

Date of Hearing: April 6, 2022

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
AB 2375 (Luz Rivas) – As Amended March 28, 2022

SUBJECT: Homeless children and youth and unaccompanied youth: housing questionnaire.

SUMMARY: Requires local educational agencies (LEAs) and charter schools to identify all homeless children and youth and unaccompanied youth enrolled at the school by administering a housing questionnaire based on specified best practices. Specifically, **this bill:**

- 1) Requires all LEAs and charter schools, instead of only those receiving funding from the federal American Rescue Plan Elementary and Secondary School Emergency Relief - Homeless Children and Youth Fund (ARPA), to identify all homeless children and youth and unaccompanied youth enrolled at the school by administering a housing questionnaire it has developed and which is based on specified best practices, by the end of the 2021-22 school year.

EXISTING LAW:

Federal law:

- 1) Defines, in the McKinney-Vento 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. (USC Title 42 Section 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 Section 11434(a))
- 3) Requires LEAs and charter schools 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 Section 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))

State law:

- 1) Provides, pursuant to McKinney-Vento, 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 (EC) 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)
- 2) Requires the California Department of Education (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)
- 3) 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)
- 4) Requires the 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 McKinney-Vento. (EC 48852.5)
- 5) Requires, pursuant to 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)
- 6) Requires the school accountability system to measure the overall performance of homeless youth. (EC 52052)

- 7) Requires LEAs and charter schools receiving funding from the federal ARPA to identify all homeless children and youth and unaccompanied youth enrolled at the school by administering a housing questionnaire based on specified best practices. (EC 48851)
- 8) Requires a school district, charter school, or county office of education (COE) to create a website containing the list of LEA liaisons with contact information, and information on homelessness including educational rights and resources in that school district, charter school, or CDE. (EC 48852.6)
- 9) Requires the CDE to allocate \$1.5 million to up to three COEs in different regions throughout the state for purposes of establishing technical assistance centers to foster relationships between community partners and LEAs in each region pursuant to McKinney-Vento. (EC 48857)
- 10) Requires the technical assistance centers to:
 - a) Create and implement training materials outlining the needs, challenges and barriers facing homeless children and youth. (EC 48857)
 - b) Assist counties and LEAs on best practices to support educational progress and academic outcomes of homeless children and youth. (EC 48857)
 - c) Assist counties and LEAs on accurate identification of homeless children and youth in local pupil information systems and using this data to report educational outcomes for homeless children and youth and who receive support services. (EC 48857)

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

COMMENTS:

Need for the bill. The author states, “Identifying children who might be homeless is the first step to ensuring they have a fighting chance to succeed in school and life. Last year, I authored AB 27 which required local educational agencies (LEAs) to ensure that each school identifies all enrolled homeless students by annually administering a housing questionnaire. The bill was signed by the Governor. AB 2375 builds off of AB 27 by requiring all local educational agencies, regardless of whether or not they receive American Rescue Plan funding, to use the housing questionnaire to identify homeless youth.”

Bill aims to extend best practices in identification of homeless youth to all LEAs. As heard and supported by this Committee earlier in this Session, AB 27 (Luz Rivas), Chapter 394, Statutes of 2021, required all LEAs and charter schools to ensure that each school identifies all enrolled homeless and unaccompanied students through a housing questionnaire based on best practices. AB 27 was later amended to apply this requirement only to those LEAs and charter school receiving ARPA funding to support homeless students. This separate standard has caused administrative problems and as a result the author wishes to extend it to all LEAs.

ARPA funding to support students experiencing homelessness and to establish technical assistance centers. Current law requires LEAs and charter schools receiving funding from the federal ARPA to identify all homeless children and youth and unaccompanied youth enrolled at the school by administering a housing questionnaire based on specified best practices.

In 2021, the federal government appropriated \$800 million in one-time funds for support of students experiencing homelessness, through the ARPA. According to the CDE, California has been allocated \$99 million, \$4.5 million of which is being used to establish technical assistance centers as required by AB 27. The three COEs chosen to serve as technical assistance centers were the Contra Costa COE, the Los Angeles COE, and the San Diego COE.

The remaining funding may be used by LEAs and charter schools in accordance with all allowable uses under McKinney-Vento, including wraparound services, purchasing school and other needed supplies, transportation, internet connectivity, and short-term temporary housing. Funds are available for expenditure through September, 2024.

The federal funding was allocated in two disbursements. According to the CDE, LEAs that were previously receiving McKinney Vento funds were eligible to receive the first round of ARPA funding, and 120 LEAs and charter schools received this funding. The second round of funding was available to all LEAs and charter schools based on a specified formula, and those which would receive less than \$5,000 were required to join a consortium with their COE. To receive funding the LEA or charter was also required to submit specified legal assurances. The CDE funding results report indicates that 1,978 LEAs and charter schools were eligible either independently or as part of a consortium, but some, mostly charter schools, have not submitted assurances and are not shown as receiving funding.

Effects of COVID-19 school disruptions on homeless students. In September and October of 2020, the non-profit organization SchoolHouse Connection and the University of Michigan surveyed school homeless liaisons about the experience of homeless students during the COVID-19 pandemic. Their 2020 report, *Lost in the Masked Shuffle and Virtual Void*, provides a national picture of this experience, and found:

- There was a 28% decrease in the number of identified homeless students in the fall of 2020 compared to the fall of 2019. An estimated 420,000 fewer children and youth experiencing homelessness were identified and enrolled by schools. The report notes that prior to the start of the COVID-19 pandemic, schools were failing to identify an estimated 1 million homeless children and youth.
- Of liaisons who indicated that homeless student identification was lower this year, the primary reason (69.7%) cited was “inability to identify families/youth due to distance learning/school building closure.”
- While overall homeless student identification and enrollment is down, the number of children and youth experiencing homelessness has likely increased due to the economic crisis.
- Homeless liaisons reported that children and youth experiencing homelessness face significant unmet needs in their communities, including lack of:

- Internet (64%)
 - Shelter/housing (64%)
 - Food (47.3%)
 - Child care (36.7%)
 - Health care (21.5%)
- Federal education relief funds are not reaching homeless families, children, and youth. Only 18% of respondents indicated that federal Coronavirus relief education funding provided by the CARES Act was being used to meet the needs of students experiencing homelessness.

California data also show a decline, though less precipitous than national data, in the number of students identified as homeless. According to data from the CDE, in the 2018-19 school year, 208,000 students were identified, but that declined to 195,000 in the 2020-21 school year, a decline of 6%.

How many California students experience homelessness? California schools identify homeless students using the definition of homeless students in the federal McKinney-Vento Act, which defines “homeless children and youth” 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; and
- Migratory children who qualify as homeless because they are children who are living in similar circumstances listed above.

According to the CDE, there were over 207,000 California public school students who met the federal definition of homelessness at some point during the 2018-2019 school year. This represents 3.4% of the total California public school student population, an increase of nearly 40,000 students compared to the 2014-2015 school year, when students experiencing homelessness represented 2.7% of the public school population. Over 17% of the students experiencing homelessness in the U.S. reside in California (Federal Data Summary, Education for Homeless Children and Youth, 2020). According to a 2020 report by the UCLA Center for Transformation of Schools titled *State of Crisis: Dismantling Student Homelessness in California*, African American and Latino students are disproportionately represented among students experiencing homelessness.

A significant number of students who leave the K-12 system and enroll in public postsecondary institutions also experience homelessness. According to the *State of Crisis* report, 1 in 5 students

enrolled in the California Community Colleges, 1 in 10 in the California State University, and 1 in 20 in the University of California are experiencing homelessness.

Few school districts receive McKinney-Vento funds to support homeless students. Federal law requires LEAs to provide specified support services to any student identified as experiencing homelessness. Funding to support these services may come from Local Control Funding Formula (LCFF) funds, federal Title I funds, or from targeted federal McKinney-Vento funds.

States receive federal grants under the McKinney-Vento act to identify and support students experiencing homelessness, and at least 75% of these funds must be used to competitively award grants to LEAs. If an LEA has identified more than fifty students who are experiencing homelessness, they are eligible to apply for such grant awards. Awards are granted based on specific factors, including the number of youth who have been identified as experiencing homelessness.

In the 2018-2019 academic year, California received \$10.6 million in McKinney-Vento funds and awarded \$8.7 million in competitive grants to LEAs. If divided evenly, this would provide approximately \$42 per California student identified as experiencing homelessness. However, the vast majority of LEAs do not receive McKinney-Vento funds. In the 2018-2019 year, only 130 (6%) of the nearly 2,300 LEAs in California applied for grants, and of those, only 73 received awards. According to the *State of Crisis* report, 2 out of 3 students experiencing homelessness attend school in a district that does not receive these funds.

As noted above, in 2021 the federal government appropriated \$800 million in one-time funds for support of students experiencing homelessness, through the ARPA, of which California received \$99 million.

Undercount of students experiencing homelessness. Data shows that many LEAs likely undercount the number of enrolled students experiencing homelessness. Homeless education experts including the National Association for the Education of Homeless Children and Youth (NAEHCY), and The National Center for Homeless Education (NCHE), agree that LEAs can expect at least 5-10% of their economically disadvantaged students (those who are eligible for free or reduced-price meals) to experience homelessness at some point during the academic year. The state education departments in Texas and Florida use 10% of economically disadvantaged students as a benchmark to determine if they have successfully identified students experiencing homelessness. However, CDE data from the 2017-2018 academic year shows that 74% of LEAs in California identified less than 5% of their economically disadvantaged students as experiencing homelessness.

A 2019 California State Auditor Report, *Youth Experiencing Homelessness: California's Education System for K-12 Inadequately Identifies and Supports These Youth*, identified several specific factors that have an impact on the identification of students experiencing homelessness.

More dedicated staff time leads to better identification of homeless students. According to the 2019 Audit, the more time staff spend administering an LEA's homeless education program, the more students are identified as experiencing homelessness. While LEAs have various personnel such as teachers, social workers, and enrollment staff who may assist in identifying homeless youth, the hours spent by personnel who *directly administer* the LEA's homeless youth program was strongly correlated with the number of youth identified. (Table 1)

Table 1: LEAs that dedicated more time to administering homeless education program identified more students experiencing homelessness (source: 2019 Audit).

LEA	Economically Disadvantaged Youth	% Economically Disadvantaged Youth Identified as Experiencing Homelessness	Estimated Staff Hours/Month to Administer Homeless Education Program
Gridley ¹	1,687	0	2
Greenfield ²	9,912	1	15
Birmingham ³	2860	2	52
Vallejo ⁴	10,651	3	17
San Bernardino ⁵	52,390	9	482
Norwalk-La Mirada ⁶	14,316	29	247

A 2019 survey of 550 California homeless liaisons by the American Civil Liberties (ACLU) Foundations of California and the California Homeless Youth Project found that most liaisons had other primary job titles and duties aside from their role as homeless liaisons. As a result, two-thirds of these liaisons spent fewer than five hours per week on their homeless liaison duties.

Misconceptions about homelessness are barriers to identification. Students and school employees may not know the definition of homelessness and what qualifies students for services under the McKinney-Vento Act. The common misconception that people experiencing homelessness live without shelter may lead to undercounts of the number of students who experience homelessness. Furthermore, fear of social stigma or negative consequences may deter families and students from disclosing their homelessness.

- According to CDE data, in the 2017-2018 academic year, 84% of California youth experiencing homelessness lived in shared housing while far fewer lived in shelters (7%), hotels/motels (5%), or were unsheltered (4%);
- Some attendance staff interviewed in the 2019 Audit stated that knowing students from multiple families shared a home address would not have prompted them to ask questions or refer the student to the district to determine whether they qualified for services under McKinney-Vento;
- Five of the six local liaisons interviewed for the 2019 Audit believed that families and youth fear they may be subject to stereotypes if they disclose their homelessness; and

¹ Gridley Unified School District

² Greenfield Union School District

³ Birmingham Community Charter High School

⁴ Vallejo City Unified School District

⁵ San Bernardino City Unified School District

⁶ Norwalk-La Mirada Unified School District

- Fear of deportation by immigration enforcement, or family separation by a child protective services agency have also been reported by local liaisons as significant barriers to identification.

Some LEAs do not follow best practices to identify students experiencing homelessness. The 2019 Audit also found that LEAs did not follow all federal laws or best practices to identify youth experiencing homelessness. SchoolHouse Connection, a national nonprofit working to overcome homelessness through education recommends that LEAs gather housing information from families and youth at least once a year. The National Center for Homeless Education (NCHE) recommends using an annual housing questionnaire to collect this information and establishes best practices for such questionnaires. These best practices also recommend LEAs provide training at least annually to all school staff who are in a position to identify youth experiencing homelessness. The 2019 Audit reports the following findings:

- Some LEAs do not effectively use housing questionnaires to identify students experiencing homelessness. Best practices recommend that a housing questionnaire be distributed at least annually to all parents to identify youth experiencing homelessness. Best practices also recommend that LEAs avoid using the word *homeless* in questionnaires, to reduce stigma. Finally, LEAs should inform families and youth that the information being requested will be used to determine if the student is eligible to receive additional support and services, and should inform them of the rights and protections of youth experiencing homelessness. None of the five LEAs that distributed housing questionnaires during the audit period followed best practices;
- Some LEAs do not adequately train staff involved in identifying youth experiencing homelessness. Best practices recommend that all school staff receive training focused on the definition of homelessness, identifying signs of homelessness, the impact of homelessness on students, and the steps staff should take once a youth has been identified as possibly experiencing homelessness. The 2019 audit found that none of the LEAs investigated trained all staff, and that the training staff did receive did not include information on all of these topics (Table 2); and

Table 2: LEAs did not adequately train all staff to identify youth experiencing homelessness (Source: 2019 Audit).

LEA	Principals, Vice and Assistant Principals	Counselors, Psychologists, and Social Workers	Enrollment Staff	Teachers	Support Personnel*
Birmingham	✓	✓	✓	✓	✗
Gridley	✓	✗	✓	✗	✗
Greenfield	✗	✗**	✗	✗	✗
Vallejo	✓	✓	✓	✗	✗
San Bernardino	✗	✗	✗	✗	✗
Norwalk-La Mirada	✓	✗	✗	✓	✗

*Includes bus drivers and cafeteria workers **Greenfield trains its social workers; however, it does not train its counselors or psychologists

- Some LEAs do not sufficiently disseminate information about homelessness in their schools and communities. Federal law requires LEAs to disseminate information regarding their homeless education programs and the educational rights of youth experiencing homelessness in public places frequented by families and youth experiencing homelessness, including schools, shelters, libraries, and food pantries. Only one of the six LEAs in the audit disseminated such information, and four of the local liaisons were unaware that this was required.
- At the time of the 2019 Audit, CDE had not developed adequate training modules and posted them on their website per California's state plan enacted in 2018 and available modules were only available for enrollment staff, school counselors, and teachers. Furthermore, existing training modules did not mention the best practices on distributing housing questionnaires and were not interactive. In-person trainings were limited and liaison attendance was not monitored.

By following the best practices in housing questionnaires, training, and information dissemination, LEAs would 1) reduce stigma that may prevent families and youth from identifying themselves as homeless; 2) relieve fears of intervention by child protection services or immigration agencies as a consequence of reporting homelessness; and 3) increase awareness of the services and supports offered to students experiencing homelessness. Addressing these barriers would likely improve identification of students experiencing homelessness in LEAs.

In many cases, LEAs likely do not follow best practices out of a lack of awareness, or a lack of capacity. Many homelessness liaisons are not dedicated staff, and split their time between several roles. Furthermore, other school employees may not be aware of best practices for identifying homelessness, or how they can and should play a role.

The CDE reports that it has already developed a housing questionnaire and guidance which has been posted on its website, as well as disseminated to the field in a variety of ways. The housing questionnaire was developed using best practices from the National Center for Homeless Education, with input from other stakeholders.

Youth experiencing homelessness have poor educational outcomes. California students who experience homelessness have a significantly higher risk of poor educational outcomes than other students. In the 2017-2018 academic year, the rates of suspension (6%), chronic absenteeism (23%), drop-out (18%), and failure to graduate (31%) for California students experiencing homelessness were double the rates of the average student population, according to CDE data.

The academic outcomes for students experiencing homelessness varied greatly between the six LEAs in the audit. For example, Vallejo and Norwalk-La Mirada are both located in cities with similar populations and poverty levels, and have a similar number of students. However, Norwalk-La Mirada's youth experiencing homelessness outperformed the statewide average on all measures, with a suspension rate of 4%, chronic absenteeism rate of 14% and a graduation rate of 88%. Vallejo, on the other hand, had a suspension rate over double the statewide average, a chronic absenteeism rate of 60%, and a graduation rate of 50% for students experiencing homelessness.

An analysis of data on homeless students enrolled in charter and non-charter public schools in Los Angeles County, published by the UCLA Black Male Institute in 2021, found that in the 2018-19 school year charter schools identified 2% of their population as students experiencing homelessness, compared to 5% in non-charter schools. The Institute reported that 5-year cohort graduation rates for these charter school students was 45%, approximately 35 percentage points lower than their peers in non-charter schools, and that 40% of these students were chronically absent.

Recommended Committee amendment. *Staff recommends that the bill be amended* to the phrase “it has developed and” from the requirement that each LEA and charter school administer a housing questionnaire based on best practices.

Related legislation. AB 408 (Quirk Silva) of the 2021-22 Session would require LEAs to establish homeless education program policies, requires homeless education liaisons to offer training to specified school staff, and require the CDE to develop a risk-based monitoring plan for homeless education requirements.

AB 27 (Luz Rivas), Chapter 394, Statutes of 2021, required LEAs and charter schools receiving specified federal funds to ensure that each school identifies all enrolled homeless and unaccompanied students through a housing questionnaire based on best practices, and authorized the establishment of three homeless education technical assistance centers, subject to an appropriation.

SB 400 (Jones), Chapter 400, Statutes of 2021, required a liaison for homeless children and youth of an LEA to ensure identification of homeless children and youth.

AB 1937 (Luz Rivas) of the 2019-20 Session would have required LEAs and charter schools to ensure that each school identifies all enrolled homeless and unaccompanied students through a housing questionnaire based on best practices, and authorized the establishment of three homeless education technical assistance centers, subject to an appropriation. It was held in this Committee.

AB 3218 (Quirk-Silva) of the 2019-20 Session would have required LEAs to establish homeless education program policies consistent with state laws and update them at least every three years; required LEAs to provide specified training to classified and certified personnel; and required the CDE to develop and implement a plan for monitoring the compliance of LEAs with state laws related to youth experiencing homelessness. It was held in this Committee.

AB 16 (Luz Rivas) of the 2019-20 Session 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. This bill was vetoed by Governor Newsom, who stated:

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.

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

None on file

Opposition

None on file

Analysis Prepared by: Tanya Lieberman / ED. / (916) 319-2087