

Date of Hearing: March 27, 2019

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
AB 16 (Luz Rivas) – As Amended March 18, 2019

SUBJECT: Homeless children and youths: reporting

SUMMARY: Requires a local educational agency (LEA), including charter schools, to ensure that each school within the LEA identifies all homeless students enrolled at the school, requires the LEA to annually report this number to the California Department of Education (CDE), requires the CDE to maintain three state coordinator positions for homeless education, and requires the CDE to allocate funding to three county offices of education to serve as technical assistance centers. Specifically, **this bill:**

- 1) Requires an LEA, including a charter school, to ensure that each school within the LEA identifies all homeless children and youths enrolled at the school.
- 2) Requires that an intake form used to identify a child as homeless include a statement that a child will not be removed from the child's family solely because the child's family is experiencing homelessness.
- 3) Requires an LEA, including a charter school, to annually report to the CDE the number of homeless children and youths enrolled.
- 4) Requires that, upon appropriation by the Legislature for this purpose, there be established in the CDE three state coordinator positions with duties and powers in subject areas, including each of the following:
 - a) Coordination, collaboration, and outcomes relating to serving students who are experiencing homelessness
 - b) Researching, tracking, and serving children experiencing homelessness from birth to entrance into college or a career
 - c) Providing technical assistance and professional development to help LEAs and charter schools properly identify and enroll students who are experiencing homelessness
- 5) Requires that technical assistance provided by a state coordinator pursuant to this subdivision be provided with California's system of support to LEAs, as determined by the CDE.
- 6) Requires, upon appropriation by the Legislature, the CDE to allocate five hundred thousand dollars (\$500,000) each to three county offices of education (COEs) in different regions throughout the state for the purpose of establishing technical assistance centers to foster relationships with community partners and other LEAs in each region.
- 7) Establishes the responsibilities of a technical assistance center to include:

- a) Creating, and facilitating the implementation of, training materials that outline the needs and challenges of, and barriers facing, homeless children and 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
 - c) Assisting counties and LEAs in the process of ensuring the accuracy of data in local pupil information systems and using this data to report educational outcomes for homeless children and youths who receive support services
- 8) Requires that technical assistance provided by a technical assistance center be subject to the same requirements imposed on a county superintendent of schools with respect to Local Control and Accountability plans.

EXISTING LAW:

Federal law:

- 1) Defines, in the federal McKinney-Vento Act Homeless Assistance Act (McKinney-Vento), “homeless children and youth” as individuals who lack a fixed, regular, and adequate nighttime residence, including children who are sharing the housing of other people, living in motels, hotels, trailer parks, or camp grounds, emergency or transitional shelters, abandoned in hospitals or awaiting foster care placement, or who are living in a place not generally used for sleeping, cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, and migratory children living in the circumstances above.
- 2) Requires states to establish an Office of the Coordinator for Education of Homeless Children and Youths, and specifies the duties of that Office.
- 3) Requires LEAs to continue a homeless student’s education in the school of origin for the duration of that student’s homelessness, according to the child’s or youth’s best interest.
- 4) Requires the state and LEAs to adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian, to and from the school of origin. Defines “school of origin” as the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.
- 5) 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.

State law:

- 1) Permits school district governing boards to establish local graduation requirements in excess of those of the state. Requires school districts to exempt students who are homeless who transfer between schools any time after the completion of the students’ second year of high

school from all coursework and other requirements that are in addition to state graduation requirements, unless a school district makes a finding that a student is reasonably able to complete the school district's graduation requirements in time to graduate from high school by the end of the student's fourth year of high school.

- 2) Requires an LEA to accept coursework satisfactorily completed in another school by a student who is homeless, even if the student did not complete an entire course, and requires that the student be issued full or partial credit for work completed.
- 3) Requires school districts to notify students who are homeless, within 30 days of the date that they transfer into a school, that they are exempt from local graduation requirements, and whether individual students qualify for the exemption.
- 4) Requires that, at the point of any change or any subsequent change in residence once a student becomes homeless, the LEA serving the student must allow the student to continue his or her education in the school of origin through the duration of homelessness.
- 5) Requires that, if the homeless student is transitioning between school grade levels, the LEA allow him or her to continue in the school district of origin in the same attendance area. Requires that, if the student is transitioning to a middle school or high school, and the school designated for matriculation is in another school district, the LEA must allow the student to continue to the school designated for matriculation in that school district.
- 6) Requires the new school to immediately enroll the student even if he or she has outstanding fees, fines, textbooks, or other items or moneys due to the school last attended, or is unable to produce clothing or records normally required for enrollment, such as previous academic records, medical records, such as immunization records, proof of residency, or school uniforms.
- 7) States that the federal McKinney-Vento Homeless Assistance Act shall govern the procedures for transportation and dispute resolution with respect to homeless student and school of origin.
- 8) Establishes students who are homeless as a subgroup for purposes of Local Control and Accountability Plans and the state's accountability system.

FISCAL EFFECT: This bill has been keyed a possible state-mandated local program by the Office of Legislative Counsel.

COMMENTS:

Need for the bill. According to the author, "Homeless children deserve a fighting chance to succeed in life. AB 16 is a comprehensive policy approach to solving our homeless student population. California has experienced a rise in students experiencing homelessness and as a result, additional resources are required to address the needs of these students and provide schools with additional support and technical assistance. AB 16 will ensure that the CDE and districts have the resources needed to assist our homeless children and coordinate between our existing state and local homeless education programs. Our schools deserve the resources and tools to fight homelessness."

How many California students are homeless? California schools identify homeless students using the definition of homeless students in the federal McKinney-Vento Act Homeless Assistance Act, which defines “homeless children and youths” as:

- Children and youth who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason
- Children and youth who may be living in motels, hotels, trailer parks, or shelters
- Children and youth who have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings
- Children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings, or
- Migratory children who qualify as homeless because they are children who are living in similar circumstances listed above

According to CDE, there were over 204,000 California public school students in the 2017-18 school year who at one point during that school year met the federal definition of homelessness, representing about 3.3% of the total student population. This is a 21% increase over the 2014-15 school year, when there were 168,000 students so identified. According to the Lucille Packard Foundation for Children’s Health, California enrolls one in five homeless students in the U.S.

Problems with homeless student identification. As noted above, state and federal law entitle students who are homeless to numerous rights and supports. But these entitlements can only be exercised if a student is identified as homeless.

A 2018 series of reports in EdSource on student homelessness suggested that California schools are underidentifying students as homeless. Using CDE data, EdSource reported that in 2014-15, 3,868 schools (37%) reported no homeless students, and in 2015-16, 3,110 schools (30%) reported no homeless students.

There are a number of possible reasons for this undercount. One commonly cited challenge is that some parents fear that if they identify their family as homeless they may be investigated for child neglect. This bill addresses this concern by requiring that intake forms include a statement that a child will not be removed from the child’s family solely because the child’s family is experiencing homelessness. The lack of a standardized form for intake is another possible barrier to accurate identification.

Finally, while state and federal law impose a number of requirements with respect to homeless students which require resources to implement, dedicated funding for support of homeless students is limited to a small number of LEAs. The federal McKinney-Vento program requires that states award funds to LEAs on a competitive basis. According to the CDE, in 2016 only 61 of the 1,000 school districts in the state received support from this program, or roughly 6% of the LEAs in the state. Students who are identified as homeless are entitled to academic rights and support services, but most LEAs receive no funding and LEAs receive no additional funding when they identify more students as homeless.

A state audit, approved by the Joint Legislative Audit Committee this month, will investigate LEA and charter practices of identifying homeless students, with a focus on districts and schools which report enrolling no homeless students.

Homeless youth education outcomes. According to a 2009 report by Columbia University's National Center for Children in Poverty, children who experience homelessness are at high risk for poor educational outcomes. The report finds that, nationally, homeless children:

- Are more likely to be retained
- Are more likely to change school placement (nearly 40% changed school from two to five times in the last 12 months)
- Often have missed significant amounts of school (nearly 40% missed more than one week of school in the past three months)
- Have reading, spelling, and mathematics scores that are more often below grade level
- Are more likely to require a special education evaluation (almost 50 percent), but less than 23 percent of those with any disability have ever received special education evaluation or special education services
- Are much less likely to complete high school

Recent changes to federal law increase state level responsibilities. The federal McKinney-Vento program was amended by the Every Student Succeeds Act (ESSA) in 2015 to require that states establish an Office of the Coordinator for Education of Homeless Children and Youths. Federal law requires that this office:

- Gather and make publicly available reliable, valid, and comprehensive information on homeless children and youth
- Develop and carry out the State's McKinney-Vento plan
- Collect and transmit to the U.S. Department of Education (USDOE), at such time and in such manner as the Secretary of Education may reasonably require, a report containing the information that the USDOE determines is necessary to assess the educational needs of homeless children and youth
- Coordinate activities and collaborate with educators and social service providers on behalf of the McKinney-Vento program
- Provide technical assistance to, and conduct monitoring of, LEAs in coordination with local liaisons to ensure that LEAs comply with the McKinney-Vento Act, and respond to inquiries from parents, guardians and homeless youth to ensure they receive the full protections of the law and relevant services

State Coordinators must provide professional development opportunities for LEA personnel, including local liaisons, to assist the personnel and liaison in identifying and meeting the needs of homeless children and youth. This includes providing training for local liaisons on the definitions of terms related to homelessness and eligibility requirements for federal programs that serve homeless individuals.

Finally, State Coordinators must respond to inquiries from parents and guardians of homeless children and youth, and from unaccompanied homeless youth, to ensure that each child or youth who is the subject of the inquiry receives the full protections and services provided under McKinney-Vento.

Federal funds for state administration of homeless youth programs. The USDOE awards McKinney-Vento funds to states based on the proportion of funds allocated nationally that it

receives under Title I, Part A of the ESSA, for that year. States may reserve up to 25 percent of the grant amount for state-level activities.

According to the CDE, there are currently 2.5 positions dedicated to the administration of homeless student programs, representing about 6% of the federal grant amount. Though the federal grant the state receives has grown from approximately \$7 million to \$9 million based on increased numbers of identified students, the number of positions has remained the same. CDE staffing data is shown, along with CALPADS pupil counts, below:

Fiscal Year	Total State Operations	Personnel Years	Number of Homeless Students (K-12)	McKinney Vento Allocation
2013–14	\$426,000	2.5	N/A	\$6,856,136
2014–15	\$426,000	2.5	167,910	\$7,623,234
2015–16	\$452,826	2.5	190,940	\$7,540,970
2016–17	\$502,546	2.5	202,329	\$8,176,567
2017–18	\$499,232	2.5	203,808	\$9,004,642

CDE reports that the USDOE’s last monitoring review in 2010 found that CDE does not have adequate state-level resources to sufficiently carry out the provisions of the McKinney Vento Act. This was the third time that USDOE expressed this concern about CDE’s capacity in a monitoring report to the CDE.

According to the CDE, it has submitted budget change proposals to increase state operations funding three times since 2010-11 and all were denied. The last request was submitted after the enactment of ESSA, which requires that states have sufficient capacity to execute their statutorily-required duties. CDE notes that California devotes significantly less state level resources than the second and third largest states, as shown below:

State	Number of Homeless Children	Number of LEAs	Number of PYs for the McKinney Vento Program
Texas	111,177	1,206	6.0
New York	145,891	1,032	7.0
California	262,748	1,322	2.5

This bill proposes to add 3 positions at CDE (the amount requested in prior budget change proposals), at an estimated cost of \$480,000, as well as \$500,000 in grants to establish technical

assistance centers at three COEs, aligned with California's statewide system of support to LEAs and schools.

Recommended amendments. *Staff recommends that this bill be amended* as follows:

- 1) Clarify that the requirements of LEAs to identify students who are homeless and report that number to CDE are requirements of federal law.
- 2) Clarify that the additional staff required by the bill is to supplement current staffing as of the 2018-19 fiscal year.
- 3) Align the requirements of CDE personnel with, at a minimum, the requirements the McKinney-Vento Act places on the Office of the Coordinator for the Education of Homeless Children and Youths.
- 4) Clarify that the selection of COEs to serve as technical assistance center will be done on a competitive basis, taking into account geographic diversity and concentrations of students who are identified as homeless.
- 5) Change "accuracy of data" to "accurate count of pupils."
- 6) Correct code and other references to the statewide system of support, and make other technical changes.

Prior legislation. SB 445 (Liu), Chapter 289, Statutes of 2015, provided that students who are homeless have the right to remain in their schools of origin and the right to immediate enrollment.

SB 252 (Leno), Chapter 384, Statutes of 2015, prohibited CDE from charging the fee required for the high school proficiency exam and the high school equivalency tests to homeless children and youth.

AB 104 (Committee on Budget), Chapter 13, Statutes of 2015, established homeless students as a subgroup for purposes of Local Control and Accountability Plans.

AB 1166 (Bloom), Chapter 171, Statutes of 2015, allowed homeless students to be exempt from local graduation requirements even if they are not notified of this right within 30 days of enrollment, if they are no longer homeless, or if they transfer to another school or district.

AB 1806 (Bloom), Chapter 767, Statutes of 2014, extended to homeless students policies and procedures for suspension, expulsion, graduation requirements, and completed coursework to students who are homeless, that were provided to students in foster care.

SB 177 (Liu), Chapter 491, Statutes of 2013, required school districts, charter schools, and county offices of education to immediately enroll homeless students.

AB 951 (Medina) of the 2013-14 Session would have required school districts that designate a liaison for homeless children and youth, as required under the federal McKinney-Vento Homeless Assistance Act, to ensure the liaison is properly trained regarding the rights of these children to receive educational services. This bill was held in the Assembly Appropriations Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

California Department of Education
California School Employees Association
California Teachers Association
John Burton Advocates for Youth
Latino Politics And Policy Initiative
Los Angeles County Office of Education
National Center for Youth Law
Provider Alliance to End Homelessness
Schoolhouse Connection

Opposition

None on file

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