



# County of Orange

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County Executive Office

August 8, 2023

Honorable Maria D. Hernandez  
Presiding Judge of the Superior Court of California  
700 Civic Center Drive West  
Santa Ana, CA 92701

Subject: "The ABC's of Educating Children Experiencing Homelessness in Orange County" Grand Jury Response

Dear Judge Hernandez:

Per your request, and in accordance with Penal Code 933, please find the County of Orange response to the subject report as approved by the Board of Supervisors. The respondents are the Orange County Board of Supervisors and the County Executive Office.

If you have any questions, please contact Liz Guillen-Merchant of the County Executive Office at 714-834-6836.

Sincerely,

Digitally signed by Frank Kim  
DN: cn=Frank Kim, o=County of  
Orange, ou=CEO,  
email=frank.kim@ocgov.com,  
c=US  
Date: 2023.08.10 14:12:44  
+07'00'

Frank Kim  
County Executive Officer

Enclosures

cc: Orange County Grand Jury  
Lilly Simmering, Deputy County Executive Officer  
Liz Guillen-Merchant, Director, Performance Management and Policy



Responses to Findings and Recommendations 2022-23  
Grand Jury Report:

*"The ABC'S of Educating Children Experiencing Homelessness  
in Orange County"*

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**SUMMARY RESPONSE STATEMENT:**

On May 25, 2023, the Grand Jury released a report entitled "How is Orange County Addressing Homelessness?" This report directed responses to findings and recommendations to the Orange County Board of Supervisors. The responses are below:

**FINDINGS AND RESPONSES:**

**F10. McKinney-Vento is an unfunded federally mandated program; however, school districts which qualify and apply for Title I, Part A funds may obtain revenues that can be used for children experiencing homelessness. These funds are insufficient to meet the needs of the school districts supporting children experiencing homelessness.**

**Response:**

**Disagrees wholly with the finding.**

The County of Orange has no role in the implementation of the McKinney-Vento Act and is not the appropriate entity to opine on this finding. The McKinney-Vento Homeless Assistance Act (McKinney-Vento Act) (42 United States Code § 11431-11435) concerns the educational rights and protections of children and youth experiencing homelessness. This federal legislation applies to local educational agencies (LEAs). A LEA is defined as "a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or of or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools." A LEA also "includes any other public institution or agency having administrative control and direction of a public elementary school or secondary school." See 20 USC § 7801(30). The County of Orange does not fall within the definition of a LEA under the McKinney-Vento Act nor does the County of Orange have any governing authority over LEAs. LEAs in Orange County would be in the best position to address whether funds are insufficient to meet the needs of school districts supporting children experiencing homelessness.

**F16. A significant lack of affordable permanent housing contributes to many families being caught in the cycle of homelessness.**

**Response:****Agrees with the finding.**

In 2018 the County of Orange identified the need for additional affordable and permanent supportive housing in the 2018 Housing Funding Strategy. The Orange County Board of Supervisors approved the 2022 Housing Funding Strategy Update, which included an updated goal of developing 2,396 permanent supportive housing units based on the 2022 Point in Time Count. Since June 2018, a total of 1,025 affordable housing and supportive housing units were completed/built, 1,258 units are under construction or closing on their construction loan and 118 units are in progress of funding. The County acknowledges that this is not nearly enough to address the affordable housing demand in Orange County; therefore, it continues to work with Orange County cities, state, federal agencies, and housing stakeholders to identify creative solutions to filling the gap, especially for priority communities like families.

**RECOMMENDATIONS AND RESPONSES:**

- R7. To address one of the primary barriers to the education of minors experiencing homelessness, the County of Orange should develop a plan to increase the number of family shelters, permanent supportive housing, and low-cost/long term housing for families by January 1, 2024. (F16)**

**Response:****This recommendation has been implemented.**

The Orange County Board of Supervisors (Board) approved the 2018 Orange County Housing Funding Strategy that sets a goal of developing 2,700 units of both affordable housing and permanent supportive housing. The Board approved the 2022 Orange County Housing Funding Strategy Update that included an updated goal of developing 2,396 permanent supportive housing units based on the 2022 Point in Time Count. Since June 2018, a total of 1,025 affordable housing and supportive housing units were completed/built, 1,258 units are under construction or closing on their construction loan and 118 units are in progress of funding. The development of affordable housing and permanent supportive housing increases the availability of rental housing stock in Orange County for families who are experiencing homelessness as defined by the McKinney-Vento definition, including those that are doubled-or tripled up on housing due to economic and financial reasons. Additionally, the County has continuously supported and funded the development and operations of emergency shelters for families across Orange County. Most recently, in 2022, the County provided Family Promise of Orange County \$500,000 in funding to support the development of House of Ruth, an emergency shelter for families with a capacity of 37 beds in the City of Tustin.



- R10. The Orange County Superintendent of Schools should provide information from the School Accountability Report (SARC) to the Board of Supervisors identifying the number and describing the performance of children experiencing homelessness in Orange County public schools. This data should include the aggregate of students in each district who are experiencing homelessness, their chronic absenteeism rates, and the high school graduation rate and the percent who meet or exceed state standards in English and Math, starting October 31, 2023, and yearly thereafter. (F11, F12, F13, F14, F15)**

**Response:**

**This recommendation will not be implemented because it is not reasonable.**

This finding appears to be based on the incorrect assumption that the Orange County Board of Supervisors has governing authority over the Orange County Superintendent of Schools. The Orange County Board of Supervisors transferred duties and functions of an educational nature performed by the Board of Supervisors to the Orange County Board of Education in 1977 pursuant to Sections 1043 and 1080 of the Education Code. As a result of this transfer, any references in the Education Code that pertain to the board of supervisors are deemed a reference to the county board of education of that county. Thus, although the County of Orange has a robust system of care that helps address households experiencing or at risk of homelessness, it does not oversee the education system.

- R11. By July 1, 2024, the County Board of Supervisors should identify and pursue sustainable financial funding to support all Orange County school districts, with enrolled children experiencing homelessness, in their effort to successfully meet the unfunded Federal mandate to equitably educate these children. (F10)**

**Response:**

**This recommendation will not be implemented because it is not reasonable.**

The funding of schools is complex and heavily regulated by the State. Proposition 13, passed voters in 1978, fundamentally restricts the ability of local governments to raise funds to finance schools through local property tax revenues. Proposition 13 limits both the tax rate on real property and annual increases in the assessed value of real property. Proposition 98, adopted by the voters in 1988, amended the California Constitution to require the State to provide a minimum level of funding for schools. Public school districts receive funding from a variety of local, state, and federal sources. Some of the funds are earmarked for specific purposes while the rest are for general purposes. The amount of general funding a school district receives per a student is called its "revenue limit." Revenue limits were created in response to a lawsuit that challenged inequities in funding per student based on the local assessed value of property within a school district's jurisdictional boundaries where school districts in high property value areas received more in funding per a student than school districts located in less wealthy areas. Under the modern system of school funding, each school district's revenue limit is funded through a combination of local property taxes and state funding with each school district receiving a share of locally generated property taxes and the state providing funding to make up the difference between the district's revenue limit entitlement and its locally generated property tax revenue. As a result, under the

revenue limit funding system, an increase in locally generated property tax revenue received by schools is generally offset by a reduction in aid received by the district from the State. Thus, the State of California is primarily responsible for funding related to education and the County does not have access to nor is an eligible applicant for potential education related funding.

**ORANGE COUNTY BOARD OF SUPERVISORS**  
**MINUTE ORDER**  
**August 08, 2023**

Submitting Agency/Department: County Executive Office

Approve proposed response to FY 2022-23 Grand Jury Report "The ABC's of Educating Children Experiencing Homelessness in Orange County." - All Districts

**The following is action taken by the Board of Supervisors:**

APPROVED AS RECOMMENDED  OTHER

**Unanimous**  (1) DO: Y (2) SARMIENTO: N (3) WAGNER: Y (4) CHAFFEE: Y (5) FOLEY: N

*Vote Key: Y=Yes; N=No; A=Abstain; X=Excused; B.O.=Board Order*

**Documents accompanying this matter:**

- Resolution(s)
- Ordinances(s)
- Contract(s)

Item No. 29

Special Notes:

Copies sent to:

*CEO – Liz Guillen-Merchant*  
*Superior Court*  
*Grand Jury*

8/11/23



I certify that the foregoing is a true and correct copy of the Minute Order adopted by the Board of Supervisors, Orange County, State of California.  
Robin Stieler, Clerk of the Board

By: \_\_\_\_\_

Deputy



AGENDA STAFF REPORT

Agenda Item

29

ASR Control 23-000656

RECEIVED  
CLERK OF THE BOARD

III 24 2023

MEETING DATE: 08/08/23  
LEGAL ENTITY TAKING ACTION: Board of Supervisors  
BOARD OF SUPERVISORS DISTRICT(S): All Districts  
SUBMITTING AGENCY/DEPARTMENT: County Executive Office (Approved)  
DEPARTMENT CONTACT PERSON(S): Liz Guillen-Merchant (714) 834-6836  
Lilly Simmering (714) 834-6234

SUBJECT: "The ABC's of Educating Children Experiencing Homelessness in Orange County"

23F5

CEO CONCUR  
Concur

COUNTY COUNSEL REVIEW  
No Legal Objection

CLERK OF THE BOARD  
Discussion  
3 Votes Board Majority

Budgeted: N/A Current Year Cost: N/A Annual Cost: N/A

Staffing Impact: No # of Positions: Sole Source: N/A

Current Fiscal Year Revenue: N/A

Funding Source: N/A County Audit in last 3 years: No

Levine Act Review Completed: N/A

Prior Board Action: N/A

RECOMMENDED ACTION(S):

- 1. Approve proposed response to FY 2022-23 Grand Jury Report entitled "The ABC's of Educating Children Experiencing Homelessness in Orange County".
- 2. Direct the Clerk of the Board to forward this Agenda Staff Report with attachments to the Presiding Judge of the Superior Court and the FY 2022-23 Grand Jury no later than August 22, 2023.

SUMMARY:

Approval of proposed response to FY 2022-23 Grand Jury Report entitled "The ABC's of Educating Children Experiencing Homelessness in Orange County" will fulfill the County's required response to the Grand Jury.

BACKGROUND INFORMATION:

On May 25, 2023, the Orange County Grand Jury released a report entitled "The ABC's of Educating Children Experiencing Homelessness in Orange County". The report directed responses to findings and