

Updates to Homeless Youth Practices and Policies

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The homeless youth crisis in the United States is not abating, and the pandemic has only worsened the effects of homelessness on this vulnerable student demographic. On March 11, 2021, President Biden signed the American Rescue Plan Act of 2021 (ARP) into law. In recognition of the extraordinary impacts of the pandemic on youth experiencing homelessness, the ARP includes an unprecedented \$800 million to support the specific needs of homeless youth via the ARP Homeless Children and Youth Fund. State and local educational agencies (LEAs) must use these funds to identify homeless youth, provide them with wrap-around services to address the challenges of COVID-19, and enable them to attend school and fully participate in school activities.

In addition to the ARP, the federal McKinney-Vento Homeless Assistance Act (the MVHAA) provides grants to states to carry out activities relating to the education of homeless youths, including providing services and activities to improve the identification of homeless youths and to enable them to enroll in, attend, and succeed in school.

Recently enacted state laws have adjusted the obligations of LEAs under both the ARP and the MVHAA, with respect to housing questionnaires and homeless youth liaisons.

Assembly Bill (AB) 2375

AB 2375, effective September 30, 2022, amended Education Code section 48851 regarding the identification of students experiencing homelessness using a housing questionnaire.

Existing law requires an LEA that receives certain funds from the ARP to annually provide a housing questionnaire to all parents or guardians of pupils and to all unaccompanied youths of the LEA for purposes of identifying homeless and unaccompanied youths. These housing questionnaires must be administered based on best practices developed by the California Department of Education (CDE).

AB 2375 now requires an LEA, regardless of the receipt of those federal funds, to ensure that the housing questionnaire is based on best practices developed by CDE.

You can find the CDE's model housing questionnaire and instructions here:

<https://www.cde.ca.gov/sp/hs/cy/documents/housingquestionnaire.pdf>

For further guidance on the use or completion of the Housing Questionnaire, please access the CDE's Guidance for Completion of Housing Questionnaire here:

<https://www.cde.ca.gov/sp/hs/cy/documents/guidanceforquestionnaire.docx>

AB 408

AB 408, also effective September 30, 2022, added section 48851.3 to the Education Code related to LEA homeless education program policies and training offerings by homeless youth liaisons. The bill also added Education Code section 48852.3 regarding the CDE's monitoring of LEA compliance.

The MVHAA requires the state plans submitted with a grant application to include assurances that each LEA will designate an appropriate staff person to act as an LEA liaison for homeless youths. The plan must also include a description of how the state will ensure that LEAs and their liaisons will comply with specified requirements of the MVHAA.

Under existing State law, LEAs are generally required to immediately enroll a homeless youth seeking enrollment. Existing law requires an LEA liaison for homeless youths to ensure that public notice of the educational rights of homeless youths is disseminated in schools within the liaison's LEA that provide services pursuant to the MVHAA. Existing law also requires the CDE to develop, in addition to the model housing questionnaire, best practices that LEAs may use to identify and obtain accurate data on all homeless youths and unaccompanied youths enrolled in schools of the LEA, and to post this information on its internet website.

AB 408 added the following requirements for LEAs:

- Establish homeless education program policies that are consistent with specified State laws and use the above-described resources developed and posted on the CDE's website and resources developed by homeless education technical assistance centers established using federal funds.
- Update homeless education program policies at least every three years.
- LEA liaisons for homeless and unaccompanied youths must provide training at least annually to classified and certificated employees of the LEA who work with pupils experiencing homelessness.
 - The bill also encourages the liaison to offer training to all other classified and certificated employees.
 - The liaison must inform both groups of employees about the availability of training and services the liaison provides to pupils who are experiencing, or are at risk of experiencing, homelessness.

Existing law requires the CDE to provide informational and training materials to LEA liaisons regarding the educational rights of homeless youths and the responsibilities of the liaisons.

AB 408 now requires the CDE to develop and implement a plan for monitoring the compliance of LEAs with State laws relating to youth experiencing homelessness. The CDE's monitoring plan must include reviews of

the LEAs, including school-site inspections, to ensure that the State is not underestimating the number of youth experiencing homelessness.

Takeaways

Together, AB2375 and AB 408 seek to better address the homeless youth crisis in California by requiring LEAs to gather more accurate data on the crisis and ensuring homeless youth policies are updated to be consistent with state and federal law. LEAs should evaluate their current programs and policies to ensure they are aligned with the new requirements of these bills.

If you have questions about this new legislation or need more information regarding homeless youth policies, please contact the authors of this Client News Brief or an attorney at one of our [eight offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#) or [Twitter](#) or download our [mobile app](#).

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