



SCHOOL & COLLEGE LEGAL SERVICES OF CALIFORNIA

*A Joint Powers Authority
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state.*

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To: Superintendents, Member School Districts (K-12)
From: Leah M. Smith, Associate General Counsel *LMS*
Subject: Two New Measures to Standardize Process for Local Educational Agencies to Identify Homeless Students
Memo No. 34-2021

Governor Gavin Newsom signed Assembly Bill (“AB”) 27 and Senate Bill (“SB”) 400 into law on September 29, 2021. These two measures are part of a broader legislative package signed into law aimed at addressing homelessness by improving the accuracy of identification of people experiencing homelessness and facilitating expanded services.

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, and the California Department of Education (“CDE”) reports that over 269,000 pupils in grades K-12 experience homelessness.¹

The purpose of this Legal Update is to summarize the two new measures that relate to Local Educational Agencies (“LEAs”) in an effort to coordinate efforts between schools and county and state agencies to facilitate an integrated, centered response to the problem of homelessness among California’s K-12 students and their families.

Assembly Bill 27

AB 27 requires every LEA that receives funding from the federal American Rescue Plan Elementary and Secondary School Emergency Relief fund to administer a housing questionnaire to identify all homeless and unaccompanied students. Commencing with the 2021-2022 school year, LEAs must ensure the following:

- The questionnaire is provided annually to all parents or guardians of pupils and to all unaccompanied youths of the LEA
- The questionnaire is available in paper form
- The questionnaire includes an explanation of the rights and protections a student has as a homeless child or youth or as an unaccompanied youth

¹ See AB 27, Section 1, subdivision (c).



- The questionnaire must be made available in the primary language of the unaccompanied youth of the pupil’s parent or guardian pursuant to Education Code section 48985 *or* an appropriate translation of the housing questionnaire shall be provided upon request.

The LEA must collect the completed housing questionnaires and report annually to the CDE the number of enrolled homeless students and unaccompanied youths. All data collected by the CDE or by a LEA must be used in accordance with all state and federal laws regarding pupil privacy and the collection and use of pupil data.

AB 27 also requires that the LEA post on its website a list of the LEA liaisons (and any persons under contract to assist the 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.

Further, AB 27 authorizes the CDE to use federal McKinney-Vento Homeless Assistance Act funds to establish up to three technical assistance centers through county offices of education in different regions throughout the state to foster relationships between community partners and local educational agencies in each region. These centers will create and facilitate the implementation of training materials to help outline the needs of homeless youth and their families, develop and disseminate best practices for counties of varying sizes to support the academic outcomes of homeless students and unaccompanied minors, as well as assist LEAs in ensuring accuracy in the identification of homeless students. County offices of education will have the opportunity to apply through a competitive process to be a technical assistance center.

AB 27 is an urgency bill, which means it went into effect immediately upon the Governor’s signature on September 29, 2021. That means LEAs should immediately begin implementing the provisions of AB 27. The CDE has a model housing questionnaire that LEAs can adapt and use, which can be found [here](#), and its guidance, found [here](#). These documents are also attached for reference.

Senate Bill 400

The federal McKinney-Vento Homeless Assistance Act provides grants to states to carry out activities related to the education of homeless children and youths. The Act requires a state plan to include assurances that LEAs will designate an appropriate staff person to act as the LEA liaison for homeless children and youths and a description of how the state will ensure that LEAs will comply with the requirements of McKinney-Vento, including the identification of homeless children and youths. Education Code section 48852.5 already requires LEA liaisons for homeless students to ensure that public notice of the educational rights of homeless children and youths is disseminated in schools that provide services pursuant to McKinney-Vento.

Senate Bill (“SB”) 400, which will go into effect on January 1, 2022, works in conjunction with AB 27 to amend Education Code section 48852.5. It adds Education Code section 48851.5 to require a liaison for homeless students of an LEA, defined to include a school district, county office of education, charter school, or special education local plan area, to ensure the



identification by school personnel of those children and youths. This is to be done through outreach and coordination activities with other organizations and the referral of services to homeless families and homeless children and youth.

This bill requires that the LEA liaison for homeless students to refer homeless families and youth to health care services, including dental, mental health, and substance abuse services, and housing services.

SB 400 requires the CDE to develop and implement a system to verify that LEAs are providing the federally required training to school personnel at least annually. The CDE is also required to develop and implement procedures to verify key information that LEAs submit to comply with federal law under McKinney-Vento, and review the information submitted by LEAs to ensure compliance with federal law. The CDE also is now required to remind each LEA with outdated information to update its policies to reflect current requirements.

To the extent that SB 400 imposes additional duties on LEAs, the bill imposes a state-mandated local program for which LEAs may be reimbursed pursuant to the statutory provisions for mandated programs.

Please contact our office with questions regarding this Legal Update or any other legal matter.

The information in this Legal Update is provided as a summary of law and is not intended as legal advice. Application of the law may vary depending on the particular facts and circumstances at issue. We, therefore, recommend that you consult legal counsel to advise you on how the law applies to your specific situation.

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Local Educational Agencies' Instructions for the Housing Questionnaire

Instructions:

Add your local educational agency (LEA) information to this form before sharing this with parents, guardians, families, and/or youth. The area reserved for the agency information is right under the heading and is also a fillable section under the title. The completed section will look similar to this:

Housing Questionnaire for
The Name of Your LEA or School Site

The parent, guardian, or youth will read and complete the middle sections of the Housing Questionnaire as it relates to the child or children's names, nighttime residency, contact information, and other children living with parent or guardian.

The LEA will need to complete the bottom portion of the Housing Questionnaire. There are three fillable sections: one for the name of your LEA's Homeless Liaison, one for their phone number, and one for their email address.

This form should be included as part of the registration materials that the LEA shares with families and youth. This form is intended to be used as a template or as a standalone depending on your LEA's current enrollment forms.

For further guidance on the use or completion of, or any questions about, the Housing Questionnaire, please access the Guidance for Completion of Housing Questionnaire (<https://www.cde.ca.gov/sp/hs/cy/documents/guidanceforquestionnaire.docx>). The guidance provides the LEA with detailed information around the purpose and use of, data/information sharing concerns regarding, and how to best use the Housing Questionnaire with families and youth.

If you have any questions regarding this subject, please contact the California Department of Education Homeless Education Program within the Integrated Student Support and Programs Office by phone at 866-856-8214, or by email at HOMELESSED@cde.ca.gov.

Housing Questionnaire for

Student Last Name	First	Middle

Name of School:

The information provided below will help the LEA determine what services you and/or your child may be eligible to receive. This could include additional educational services through Title I, Part A and/or the federal McKinney-Vento Assistance Act. The information provided on this form will be kept confidential and only shared with appropriate school district and site staff.

Presently, are you and/or your family living in any of the following situations? *Check all that apply.*

Staying in a shelter (family shelter, domestic violence shelter, youth shelter) or Federal Emergency Management Agency (FEMA) trailer

Sharing housing with other(s) due to loss of housing, economic hardship, natural disaster, lack of adequate housing, or similar reason

Living in a car, park, campground, abandoned building, or other inadequate accommodations (i.e. lack of water, electricity, or heat)

Temporarily living in a motel or hotel due to loss of housing, economic hardship, natural disaster, or similar reason

Living in a single-home residence that is permanent

I am a student under the age of 18 and living apart from parent(s) or guardian

The undersigned parent/guardian certifies that the information provided above is correct and accurate.

Print Parent/Guardian Name	Signature	Date

Phone Number	Street Address	City	State	Zip

Housing Questionnaire

Your child or children may have the right to:

- Immediate enrollment in the school they last attended (school of origin) or the local school where you are currently staying, even if you do not have all the documents normally required at the time of enrollment.
- Continue to attend their school of origin, if requested by you and it is in the best interest.
- Receive transportation to and from their school of origin, the same special programs and services, if needed, as provided to all other children, including free meals and Title I.
- Receive the full protections and services provided under all federal and state laws, as it relates to homeless children, youth, and their families.

Please list all children currently living with you.

Name	Gender	Birthdate	Grade	School

If you have any questions about these rights, please contact your LEA's Homeless Liaison:

Name

Phone

Email

Local Educational Agencies' Guidance for Completing the Housing Questionnaire

California Department of Education – March 2020

Purpose of a Housing Questionnaire

A Housing Questionnaire is a highly recommended best practice to assist local educational agencies (LEAs) with the identification of homeless children and youth. The Education for Homeless Children and Youth program states that all LEAs and their homeless liaisons must ensure that homeless children and youth are identified by school personnel through outreach and coordination with other agencies. LEAs are defined as county offices of education (COEs), school districts, and charter schools. The California Department of Education is encouraging the use of a Housing Questionnaire.

LEAs need to take a proactive approach to identify homeless children and youth. It is the first step to connecting these students and their families with information, resources, and supports necessary to ensure that they have equal access to the same free, appropriate public education, including public preschool education, as is provided to other children and youth.

Who Should Complete the Housing Questionnaire?

Every student, preschool through 12th grade, should complete the Housing Questionnaire, at least annually, upon enrollment. The Housing Questionnaire can be completed by the child's parent/guardian, caregiver, or in the case of an unaccompanied youth, by the student directly. If needed, the homeless liaison should be available to assist. Preschool programs include any LEA-administered, LEA-funded, and state preschool program, such as Head Start.

Information Sharing

Please inform parents/guardians, caregivers, and unaccompanied youth that this information will be kept confidential and will only be shared with those LEA/school staff that are responsible for providing services to the student and their families, as well as those staff responsible for keeping track of how many homeless students are identified in the LEA.

LEAs may share this information to LEA/school staff such as:

- Homeless liaisons;
- Enrollment staff or registrars;
- Student's teachers;

- Guidance counselors; and,
- Staff members that are responsible for reporting student-level data

Housing Questionnaires, and/or the information, gathered should not be a part of the student's permanent records such as Cumulative Folders.

Discussing the Housing Questionnaire with Students and Families

In reviewing the Housing Questionnaire with parents/guardians, caregivers, and unaccompanied youth, LEAs should emphasize that the purpose of gathering this information is to ensure that children and youth who are experiencing homelessness are provided the rights and services to which they are entitled to under the McKinney-Vento Act. These rights may include:

- Immediate enrollment in the school they last attended (school of origin) or the local school where they are currently staying, even if you do not have all the documents normally required at the time of enrollment.
- Continue to attend their school of origin, if requested by you and it is in the best interest.
- Receive transportation to and from their school of origin, the same special programs and services, if needed, as provided to all other children, including free meals and Title I.
- Receive the full protections and services provided under all federal and state laws, as it relates to homeless children, youth, and their families.

It is also important for the LEA to explain that the information provided on the Housing Questionnaire should be accurate and true. Verification is not always necessary. Homeless families or unaccompanied youth do not need to have the necessary paperwork required at registration. This includes proof of residency, medical records/immunizations, educational records, etc. However, if for some reason, the LEA needs to verify such information, the LEA will not contact a landlord or building superintendent without prior consent. Lastly, if the parent/guardian, caregiver, or unaccompanied youth declines to complete the Housing Questionnaire, the LEA should indicate that on the form.

Completing the Housing Questionnaire

If the parents/guardians, caregivers, and unaccompanied youth enrolling in school indicates that the student is living in one of the four categories (sheltered, doubled-up, unsheltered, or motel/hotel), the school/school district does not need to have proof that verifies their living arrangement. However, it is important that the school/school district have some sort of contact information for the parent/guardian, caregiver, or unaccompanied youth, especially for emergency situations.

It is essential to ask the parent/guardian, caregiver, and even the unaccompanied youth to indicate the other children that might be living with them. School and school districts

need to be identifying and serving preschool-age children, and this is the best opportunity to find out if there are younger children.

If you have any questions regarding this subject, please contact the CDE Homeless Education Program within the Integrated Student Support and Programs Office by phone at 866-856-8214 or by email at HOMELESSED@cde.ca.gov.