This bill (a) makes changes to the ways local education agencies (LEAs) identify homeless youth, as required by federal law; (b) makes changes to the practices regarding federally-required homeless youth liaisons; and (c) creates a new competitive grant program to establish technical assistance centers for schools serving homeless youth. Each element is described below.

- (a) **Housing Questionnaires.** This bill, commencing with the 2022-23 academic year, requires an LEA to ensure each school in its jurisdiction conducts its federally-required homeless youth count using a housing questionnaire based on best practices developed by the California Department of Education (CDE). The bill specifies that the questionnaire must be administered annually and available in paper form. The questionnaire also must be made available in the primary language of a homeless youth's parent or guardian or in the primary language of an unaccompanied youth, or translated upon request. In addition, the questionnaire must include an explanation of the rights and protections a student has as a homeless youth.

The bill requires CDE to develop and post on its website best practices for identifying homeless youth and obtaining accurate data on questionnaires. It also requires CDE to develop a model housing questionnaire for use by schools.

- (b) **Homeless Youth Liaisons.** This bill requires an LEA to ensure each school posts on its website the name and contact information for the school's federally-required homeless youth liaison and any contracted liaison assistants. The website must also include information regarding the educational rights and resources available to people experiencing homelessness. The bill makes explicit that liaisons are to assist unaccompanied youth.
- (c) **Competitive Grant Program.** This bill appropriates \$1.5 million Proposition 98 GF to CDE to be distributed as three competitive grants of \$500,000 to county offices of education in different regions of the state. The three county offices are each to establish technical assistance centers to assist schools with serving homeless youth, including unaccompanied youth. The technical assistance centers are to create and facilitate training materials on the needs of homeless youth and their families, disseminate best practices with regard to supporting these youth, assist in ensuring accurate homeless youth data is collected at schools and foster relationships between community organizations and schools to serve these youth.

FISCAL EFFECT:

- 1) One-time Proposition 98 GF costs of \$1.5 million to be distributed by CDE to three county offices of education to establish technical assistance centers.
- 2) Ongoing GF costs in the range of \$50,000 for CDE to create a model questionnaire and post best practices on its website, administer the technical assistance center grants and monitor the centers. Upfront costs would be slightly higher for one-time start-up activities of developing the questionnaire and website information and distributing and monitoring the one-time grant.
- 3) Minor one-time Proposition 98 GF cost pressures for LEAs to ensure schools perform certain activities and for schools to perform the activities. These activities include modification of youth housing questionnaires based on best practices provided by CDE and posting of certain information on school websites.
- 4) Ongoing Proposition 98 GF cost pressures, in the mid-to-high hundreds of thousands of dollars annually, with likely lower ongoing costs in future years, for LEAs to ensure schools perform certain activities and for schools to perform the activities.

LEA costs of oversight would likely be minor. School costs to print questionnaires on paper and translate housing questionnaires could be in the hundreds of thousands of dollars annually, with year-one costs of translating questionnaires likely higher than out-year costs. Assuming one-page paper questionnaires are sent to the state's identified 269,000 homeless youth's families, costs would be about \$269,000 statewide, assuming costs of \$1 per questionnaire. Assuming translations cost between \$25 and \$100 per page, depending on the language, 50% of homeless youth require translations, and the majority of translations are in Spanish and other common languages in California, statewide costs could be in the mid hundreds of thousands of dollars to translate questionnaires. Costs for translations would likely be lower after the first year of this bill's implementation, because schools could use documents they translated in prior years.

If the Commission on State Mandates determines the bill's requirements to be a reimbursable state mandate, the state would need to reimburse these costs either directly to LEAs or through the K-12 Mandates Block Grant.

COMMENTS:

- 1) **Purpose.** According to the author:

There is currently no standardized process for identifying homeless children – this bill will fix that. By establishing and funding three county offices of education to develop Technical Assistance Centers, the state will also assist local communities who are trying to tackle the growing homelessness crisis by implementing best practices used for identifying and connecting homeless students to services.

- 2) **Homeless and Unaccompanied Youth.** Section 11434(a) of Title 42 of the United States Code defines homeless youth and unaccompanied youth. Homeless youth are defined as youth who “lack a fixed, regular, and adequate nighttime residence” and an unaccompanied youth are defined as a homeless youth not in the physical custody of a parent or guardian.

In the 2017-18 academic year, California's LEAs identified more than 269,000 homeless youth—about 4% of the state's student population. However, studies show undercounting of homeless youth is common, due to stigmas surrounding homelessness, fear of family separation or deportation and misconceptions about what qualifies as homelessness by youth and school staff. The number of identified youth declined in the 2020-21 academic year. Experts indicate the COVID-19 pandemic and online schooling may have contributed to the decline because identifying homeless youth becomes more difficult when youth do not come to school regularly.

- 3) **McKinney-Vento Act.** Federal law, known as the McKinney-Vento Act, requires state entities and LEAs to perform various duties related to assisting homeless youth. The act requires states each to designate an Office of the Coordinator for Education of Homeless Children and Youth at the state department of education—CDE in California—to administer and oversee the state's homeless education programs. One duty of CDE under the act is collecting and publicizing statewide data on homeless youth identified by the state's more than 2,300 LEAs. The act also requires the designation of a local liaison to assist homeless youth enrolled at their school. The liaison is responsible for ensuring that homeless youth are identified by school personnel through outreach and coordination activities with other entities and agencies and for ensuring that homeless families and homeless youth have access to and receive educational services. The act also provides a homeless youth with specific rights and protections, including the right to immediate school enrollment and the right to continue education at the youth's school of origin for the duration of the youth's homelessness.

The act authorizes federal grant funds to be awarded to states to assist with the identification of homeless youth and the provision of educational services and assistance to these youth. In the 2018-19 academic year, California received nearly \$10.6 million in grants.

- 4) **2019 Auditor's Report.** The California State Auditor released a report in November 2019 titled, "Youth Experiencing Homelessness: California's Education System for K-12 Inadequately Identifies and Supports These Youth." The audit found that LEAs are not adequately identifying and serving homeless youth at their schools and that many of the problems identified were in part due to CDE's inadequate oversight and leadership of the state's homeless education program. The audit also found that many of the LEAs it examined were not following or were not aware of certain federal laws regarding homeless youth, such as the requirement to provide certain information to homeless youth. The audit also found the CDE has not developed or posted on its website adequate training modules for schools serving homeless youth, as it had previously committed to doing.
- 5) **Drafting Error.** The bill indicates its grant requirements are "subject to appropriation" in one portion and later appropriates \$1.5 million. Author staff indicates this is a drafting error it wishes the bill to appropriate \$1.5 million.
- 6) **Related Legislation.** AB 408 (Quirk-Silva), of this legislative session, would require an LEA to establish homeless education program policies consistent with state laws and update them at least every three years and provide specified training to personnel. The bill would also require CDE to develop and implement a plan for monitoring the compliance of LEAs with state laws related to homeless youth. AB 408 is pending in the Assembly Education Committee.

AB 1937 (Luz Rivas), of the 2019-20 Legislative Session, was substantially similar to this bill. The bill was held in the Assembly Education Committee.

AB 16 (Luz Rivas), of the 2019-20 Legislative Session, would have required an LEA to ensure that each school identifies all homeless youth enrolled at the school, required CDE to maintain an additional 1.5 state coordinator position for homeless education and required CDE to allocate funding to three county offices of education to serve as technical assistance centers. The bill was vetoed by Governor Newsom, who stated the bill's costs would be better considered during the budget process.

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