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## SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2019 - 2020 Regular

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**Bill No:** AB 16  
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**Urgency:** No  
**Consultant:** Lynn Lorber

**Hearing Date:** July 3, 2019  
**Fiscal:** Yes

**Subject:** Homeless children and youths: reporting.

### SUMMARY

This bill adds three positions within the California Department of Education (CDE) to fulfill duties required of the Coordinator for Education of Homeless Children, and requires the CDE to allocate funds to three county offices of education to establish technical assistance centers relative to the education of homeless children.

### BACKGROUND

Existing *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. (Title 42 United States Code § 11434a(2))
- 2) Requires every local educational agency (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. (42 USC § 11432(g))
- 3) Requires states that receive federal funds to serve homeless children and youth to establish or designate in the State educational agency an Office of the Coordinator for Education of Homeless Children and Youths. (42 USC § 11432(d))
- 4) Requires the Coordinator for Education of Homeless Children and Youth to:
  - a) Gather and make publicly available reliable, valid, and comprehensive information, as specified.

- b) Develop and carry out the state plan.
  - c) Collect data for and transmit to the federal Secretary of Education a report containing information necessary to assess the educational needs of homeless children and youth within the state.
  - d) Coordinate activities and collaborate, as specified, to improve the provision of comprehensive education and related services to homeless children and youth.
  - e) Provide technical assistance to and conduct monitoring of LEAs in coordination with LEA liaisons.
  - f) Provide professional development opportunities for LEA personnel and the LEA liaison to assist in identifying and meeting the needs of homeless children and youth.
  - g) Respond to inquiries from parents and guardians of homeless children and youth. (42 USC § 11432(f))
- 5) Requires the Coordinator for Education of Homeless Children and Youths to gather and make publicly available reliable, valid, and comprehensive information on the number of homeless children and youth identified in the State, and requires this information to be posted annually on the State educational agency's website. (42 USC § 11432(f))

#### Existing *state* law

- 1) Requires, pursuant to the federal McKinney-Vento Homeless Assistance Act, an LEA liaison for homeless child and youth 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. (Education Code § 48852.5)
- 2) 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)
- 3) Requires the school accountability system to measure the overall performance of numerically significant student subgroups in schools, and provides that numerically significant student subgroups includes homeless youth (if it consists of at least 15 students). (EC § 52052)
- 4) Requires the CDE and the Department of Social Services (DSS) to identify representatives from CDE, DSS, and other state agencies that have experience in homeless youth issues to develop policies and practices to support homeless children and youths and to ensure that child abuse and neglect reporting requirements do not create barriers to the school enrollment and attendance of homeless children or youths, including but not limited to, ensuring that a student

who is a homeless child or youth is not reported to law enforcement by school personnel if the sole reason for the report is the student's homelessness. (EC § 48850)

## ANALYSIS

This bill:

### *Additional positions*

- 1) Requires, upon appropriation by the Legislature, there to be established in the CDE three state coordinator positions, in addition to the state coordinator positions maintained in CDE as of January 1, 2019.
- 2) Provides that the duties include, at a minimum, those listed for the Coordinator for Education of Homeless Children and Youths pursuant to federal law (see # 4 under existing federal law).

### *Technical assistance centers*

- 3) Requires, upon appropriation by the Legislature, the CDE to allocate \$500,000 each to three county offices of education in different regions throughout the state for the purpose of establishing technical assistance centers to foster relationships between community partners and LEAs in each region.
- 4) Requires CDE to determine which county offices of education 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. This bill requires CDE, in making this determination, to take into account geographic diversity and concentrations of homeless children and youth.
- 5) Authorizes the responsibilities of a technical assistance center to 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 youth 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 youth.
  - c) Assisting counties and LEAs in the process of ensuring accuracy in the identification of homeless children and youth in local student information systems and using this data to report educational outcomes for homeless students who receive support services.
- 6) Requires technical assistance provided by a technical assistance center to be provided consistent with the statewide system of support established as part of

the state's school accountability system.

*Fulfillment of existing federal requirements*

- 7) Requires a LEA to ensure that each school within the LEA identifies all homeless children and youth enrolled at the school.
- 8) Requires the LEA to annually report to the CDE the number of homeless children and youth enrolled.

*Status of homelessness*

- 9) Requires an intake form used to identify a child as homeless to include a statement that a child will not be removed from the child's family solely because the child's family is experiencing homelessness.

*Liaisons*

- 10) Requires a school district or county office of education to post on its website a list of the liaisons in that district or county, and the contact information for those liaisons.
- 11) Requires a school to post on its website the contact information for the liaison for that school, if available.
- 12) Defines "liaison" to mean a LEA liaison for homeless children and youth designated pursuant to federal law.

**STAFF COMMENTS**

- 1) ***Need for the bill.*** According to the author, "The California Department of Education (CDE) reports that about 400 districts in California have not identified even a single homeless student. However, according to a 2017 federal Point-in-Time count, an estimated 21,522 homeless families with children and 15,458 unaccompanied youth were experiencing homelessness in California. CDE estimates that these numbers double to over 200,000 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. In the federal government's last monitoring review of the CDE's Education for Homeless Children and Youth Program (Act) in February 2010, they found that the CDE does not have adequate resources to sufficiently carry out the provisions of the Act. This was the third time that they expressed this concern about CDE's capacity. And yet, California's homelessness rates have continued to rise since 2010, with no increase in CDE's funding to combat homelessness."
- 2) ***Related Budget activity.*** This bill adds three positions within the CDE, and requires CDE to allocate \$500,000 each to three county offices of education to establish technical assistance centers. Both of these provisions are contingent upon an appropriation by the Legislature. AB 74 (Ting, Chapter 23, 2019), which is the Budget Act of 2019, includes \$207,000 and 1.5 positions for homeless

student coordinators. While this bill differs somewhat from the budget bill language, both address funding to increase positions within CDE related to homeless student services. AB 74 accomplishes that goal. Therefore, a portion of this bill is unnecessary and conflicts with the Budget Act.

- 3) ***Homelessness not a reason to remove a child.*** This bill require an intake form used to identify a child as homeless to include a statement that a child will not be removed from the child's family solely because the child's family is experiencing homelessness. This is consistent with another area of the Education Code, which requires state agencies to ensure that child abuse and neglect reporting requirements do not create barriers to the school enrollment and attendance of homeless children or youths, including but not limited to, ensuring that a student who is a homeless child or youth is not reported to law enforcement by school personnel if the sole reason for the report is the student's homelessness.
- 4) ***How many California students are homeless?*** 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 percent of the total student population. This is a 21 percent increase over the 2014-15 school year, when there were 168,000 students so identified.
- 5) ***Problems with homeless student identification.*** As is noted in the Assembly Education Committee analysis of this bill, 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 under-identifying students as homeless. Using CDE data, EdSource reported that in 2014-15, 3,868 schools (37 percent) reported no homeless students, and in 2015-16, 3,110 schools (30 percent) 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. 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 percent of the LEAs in the state.

An audit approved by the Joint Legislative Audit Committee this year will investigate practices of identifying homeless students.

- 6) ***California Department of Education's Education for Homeless Children and Youth Program.*** According to the CDE, there are currently 2.5 positions

dedicated to the administration of homeless student programs. Though the federal grant received by CDE 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 the California Longitudinal Pupil Achievement Data System student 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

According to the CDE, it has submitted budget change proposals to increase state operations funding three times since 2010-11 and all were denied.

- 7) **Fiscal impact.** According to the Assembly Appropriations Committee, this bill would impose:
  - a) \$480,000 ongoing General Fund for three new state homeless youth coordinator positions at the CDE. (Funding for state operations at CDE historically has been General Fund.)
  - b) \$1.5 million ongoing Proposition 98 General Fund for three county offices of education to establish technical assistance centers for serving homeless youth. (Funding for county offices of education typically is Proposition 98 General Fund because the offices are LEAs.)
  - c) Ongoing Proposition 98 General Fund cost pressures of an unknown amount to LEAs to ensure schools identify homeless youth and report this information annually to the CDE. While this already is required in federal law, many LEAs receive no federal funding for these activities. Moreover, this bill goes beyond federal law to require intake forms contain certain information. To the extent the Commission on State Mandates determines the bill's requirements to be a reimbursable state mandate, the state would need to reimburse these costs to LEAs or provide funding through the K-12 Mandate Block Grant.
  
- 8) **Prior legislation.** AB 951 (Medina, 2013) 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.

**SUPPORT**

American Academy of Pediatrics, California  
 American Civil Liberties Union

California Council of Community Behavioral Health Agencies  
California Federation of Teachers  
California School Employees Association  
California Teachers Association  
City of Santa Monica  
Courage Campaign  
Housing California  
John Burton Advocates for Youth  
Junior Leagues of California State Public Affairs Committee  
Junior Leagues of San Diego  
Los Angeles County Democratic Party  
Los Angeles County Office of Education  
Los Angeles Unified School District  
National Center for Youth Law  
Provider Alliance to End Homelessness  
SchoolHouse Connection  
State Superintendent of Public Instruction  
University of California Los Angeles Latino Policy & Politics Initiative  
United Domestic Workers/American Federation of State, County and Municipal  
Employees Local 3930

**OPPOSITION**

None received

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