



YOUNG, MINNEY & CORR, LLP

LEGAL ALERT

AB 27 and SB 400 Add New Requirements For Identifying and Serving Homeless Youth

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All charter schools are responsible for identifying and serving homeless children and youth under the McKinney Vento Act and related state law. The Governor signed AB 27 and SB 400 on September 29, 2021, as urgency legislation and is effective immediately, creating new legal requirements related to homeless children and youth for all Local Educational Agencies (LEAs), including charter schools for the 2021–22 school year. AB 27 dictates identifying homeless children and youth, requires annual staff training and adds mandatory website postings. SB 400 increases the responsibility of the California Department of Education (CDE) to provide guidance and monitor the implementation of rights for homeless youth.

How does the law define “homeless children and youth?”

The term “homeless children and youth” means individuals who lack a fixed, regular, and adequate nighttime residence and includes children and youth who:

1. Are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters, or are abandoned in hospitals;
2. Have a primary nighttime residence that is a public or private place not designed for or ordinarily used as regular sleeping accommodations for human beings;
3. Are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and/or
4. Migratory children and unaccompanied youth (youth not in the physical custody of a parent or guardian) may be considered homeless if they meet the above definition of “homeless.”

Many students who are eligible for protection under McKinney Vento do not consider themselves homeless. Families living with grandparents or uncles because they cannot afford other accommodations are considered homeless, even though they may have been in the same home for years. Runaway youth are also regarded as homeless, and a significant portion of eligible teenagers are “couch surfing.”

What do charter schools need to do to identify homeless youth?

Local educational agencies (“LEAs”) have been required to identify homeless youth, but the law did not specify how.

AB 27 added Cal Ed Code 48851 which now requires that all LEAs that receive funding from the American Rescue Plan Elementary and Secondary School Emergency Relief – Homeless Children and Youth Fund administer a housing questionnaire to all students/families, starting with this school year. While schools that do not receive this funding are not required to administer this questionnaire to all families, it is recommended as a best practice to ensure the identification of all students eligible under McKinney Vento.

In addition to the questions in the CDE Model Housing Questionnaire, the following elements are now required:

1. Must include an explanation of rights and protections a student has as a homeless child or youth. You may satisfy this requirement by including your Education for Homeless Youth Annual Notice.
2. Must be available in paper form. The Charter School cannot require families to complete the form online.
3. Must be made available in the primary language other than English spoken by fifteen percent or more of the population and must be translated into other languages upon request of the parent/guardian or unaccompanied youth.

Schools must collect the questionnaire and, at least annually, update information about homeless and unidentified youth enrollment in CALPADS.

What are the training requirements for staff?

LEAs must ensure that their Liaison(s) for Homeless Children and Youth and any personnel who provide services to homeless youth receive training in meeting the requirements of McKinney Vento. Cal Ed Code 48852.5 now states that CDE will implement a system to verify the implementation of this training at least annually.

What are the mandatory posting requirements?

AB 27 adds Cal Ed Code 48825.6, which requires that the following items be posted on the charter school’s website:

1. A list of the Homeless Youth Liaison(s) in the charter school.
2. Specific information on homelessness, including information regarding the educational rights and resources available to persons experiencing homelessness. This can be satisfied by posting your Education of Homeless Children and Youth Policy.
3. Contact information for the liaison(s) and any employee/contracted person who will also

implement liaison duties.

Remember that your Homeless Youth Liaison is responsible for referring homeless families and youth to health care services, including dental, mental health, substance abuse services, and housing services. Available resources may be posted on the website.

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If you have any questions or need assistance with updating your Education of Homeless Children and Youth Policy, annual notice, or website to meet legal requirements, please contact Matejka Handley mhandley@mycharterlaw.com or Rebecca Diddams rdiddams@mycharterlaw.com at the Law Offices of Young, Minney & Corr, LLP at (916) 646-1400.

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