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AB-27 Homeless children and youths and unaccompanied youths: reporting. (2021-2022)

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Assembly Bill No. 27

CHAPTER 394

An act to amend Sections 48852.5 and 48859 of, and to add Sections 48851, 48852.6, and 48857 to, the Education Code, relating to homeless children and youths and unaccompanied youths, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 29, 2021. Filed with Secretary of State September 29, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 27, Luz Rivas. Homeless children and youths and unaccompanied youths: reporting.

(1) Existing federal law, the McKinney-Vento Homeless Assistance Act, provides grants to states to carry out activities relating to the education of homeless children and youths, as defined, including, among others, providing services and activities to improve the identification of homeless children and youths and to enable them to enroll in, attend, and succeed in school. The act requires a state plan submitted for the receipt of the grant to include assurances that local educational agencies will designate an appropriate staff person to act as a local educational agency liaison for homeless children and youths and a description of how the state will ensure that local educational agencies and their liaisons will comply with specified requirements of the act, including the identification of homeless children and youths.

Under existing state law, public schools, including charter schools, and county offices of education are required to immediately enroll a homeless child or youth seeking enrollment, except as specified. Existing law requires a local educational agency liaison for homeless children and youths to ensure that public notice of the educational rights of homeless children and youths is disseminated in schools within the liaison's local educational agency that provide services pursuant to the act.

This bill would require a local educational agency to ensure that each school within the local educational agency identifies all homeless children and youths and unaccompanied youths, as defined, enrolled at the school. The bill would also require local educational agencies receiving designated federal funds to administer a housing questionnaire, as specified, for purposes of identifying homeless children and youths and unaccompanied youths, and to annually provide the housing questionnaire to all parents or guardians of pupils and unaccompanied youths of the local educational agency.

This bill would require a school district, charter school, or county office of education to create an internet web page or post on its internet website a list of the local educational agency liaisons for homeless children and youths and unaccompanied youths in that school district, charter school, or county office of education, respectively, the contact information for those liaisons, and specific information regarding the educational rights and resources available to persons experiencing homelessness. The bill would require a school to post on its internet website, if the school has an internet website, the contact information for the liaison, if available. The bill would also require, if a school has an employee or person under contract whose duties include assisting the liaison in completing the liaison's duties under the federal act, the school to post on its internet website, if the school has an internet website, the contact information for that employee or person under contract. The bill would require data collected by the

department or by a local educational agency under these provisions to be used in accordance with all state and federal laws regarding pupil privacy and the collection and use of pupil data.

By imposing additional duties on local educational agencies, the bill would impose a state-mandated local program.

This bill, upon appropriation by the Legislature, would authorize \$1,500,000 to be allocated to up to 3 county offices of education in different regions throughout the state for purposes of establishing technical assistance centers to foster relationships with community partners and other local educational agencies in each region, as provided. The bill would require the department to determine which county offices of education to allocate those funds to through a competitive process, as provided, and to take into account geographic diversity and concentrations of homeless children and youths and unaccompanied youths. The bill would require the technical assistance centers to be operative only for the duration of a specified federal grant period.

(2) Existing law requires the department to provide, among other things, informational and training materials to local educational agency liaisons regarding the educational rights of homeless children and youths and the responsibilities of the liaisons.

This bill would require the department to develop, as specified, best practices and a model housing questionnaire that a local educational agency may use to identify and obtain accurate data on all homeless children and youths and unaccompanied youths enrolled in schools of the local educational agency. The bill would require the department to post the best practices and model housing questionnaire on its internet website.

(3) This bill would incorporate additional changes to Section 48852.5 of the Education Code proposed by SB 400 to be operative only if this bill and SB 400 are enacted and this bill is enacted last.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(5) This bill would provide that, upon appropriation by the Legislature, the department would be authorized to use designated federal funds or the General Fund, or a combination of funds from these sources, to implement the provisions of the bill commencing with the 2021–22 school year.

(6) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) According to a 2019 report from the United States Department of Housing and Urban Development, 27 percent (151,278) of all people experiencing homelessness, and 53 percent (108,432) of all unsheltered individuals in the United States, live in California.

(b) According to data compiled by the United States Department of Education, California has experienced a 48-percent increase in pupil homelessness over the last decade.

(c) The State Department of Education reports that over 269,000 pupils in kindergarten and grades 1 to 12, inclusive, experience homelessness. That is enough young people to fill Dodger Stadium almost five times.

(d) A recent survey of 700 school districts in California found that many districts do not accurately report the number of homeless pupils due to factors such as the population's underreporting, high degree of mobility, and instability.

(e) Such a dramatic increase in pupils experiencing homelessness has made implementing strategies for reducing the impact of homelessness on pupil education challenging to accomplish, especially in school districts and counties where there is only one homeless liaison.

(f) Seventy percent of Latinx and 90 percent of Black pupils who are experiencing homelessness are almost twice as likely to be suspended or miss an extended period of school due to absenteeism, experience lower graduation rates, and be less ready for college than their nonhomeless peers.

(g) Children of color experiencing homelessness are more likely to have poor educational outcomes, and the intersection of poor educational outcomes and homelessness present within schools cannot be overlooked.

(h) Better coordination is needed among child welfare, housing, and education stakeholders to alleviate barriers for pupils and families.

(i) A stronger focus on coordination of efforts between schools and county and state agencies would facilitate an integrated, centered response to the problem.

SEC. 2. Section 48851 is added to the Education Code, to read:

48851. (a) As required pursuant to Section 11432(g)(6)(A)(i) of Title 42 of the United States Code, a local educational agency shall ensure that each school within the local educational agency identifies all homeless children and youths and unaccompanied youths enrolled at the school.

(b) (1) A local educational agency shall administer a housing questionnaire for purposes of identifying homeless children and youths and unaccompanied youths, as those terms are defined in Section 11434a(2) of Title 42 of the United States Code, in accordance with the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11303 et seq.). Commencing no later than the beginning of the 2021–22 school year, a local educational agency shall ensure that the housing questionnaire is based on best practices developed by the department pursuant to subparagraph (A) of paragraph (1) of subdivision (f) of Section 48852.5. The housing questionnaire shall include an explanation of the rights and protections a pupil has as a homeless child or youth or as an unaccompanied youth. The housing questionnaire shall be available in paper form.

(2) A local educational agency shall annually provide the housing questionnaire described in paragraph (1) to all parents or guardians of pupils and to all unaccompanied youths of the local educational agency.

(3) If the primary language of a pupil's parent or guardian or an unaccompanied youth is not English, either of the following shall occur:

(A) The housing questionnaire shall be made available in the primary language of the unaccompanied youth or the pupil's parent or guardian pursuant to Section 48985.

(B) An appropriate translation of the housing questionnaire shall be provided upon request of a pupil's parent or guardian or an unaccompanied youth.

(4) A local educational agency shall collect the completed housing questionnaires that it administered pursuant to this section, and shall annually report to the department the number of homeless children and youths and unaccompanied youths enrolled.

(5) This subdivision shall only apply to local educational agencies receiving funding from the American Rescue Plan Elementary and Secondary School Emergency Relief - Homeless Children and Youth Fund pursuant to Section 2001(b)(1) of the federal American Rescue Plan Act of 2021 (Public Law 117-2).

SEC. 3. Section 48852.5 of the Education Code is amended to read:

48852.5. (a) Pursuant to the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.), a local educational agency liaison for homeless children and youths and unaccompanied youths designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of the United States Code, shall ensure that public notice of the educational rights of homeless children and youths and unaccompanied youths is disseminated in schools within the liaison's local educational agency that provide services pursuant to the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.).

(b) The department shall provide informational materials to local educational agency liaisons for homeless children and youths and unaccompanied youths regarding the educational rights of homeless children and youths and unaccompanied youths under state and federal law, updates and changes to state and federal law regarding the rights of homeless students, the responsibilities of local educational agency liaisons relating to homeless children and youths and unaccompanied youths, and the resources available to schools to assist homeless children and youths and unaccompanied youths.

(c) The department shall provide training materials to local educational agency liaisons for homeless children and youths and unaccompanied youths to assist liaisons with providing professional development and other support to school personnel providing services pursuant to the federal McKinney-Vento Homeless Assistance Act. These materials are intended to support liaisons in meeting the requirements of the federal Every Student Succeeds Act, as specified in Section 11432(g)(6)(A)(ix) of Title 42 of the United States Code.

(d) The department may use and adapt informational and training materials from state or national sources when applicable and appropriate.

(e) The department shall adopt policies and practices to ensure that local educational agency liaisons for homeless children and youths participate in professional development and other technical assistance programs that are deemed appropriate by the

Superintendent in accordance with the federal Every Student Succeeds Act, as specified in Section 11432(g)(1)(J)(iv) of Title 42 of the United States Code.

(f) (1) The department shall develop both of the following:

(A) Best practices that a local educational agency may use to identify and obtain accurate data on all homeless children and youths and unaccompanied youths enrolled in schools of the local educational agency. The department shall develop these best practices in accordance with the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.) 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. These best practices may 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 developed pursuant to subparagraph (A), that a local educational agency may use to identify and obtain accurate data on all homeless children and youths and unaccompanied youths enrolled at schools of the local educational agency.

(2) The department shall post the best practices and model housing questionnaire developed pursuant to paragraph (1) on its internet website.

(g) Data collected by the department or by a local educational agency pursuant to this chapter shall be used in accordance with all state and federal laws regarding student privacy and the collection and use of student data.

SEC. 3.5. Section 48852.5 of the Education Code is amended to read:

48852.5. (a) Pursuant to the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.), a local educational agency liaison for homeless children and youths and unaccompanied youths designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of the United States Code, shall ensure that public notice of the educational rights of homeless children and youths and unaccompanied youths is disseminated in schools within the liaison's local educational agency that provide services pursuant to the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.).

(b) The department shall provide informational materials to local educational agency liaisons for homeless children and youths and unaccompanied youths regarding the educational rights of homeless children and youths and unaccompanied youths under state and federal law, updates and changes to state and federal law regarding the rights of homeless students, the responsibilities of local educational agency liaisons relating to homeless children and youths and unaccompanied youths, and the resources available to schools to assist homeless children and youths and unaccompanied youths.

(c) (1) The department shall provide training materials to local educational agency liaisons for homeless children and youths and unaccompanied youths to assist liaisons with providing professional development and other support to school personnel providing services pursuant to the federal McKinney-Vento Homeless Assistance Act. These materials are intended to support liaisons in meeting the requirements of the federal Every Student Succeeds Act, as specified in Section 11432(g)(6)(A)(ix) of Title 42 of the United States Code.

(2) The department shall develop and implement a system to verify that local educational agencies are providing the required training to school personnel providing services to youth experiencing homelessness at least annually.

(d) The department may use and adapt informational and training materials from state or national sources when applicable and appropriate.

(e) The department shall adopt policies and practices to ensure that local educational agency liaisons for homeless children and youths participate in professional development and other technical assistance programs that are deemed appropriate by the Superintendent in accordance with the federal Every Student Succeeds Act, as specified in Section 11432(g)(1)(J)(iv) of Title 42 of the United States Code.

(f) (1) The department shall develop and implement procedures for verifying key information submitted by local educational agencies to comply with the federal McKinney-Vento Homeless Education Assistance Improvements Act of 2001 (42 U.S.C. Sec. 11431 et seq.).

(2) The department shall review the information submitted by local educational agencies to comply with the federal McKinney-Vento Homeless Education Assistance Improvements Act of 2001 (42 U.S.C. Sec. 11431 et seq.), and remind each local educational agency for which information about its policies is outdated to update their policies to reflect current requirements.

(g) (1) The department shall develop both of the following:

(A) Best practices that a local educational agency may use to identify and obtain accurate data on all homeless children and youths and unaccompanied youths enrolled in schools of the local educational agency. The department shall develop these best practices in accordance with the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.) 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. These best practices may 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 developed pursuant to subparagraph (A), that a local educational agency may use to identify and obtain accurate data on all homeless children and youths and unaccompanied youths enrolled at schools of the local educational agency.

(2) The department shall post the best practices and model housing questionnaire developed pursuant to paragraph (1) on its internet website.

(h) Data collected by the department or by a local educational agency pursuant to this chapter shall be used in accordance with all state and federal laws regarding student privacy and the collection and use of student data.

SEC. 4. Section 48852.6 is added to the Education Code, to read:

48852.6. (a) For purposes of this section, "liaison" means a local educational agency liaison for homeless children and youths and unaccompanied youths designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of the United States Code.

(b) A school district, charter school, or county office of education shall create an internet web page or post on its internet website both of the following:

(1) A list of the liaisons in that school district, charter school, or county office of education, respectively, and the contact information for those liaisons.

(2) Specific information on homelessness, including, but not limited to, information regarding the educational rights and resources available to persons experiencing homelessness.

(c) If available, a school shall post on its internet website, if the school has an internet website, the contact information for the liaison. In addition, if a school has an employee or person under contract whose duties include assisting the liaison in completing the liaison's duties under Section 11432(g)(6) of Title 42 of the United States Code, the school shall post on its internet website, if the school has an internet website, the name and contact information for that employee or person under contract.

SEC. 5. Section 48857 is added to the Education Code, to read:

48857. (a) Upon appropriation by the Legislature of federal funds provided to the state pursuant to either the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.) or the federal American Rescue Plan Act of 2021 (Public Law 117-2), or moneys from the General Fund, or a combination of funds from any of those sources, the department may allocate one million five hundred thousand dollars (\$1,500,000) to up to three county offices of education in different regions throughout the state for purposes of establishing technical assistance centers to foster relationships between community partners and local educational agencies in each region. The department shall 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. In making this determination, the department shall take into account geographic diversity and concentrations of homeless children and youths and unaccompanied youths.

(b) The responsibilities of a technical assistance center established pursuant to subdivision (a) shall include, but are not limited to, all of the following:

(1) 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.

(2) 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.

(3) Assisting counties and local educational agencies in the process of ensuring accuracy in the identification of homeless children and youths and unaccompanied youths in local pupil information systems and using this data to report educational outcomes for homeless children and youths and unaccompanied youths who receive support services.

(4) Fostering relationships between community partners and local educational agencies in each region.

(c) Technical assistance provided by a technical assistance center pursuant to this section shall be provided consistent with the statewide system of support established pursuant to Section 52059.5.

(d) Technical assistance centers shall only be operative for the duration of the federal grant period for the American Rescue Plan Elementary and Secondary School Emergency Relief - Homeless Children and Youth Fund, established pursuant to Section 2001(b)(1) of the federal American Rescue Plan Act of 2021 (Public Law 117-2), estimated to end June 30, 2024.

SEC. 6. Section 48859 of the Education Code is amended to read:

48859. For purposes of this chapter, the following terms have the following meanings:

(a) "County placing agency" means the county social services department or county probation department.

(b) "Educational authority" means an entity designated to represent the interests of a child for educational and related services.

(c) "Homeless children and youths" and "unaccompanied youths" are as defined in Section 11434a(2) of Title 42 of the United States Code.

(d) "Local educational agency" means a school district, a county office of education, a charter school, or a special education local plan area.

SEC. 7. Section 3.5 of this bill incorporates amendments to Section 48852.5 of the Education Code proposed by both this bill and Senate Bill 400. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2022, but this bill becomes operative first, (2) each bill amends Section 48852.5 of the Education Code, and (3) this bill is enacted after Senate Bill 400, in which case Section 48852.5 of the Education Code, as amended by Section 3 of this bill, shall remain operative only until the operative date of Senate Bill 400, at which time Section 3.5 of this bill shall become operative.

SEC. 8. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SEC. 9. Upon appropriation by the Legislature, the State Department of Education may use funds from the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.) or from the federal American Rescue Plan Act of 2021 (Public Law 117-2), or provided from the General Fund, or provided pursuant to a combination of funds from any of those sources, to provide grants under Section 48857 of the Education Code and to implement the other provisions of this act commencing with the 2021–22 school year.

SEC. 10. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide vital assistance to unsheltered and unaccompanied pupils commencing at the beginning of the 2021–22 school year, it is necessary for this act to take effect immediately.