
SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair
2021 - 2022 Regular

Bill No:	AB 27	Hearing Date:	July 7, 2021
Author:	Luz Rivas		
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Urgency:	Yes	Fiscal:	Yes
Consultant:	Lynn Lorber		

Subject: Homeless children and youths and unaccompanied youths: reporting

SUMMARY

This bill, an urgency measure, requires local educational agencies (LEAs) to administer a housing questionnaire to identify students who are homeless, and annually report to the California Department of Education (CDE) the number of students who are homeless.

BACKGROUND

Existing federal law:

- 1) Defines, pursuant to the McKinney-Vento Homeless Assistance Act, “homeless children and youths” as individuals who lack a fixed, regular, and adequate nighttime residence, and includes:
 - a) Children who are sharing the housing of others due to economic hardship, are living in motels, hotels, trailer parks, or campgrounds due to the lack of alternative accommodations, are living in emergency or transitional shelters, or are abandoned in hospitals;
 - b) Children who have a primary nighttime residence not designed or ordinarily used for sleeping;
 - c) Children who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
 - d) Migratory children who are living in the circumstances described above. (United States Code, Title 42, § 11434(a))
- 2) Defines “unaccompanied youth” to include a homeless child or youth not in the physical custody of a parent or guardian. (USC, Title 42, § 11434(a))
- 3) Requires every LEA to designate a local liaison for homeless children and youth who, among other duties, is responsible for ensuring that homeless children and youth are identified by school personnel through outreach and coordination activities with other entities and agencies, and ensuring that homeless families and homeless children and youth have access to and receive educational services for which such families, children, and youth are eligible. (USC, Title 42 §

11432(g))

- 4) Provides a homeless student with specific rights and protections, including the right to immediate enrollment, and the right to continue education at the student's school of origin for the duration of the student's homelessness, according to the child's or youth's best interest. (USC Title 42 Section 11432 (g))

Existing state law:

- 5) Provides, pursuant to the federal McKinney-Vento Homeless Assistance Act, specific rights and protections including for students experiencing homelessness, including:
 - a) Exemption from graduation requirements that are in addition to the statewide requirements; (Education Code § 51225.1)
 - b) Full or partial credit for coursework satisfactorily completed in another school by a student who is homeless, even if the student did not complete an entire course; (EC § 51225.2(b))
 - c) The option to continue their education at the school of origin through the duration of homelessness, regardless of change in residence; and (EC § 48852.7)
 - d) Immediate enrollment, even if the homeless child has outstanding fees or fines due to the school last attended or is unable to produce items normally required for enrollment, including immunization history and academic records. (EC § 48852.7)
- 6) Requires CDE and the Department of Social Services (DSS) to identify representatives from the CDE, DSS, and other state agencies who have experience in homeless youth issues to develop policies and practices to support homeless children and youth and to ensure that child abuse and neglect reporting requirements do not create barriers to the school enrollment and attendance of homeless children or youth. (EC § 48850)
- 7) Requires the CDE to provide informational materials to LEA liaisons regarding the educational rights of homeless children and youth, updates and changes to law regarding the rights of homeless students, the responsibilities of LEA liaisons, and the resources available to schools to assist homeless children and youth. (EC § 48852.5)
- 8) Requires CDE to provide training materials to LEA liaisons to assist them with providing professional development and other support to school personnel providing services pursuant to the federal McKinney-Vento Homeless Assistance Act. (EC § 48852.5)
- 9) Requires, pursuant to federal McKinney-Vento, an LEA liaison to ensure that public notice of the educational rights of homeless children and youth is

disseminated in schools that provide services pursuant to McKinney-Vento. (EC § 48852.5)

ANALYSIS

This bill, an urgency measure, requires LEAs to administer a housing questionnaire to identify students who are homeless, and annually report to the CDE the number of students who are homeless. Specifically, this bill:

- 1) Requires LEAs to ensure that each school within the LEA identifies all homeless children and youths and unaccompanied youths enrolled at the school.

Housing questionnaire

- 2) Requires LEAs to administer a housing questionnaire for purposes of identifying homeless children and youths and unaccompanied youths.
- 3) Requires LEAs, beginning by the beginning of the 2021–22 school year, to ensure that the housing questionnaire is based on best practices developed by CDE, and requires the housing questionnaire to include an explanation of the rights and protections a student has as a homeless child or youth or as an unaccompanied youth. This bill requires the housing questionnaire to be available in paper form.
- 4) Requires LEAs to annually provide the housing questionnaire to all parents or guardians of students, and to all unaccompanied youths of the LEA.
- 5) Requires, if the primary language of a student's parent or guardian or an unaccompanied youth is not English, either of the following to occur:
- 6) The housing questionnaire to be made available in the primary language of the unaccompanied youth or the student's parent or guardian (pursuant to existing law that requires notices and such to be written in the primary language if 15 percent or more of the students enrolled in the school speak a single primary language other than English).
 - a) An appropriate translation of the housing questionnaire to be provided upon request of a student's parent or guardian or an unaccompanied youth.
- 7) Requires LEAs to collect the completed housing questionnaires that it administered, and annually report to CDE the number of homeless children and youths and unaccompanied youths enrolled.

Best practices

- 8) Requires CDE to develop both of the following:
 - a) Best practices that LEAs may use to identify and obtain accurate data on all homeless children and youths and unaccompanied youths enrolled in schools of the LEA. This bill requires CDE to develop these best practices in

accordance with the federal McKinney-Vento Homeless Assistance Act and in a manner informed by relevant guidance from experts on the identification of homeless children and youths and unaccompanied youths, including, but not limited to, the United States Department of Education and technical assistance centers sponsored by the Office of Safe and Healthy Students of the United States Department of Education. This bill authorizes these best practices to include the distribution of information relating to the educational rights and resources of persons experiencing homelessness in public places that are frequently visited by homeless children and youths and unaccompanied youths.

- b) A model housing questionnaire, based on best practices that LEAs may use to identify and obtain accurate data on all homeless children and youths and unaccompanied youths enrolled at schools of the LEA.
- 9) Requires CDE to post the best practices and model housing questionnaire on its internet website.

Technical assistance centers

- 10) Authorizes CDE, upon appropriation of federal McKinney-Vento and/or American Rescue Plan funds, to allocate \$1.5 million to up to three county offices of education in different regions throughout the state to establish technical assistance centers to foster relationships between community partners and LEAs in each region.
- 11) Requires CDE to determine the county offices of education that will be designated technical assistance centers through a competitive process that provides each county office of education with the opportunity to apply to become a technical assistance center. Requires CDE to take into account geographic diversity and concentrations of homeless children and youths and unaccompanied youths in making this determination.
- 12) Provides that the responsibilities of a technical assistance center include but are not limited to all of the following:
- a) Creating, and facilitating the implementation of, training materials that outline the needs and challenges of, and barriers facing, homeless children and youths, unaccompanied youths, and their families.
 - b) Developing and disseminating best practices for small, midsize, and large counties to support the educational progress and academic outcomes of homeless children and youths and unaccompanied youths.
 - c) Assisting counties and LEAs in the process of ensuring accuracy in the identification of homeless children and youths and unaccompanied youths in local student information systems and using this data to report educational outcomes for homeless children and youths and unaccompanied youths who receive support services.

- d) Fostering relationships between community partners and LEAs in each region.
- 13) Requires technical assistance provided by a technical assistance center to be provided consistent with the statewide system of support.

Posting of information

- 14) Requires LEAs to create a web page or post on its website both of the following:
 - a) A list of the liaisons in that LEA and the contact information for those liaisons.
 - b) Specific information on homelessness, including but not limited to, information regarding the educational rights and resources available to persons experiencing homelessness.
- 15) Requires schools to post on their websites, if the school has a website, the contact information for the liaison. This bill further requires a school, if it has an employee or person under contract whose duties include assisting the liaison in completing the liaison's duties, to post on its website the name and contact information for that employee or person under contract.

Miscellaneous

- 16) Requires data collected by CDE or by a LEA to be used in accordance with all state and federal laws regarding student privacy and the collection and use of student data.
- 17) Includes an urgency clause in order to provide vital assistance to unsheltered and unaccompanied students at the beginning of the 2021–22 school year.
- 18) Adds “unaccompanied youth” to existing provisions relative to homeless youth.
- 19) States legislative findings and declarations relative to the need for better coordination among child welfare, housing, and education stakeholders to alleviate barriers for students and families.

STAFF COMMENTS

- 1) *Need for the bill.* According to the author, “In 2019, Assemblywoman Rivas authored AB 16, which Governor Newsom vetoed because the administration believed CDE received enough funding to support homeless students. However, a subsequent State Audit requested by Assemblywoman Rivas, determined that ‘California LEAs are not doing enough to identify youth experiencing homelessness, even though identification is the critical first step to providing these youth with the necessary services and support.’

“CDE reports that over 400 districts in California have not identified a single homeless student. And yet, CDE estimates that these numbers are closer to 250,000 homeless youth when taking into account those who may be couch

surfing, doubling up in a single family home, or living in the garage of a house. UCLA confirmed CDE's estimates and found that over 269,000 students in the K-12 system experienced homelessness in 2019 – enough to fill Dodger Stadium almost five times over.

“Recent reports have indicated that school registration rates have dropped by over 150,000 students. If we do not have a standardized process for identifying homeless students, they will also fall through the cracks. Our schools need support from the state to fight homelessness. There is currently no standardized process for identifying homeless children – this bill will fix that. By identifying homeless children, the state can ensure CDE and districts have the ability to deliver limited resources more effectively at a time when we need it most.”

- 2) *Related state audit.* A 2019 report by the State Auditor, “Youth Experiencing Homelessness: California’s Education System for K-12 Inadequately Identifies and Supports These Youth,” found that LEAs under-identify homeless youth and CDE does not adequately monitor LEAs in this area, resulting in a lack of support being provided to students who are homeless. This bill implements many of the recommendations included in this audit, specifically:
 - a) The requirement that LEAs distribute a housing questionnaire annually.
 - b) The provision of information about rights of and resources for persons experiencing homelessness.
 - c) The requirement that LEAs post the name and contact information for the LEA’s liaison for homeless and foster youth.
<https://www.auditor.ca.gov/pdfs/reports/2019-104.pdf>
- 3) *Technical amendment.* This bill provides: “If available, a school shall post on its internet website the contact information for the liaison.” **Staff recommends an amendment** to clarify that a school shall post this information on its website, *if the school has a website.*
- 4) *Fiscal impact.* According to the Assembly Appropriations Committee, this bill would impose the following costs:
 - a) One-time federal funds or Proposition 98 GF (General Fund) costs of \$1.5 million to be distributed by CDE to three county offices of education to establish technical assistance centers.
 - b) Ongoing federal funds or 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.
 - c) Minor one-time federal funds or 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.

- d) Ongoing federal funds or Proposition 98 GF cost pressures, in the mid-to-high hundreds of thousands of dollars annually, with likely lower ongoing costs in future, for LEAs to ensure schools perform certain activities and for schools to perform the activities.
- 5) *Related legislation.* SB 400 (Jones) requires CDE to provide guidance to LEA liaisons for homeless children and youths regarding their responsibilities under federal law; develop and implement a system to verify that LEAs are providing the required training at least annually; and, develop and implement procedures for verifying key information that LEAs submit through CDE's Consolidated Application and Reporting System (CARS) to comply with federal law. SB 400 is pending in the Assembly Education Committee.

AB 408 (Quirk-Silva) requires LEAs to establish homeless education program policies consistent with state laws and update them at least every three years; require LEAs to provide specified training to classified and certified personnel; and require CDE to develop and implement a plan for monitoring the compliance of LEAs with state laws related to youth experiencing homelessness. AB 408 has not yet been heard by the Assembly Education Committee.

- 6) *Prior legislation.* AB 1937 (Luz Rivas, 2020) was substantially similar to this bill. AB 1937 was not heard due to the compressed legislative timelines.

AB 3218 (Quirk-Silva, 2020) was nearly identical to AB 408 (Quirk-Silva, 2021). AB 3218 was not heard due to the compressed legislative timelines.

AB 16 (Luz Rivas, 2019) would have required LEAs, including charter schools, to ensure that each school identifies all homeless students enrolled at the school, required the CDE to maintain 1.5 state coordinator positions for homeless education in addition to those in existence as of July 1, 2019, and required the CDE to allocate funding to three COEs to serve as technical assistance centers. AB 16 was vetoed by Governor Newsom, whose veto message read:

I agree with the Legislature that it is critical that the State and schools do more to help ensure that our homeless students are receiving the support they need to succeed in school. That is why I supported increased funding in the 2019 Budget to the California Department of Education to improve the support for homeless students throughout the state. However, this bill adds additional costs which are better considered during the annual budget process.

I look forward to working with the Legislature next year on ways the State can improve its support for homeless students, one of our most vulnerable populations.

SUPPORT

California Legislative Women's Caucus
California School Boards Association
Corporation for Supportive Housing
Housing California
Los Angeles County Office of Education

OPPOSITION

None received

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