

Senate Bill No. 400

Passed the Senate September 8, 2021

Secretary of the Senate

Passed the Assembly September 7, 2021

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2021, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 48852.5 of, and to add Section 48851.5 to, the Education Code, relating to homeless children and youths.

LEGISLATIVE COUNSEL'S DIGEST

SB 400, Jones. Homeless children and youths: local educational agencies: collaboration, training, and reporting.

(1) The federal 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 liaison for homeless children and youths of a local educational agency, as 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 through outreach and coordination activities with other organizations and the referral of services to homeless families and homeless children and youth.

The bill would require the State Department of Education to develop and implement a system to verify that local educational

agencies are providing federally required training to school personnel providing services to youth experiencing homelessness at least annually.

The bill also would require the department to 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, and would require the department to review all submitted information and remind each local educational agency for which information about its policies is outdated to update their policies to reflect current requirements.

To the extent the bill imposes additional duties on local educational agencies, the bill would impose a state-mandated local program.

(2) This bill would incorporate additional changes to Section 48852.5 of the Education Code proposed by AB 27 to be operative only if this bill and AB 27 are enacted and this bill is enacted last.

(3) 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.

The people of the State of California do enact as follows:

SECTION 1. Section 48851.5 is added to the Education Code, to read:

48851.5. Pursuant to Section 11432(g)(6) of Title 42 of the United States Code, a local educational agency liaison for homeless children and youths shall ensure that homeless children and youths are identified by school personnel through outreach and coordination activities with other entities and agencies and that homeless families and homeless children and youths receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services.

SEC. 2. 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 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 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 regarding the educational rights of homeless children and 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 the resources available to schools to assist homeless children and youths.

(c) (1) The department shall provide training materials to local educational agency liaisons for homeless children and 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) For purposes of this section, “homeless children and youths” is defined in Section 11434a(2) of Title 42 of the United States Code.

SEC. 2.5. 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. 3. Section 2.5 of this bill incorporates amendments to Section 48852.5 of the Education Code proposed by both this bill and Assembly Bill 27. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2022, (2) each bill amends Section 48852.5 of the Education Code, and (3) this bill is enacted after Assembly Bill 27, in which case Section 2 of this bill shall not become operative.

SEC. 4. 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.

Approved _____, 2021

Governor