A Policy Analysis Using Critical Race Theory on AB 1228: Public Post-Secondary Education: Campus Housing: Priority for Homeless Youth

A graduate project submitted in partial fulfillment of the requirements
For the degree of Master of Social Work

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May 2020
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Dedication

I dedicate this to my mother who has endured many gender inequalities and racial prejudices in order for us to be where we are today. To my brothers who have pushed me through this process and never let me give up.
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Abstract

A Policy Analysis Using Critical Race Theory on AB 1228: Public Post-Secondary Education: Campus Housing: Priority for Homeless Youth

By

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Master of Social Work

The purpose of this paper is to critically analyze AB 1228: Public Post-Secondary Education: Campus Housing: Priority for Homeless Youth to create dialogue and discuss whether this policy is in fact making a difference in the lives of homeless students. This policy analysis grounded in Critical Race Theory Framework (CRT) specifically examines the barriers of race and foster care as intersections that are creating roadblocks to academic achievement for post-secondary college students. Results of this analysis demonstrate that although AB 1228 attempts to prioritize homeless and foster youth, it has done very little to provide outreach to those students and bring awareness of this resource available to them on mezzo and macro levels. Furthermore, since many of the homeless and foster youth are people of color, the historical perspective provides the understanding that race and racism are deeply embedded in this nation. For these reasons, one may determine that creating a policy in an attempt to address this concern, yet poorly apply it, while neglecting to provide outreach to the races and vulnerable populations, simply do not resolve the issue.

Keywords: Student Homelessness, Higher Education, AB 1228, Foster Care, Race
Introduction

California has been dealing with the problem of student homelessness that is only recently beginning to gain the spotlight through research and programs being implemented to support student homelessness. Recent estimates suggest a total of 35% of students within the Cal State System, UC System and L.A. Community Colleges experience some type of housing insecurity (Mello, 2018).

In 2016, 19% of community college students were considered homeless or housing insecure. Within the 5,925 surveyed CCC’s students, 30% of African Americans were considered homeless and 50.7% of Hispanics were housing insecure (“Survey,” 2016). Students who are African American, Native American, are divorced or widowed, or have had a history of being in the foster care system have mainly been affected by one or more of these issues (“Survey,” 2016). Within the California State University system, in 2019, 11% of students were considered homeless or housing insecure. Within the 24,324 surveyed students, 12.1% of African Americans and 7.3% Hispanics reported being food insecure and homeless, those who were both food insecure and homeless had an average GPA of approximately 2.9 for African Americans and 3.0 for Hispanics (Crutchfield & Maguire, 2018). This is important because having no security and food makes it difficult to maintain a focus on academic achievement. Instead that focus is shifted towards trying to find a source of income for a place to sleep and food. Lastly, within the University of California system, in 2018, 5% of students were considered homeless or housing insecure (“University,” n.d.). Within the 56, 946 surveyed, 9% of African Americans were considered to be homeless or housing insecure; White or Caucasians were statically the lowest homeless population by race (“University,” n.d.).
These estimates are likely underestimates of the true magnitude of this problem, as homeless youth may underreport their status because of the stigma attached to the term homeless. Although the benefits of earning a college degree are well known, research shows that children and youth experiencing housing instability have low college graduation rates (Crutchfield, 2018). The lack of policies to promote and support academic achievement initiatives specifically designed to serve homeless students results in students having difficulty graduating.

One policy in place, the McKinney-Vento Homeless Assistance Act (1987), provides a definition on homelessness for K-12 students who are on the road towards higher education; however, it lacks leadership or resources for students who are homeless and pursuing postsecondary education (Crutchfield, 2018). There are other policies that touch on the issue of homelessness in higher education indirectly, such as Foster Care Independence Act of 1999, which “increased funding and the flexibility of funding to assist youth aging out of foster care, with services in housing, substance abuse, and smoking cessation” (Ringer, 2015). Although this legislation intends to provide resources for foster youth as they transition out of foster care, “by the age of 24, 37% have experienced unstable housing situations, such as homelessness or sleeping on friend’s couches over an extended length of time” (Ringer, 2015). Despite the fact that there are limited policies in place, within California, universities have been implementing programs for homeless and foster youth students to promote housing security for both populations.

Within in California, universities have been implementing programs for homeless and foster youth students to promote housing security for both populations. Universities
and Colleges in California developed programs to assist homeless students. All UC and CSU campuses provide year-round student housing, compared to 20 percent Community College campuses, with half of them requiring students to move out during breaks (Au & Hyatt, 2017). This creates difficulty for students who are relying on campus housing during the breaks. Developed and managed by UCLA students, Students 4 Students, or S4S, is the first shelter in the nation to provide services for homeless college students. S4S provide case management services to address basic needs while also connecting homeless students to resources available to them in the community (Shelters for students, n.d.). Within the CSU system, Sacramento State University has designated a case manager that is designated to provide assistance to students seeking emergency housing on their campus. Along with that, they provide up to 30 days of emergency housing in their residence halls, after a basic needs assessment has been conducted. University of Southern California created the “Trojan Shelter,” which provides housing, case managements services, and holistic support to 6 students who have been enrolled in at least 2 units for the school year (Trojan Shelter, n.d.).

In the Study of Student Basic Needs (2018), only a quarter of all 24,324 participants, were aware of the housing assistance resource and the emergency housing program available to them. To add, of those 24,324 students, 56% were never made aware of transitional living or subsidized housing (Crutchfield & Maquire, 2018). Although the current policies in place are attempting to address housing insecurity, they are still lacking in specific areas that promote academic success due to lack of awareness by housing insecure and foster students.
In 2015, the State of California passed AB 1228, Public postsecondary education: campus housing: priority for homeless youth, which requires campus housing at California Community Colleges (CCC), California State University (CSU), and University of California (UC) campuses to prioritize homeless and foster students and develop plans to make on-campus housing options available and easily accessible.

AB 1228 would request California colleges to the “regents and trustees to explore methods of using the admissions-by-exemption category to assist the transition of students in foster care into 4-year public institutions of higher education” (A.B. 1228, 2015). “It should be noted that the language in the statute for priority housing is written as a ‘request’ and not a requirement” (Erica, 2018). This legislation does not enforce California colleges to have housing programs for foster and homeless students that will provide stable housing while they are enrolled.

The limited amount of literature on the legislation suggests a need, room for understanding and a better perspective on how it impacts foster and homeless students with regard to the level of awareness, resources available on campuses and what it entails to effectively assist homeless students. This paper applies critical race theory (CRT) as an analytical framework to explore the impact of each tenet on race while also addressing foster care as an intersection that have created barriers to academic achievement. Furthermore, it will attempt to understand how race is an intersection of foster care through critical race theory. Lastly, it will analyze how these intersections have created barriers for postsecondary college students to be provided or even made aware of resources available to them as they continue onward towards their academic achievement.
Methods

Critical Race Theory Policy Analysis Framework

During the 1970s, Critical Race Theory (CRT) originated in the field of law by a group of legal scholars in attempt to develop a new strategy, in reaction to the critical legal studies (CLS) movement, that would confront racism (Delgado, Sefancic & Harris, 2017 pp.4; Martinez, 2014). CLS failed to address “the effects of race and racism in the United States jurisprudence” (Hiraldo, 2010). From the failure, CRT was developed to determine the active role of race and racism and “argues that ignoring racial difference maintains and perpetuates the ‘status quo with all of its deeply institutionalized injustices to racial minorities’ and insists that ‘dismissing the important of race is a way to guarantee that institutionalized and systematic racism continues and even prosper’” (Martinez, 2014). Scholars of CRT, Derrick Bell, Richard Delgado, and Kimberle Crenshaw spotlight how the minority has been excluded and taken for granted by society in the United States (Hiraldo, 2010). As shown in Appendix A, the five principles of CRT provide an in-depth analysis of disparities faced by the minority race that supports power, privilege and oppression by the dominating race (Hiraldo, 2010).

The first principle notes the prevalence of race and racism in American society and how it is an endemic. CRT examines how racism is present in visible in the United States. Hiraldo (2010) states that “racism is seen as an inherent part of American civilization, privileging White individuals over people of color in most areas of life.” Furthermore, CRT examines the existence of racism and that America has been founded on notion that White is supreme and all others are second. The second principle notes the idea that White privilege is so submerged in our society, politically, legally, and educationally, that it has
become the norm (Martinez, 2010). “Ironically, the result is that whites cannot see or understand the world they have made and are in many cases quick to dismiss or deny the inherited privilege associated with whiteness” (Martinez, 2010). CRT argues that Whiteness is the dominating race and most, if not all, policies are created around the White race, thus, resulting in a lack of awareness and acknowledgement of the races present in today’s society.

The third principle of CRT is centrality of experiential knowledge through the use of narrative. Storytelling provides people of color with a voice and allows them “to recount their experiences with racism and the legal system to apply their own unique perspectives to assess law’s master narratives” (Delgado, Sefancic & Harris, 2017, pp. 9). This part aims to use the stories of people of color to credit their experiences and the different intersections that impact and block their progression toward improving their lives and living in an equitable society. “Everyone has potentially conflicting, overlapping identities, loyalties, and allegiances” (p.9). The fourth principle tackles the interdisciplinary perspective by considering “how well intended institutional processes and procedures can potentially promote racism when working toward improving an institution’s plan for diversity and inclusion” (Hiraldo, 2010).

The last principle is the commitment to social justice in which CRT addresses the lack of justice given to people of color. This principle critiques the lack of liberalism, neutrality of law, and equal opportunity for all (Hiraldo, 2010). This principle further demonstrates that America has been color blind and has been failing to recognize the less fortunate, mainly those of color. The principles of CRT will be used to critique AB 1228: Public Postsecondary Education: Campus Housing: Priority for Homeless Youth and
examine the lack of awareness for people of color suffering from homelessness while attending higher education.

**Theoretical Grounding & Application**

Critical Race Theory has been used as a guideline in education and law to analyze and dissect the racial inequalities and the significant impact of race in education and within our society (Hiraldo, 2010). “Rather than ignoring race, Critical Race Theory places race at the center, serving as the connection between poverty, homelessness, and education, ultimately playing a role in the implementation of HEP, homeless education policy, at the school level” (Aviles de Bradley, 2015). This framework specifically identifies the importance of race and the inequalities in place based on race, and its link to homelessness and education. Similarly, it became the “effort to uncover how law constructed race; ‘the pervasive ways in which law shapes and is shaped by race relations, across the social phase’” (Martinez, 2014). This framework allowed policymakers to highlight the idea that law is “colorblind” and displays difficulty in being inclusive when policies are created (Aviles de Bradley, 2015).

The three main intersections of race, education and foster care will my used to analyze how this policy is impacting people of color. It will analyze how these intersections have created barriers for postsecondary college students to be provided or even made aware of resources available to them as they continue onward towards their academic achievement. This framework will analyze how race intersects with education and foster care to limit access to housing while in higher education. Furthermore, it will criticize how the education system is grounded in white Eurocentric ideology in which universities are meeting students midway, rather than providing the appropriate services while recognizing
the systems they are coming out of, such as foster care. Along with this, we will challenge universities to create a policy that will promote outreach to services that will provide housing assistance while attending school and meet them where they are at, rather than half-way. For the purpose of this paper, the three main principles that will be analyzed include centrality of race/racism, interdisciplinary perspective, and commitment to social justice.
Results

Centrality of Race/Racism

Race and foster care are two of the many intersections that are experienced throughout the pursuit for higher education for some people of color. “To adequately address the issue of homelessness…[and foster care]…, a class analysis is not sufficient; one must seriously engage the ways in which race influences policy creation, reform, and implementation, ultimately impacting opportunities and outcomes for youth of color experiencing homelessness” (Hallett & Crutchfield, 2018). Highlighting and taking race and racism into serious consideration is central to promoting the welfare and security of homeless students and foster care youth; it will challenge this policy to focus on race as the central influencer of policies. Using statistics, previously stated, as one of the bases of this argument is important to introduce into this conversation because it will present the hard facts and put on the display, the impact of race on people of color and in foster care. The issue of race and racism has been unconsciously created because there is very little being implemented for people of color and the minority populations. This policy allows for systemic racism to take place, in which it permeates throughout policies, practices and our social norms (Bryant, n.d.).

In the Assembly Bill, it states that it “would provide priority for campus housing to current and former homeless youth that is identical to that priority extended to current and former foster youth under existing law” (A.B. 1228, 2015). Although the policy states that it prioritizes homeless students on the same terms as the existing policy has prioritized foster youth, there has been little implemented to promote outreach to students who are facing homelessness. In the Basic Needs Assessment, “Over a quarter, or 26.6%,
of all students were aware of emergency housing assistance” (Crutchfield & Maguire, 2018). In many of the reports conducted by the California state university, Community College, and University of California campuses, the main issue was outreach and a lack of awareness about the programs implemented for students to utilize. This is a clear demonstration of inequity at both a mezzo and macro level because the students that desperately need these resources are people of color and foster youth and yet have no knowledge of them. Ironically, there has been little action taken to bring awareness to the students who need it the most, those being of color and in foster. This presents the question that if these students were primarily White or Caucasian, would the same amount of effort being made, or would there be more action being made in this policy to support them?

**Interdisciplinary Perspective**

Historically, America has not been the best representation of equity and anti-racist ideologies. “African Americans have endured legal segregation, social degradation, political disenfranchisement, and economic exploitation while fighting to be recognized and treated not just as citizens but also as human beings in a society that objectifies the Black body as a threat to the American social order” (“Anti-blackness,” 2020). This nation has been built on racism and the notion that White or Caucasians are superior and should be prioritized. “Governors and faculties used slave labor to raise and maintain their schools, and they made their campuses the intellectual and cultural playgrounds of the plantation and merchant elite” (Patton et. al, 2016). These men, who were creators of many of these policies, strengthened racist ideologies and promoted higher education for White students, excluding people of color. It is important to acknowledge a historical
perspective when understanding this policy because many of the policies were created with that notion in mind and, since then, have been merely revised to adhere to the Civil Rights Act of 1964, which prohibits discrimination based on race, color, religion, sex, or national origin. With that being said, this issue of race and racism within the homeless community and foster care system is deeply rooted and has been embedded within the reality of the American Nation.

**Commitment to Social Justice**

There are some aspects of this policy that reflect a lack of social justice perspective. Social workers are required to adhere to a specific code of ethics that “enhance human well-being and help meet the basic needs of all people, with particular attention to the needs and empowerment of people who are vulnerable, oppressed and living in poverty” (“Read,” n.d.). With that being said, this policy clearly lacks the prioritization of homeless and foster youth students who are seeking shelter because it does not consider race as an important aspect to the student’s ability to receive these services available to them. One of the ethical standards utilized by social workers are commitment to clients, which makes well-being of the client a main responsibility. Another is culture awareness and diversity, which promotes the need for continuous education and “seek to understand the nature of social diversity and oppression with respect to race, ethnicity, national origin, color, sex, sexual orientation, gender identity or expression, age, marital status, political belief, religion, immigration status, and mental or physical ability” (“Read,” n.d.). This policy severely lacks a social justice perspective and requires revision to advance the well-being of the students and promote change for
those homeless and foster youth students. In order to promote and create change, it is important to identify those who have the power to do so.

First and foremost, the main person of authority to change this policy is the governor of California. This person holds the most power in this case due to the fact that he is the ultimate deciding factor to sign a bill into law, after it has been approved by both houses. Although the governor holds the most power in implementing change to the policy, the people and students who are suffering from homelessness have a strong voice in being able to create change. In order for a social justice issue to brought to the attention to the government and policymakers, it must be vocalized as such within society.

**Limitations**

Utilizing CRT as the framework has placed a spotlight on the policy, AB 1228: Public Post-Secondary Education: Campus Housing: Priority for Homeless Youth, the notion that it has neglected to put an emphasis on people of color and in the foster care system. With that being said, there were limitations which must be acknowledged that became apparent when analyzing this policy. One limitation was that considering the purpose of CRT is to analyze an issue with the sole problem and focus being race, thus neglecting other issues within the policy worth addressing. Another limitation to utilizing CRT is the difficulty of applying all principles to the analysis due to the lack of relevance to the topic. Research that applied CRT to address issues within higher education and this type of policy was very difficult to find, ultimately limiting the amount of information accessible. Lastly, since CRT was mainly used to recognize that racism is prevalent
within higher education policies, it does not provide a guideline or recommendations on how to address the issue and reduce racism.
Policy Recommendations

Student homelessness has been an ongoing issue that requires more attention that it has been given. Analyzing AB 1228 using the Critical Race Theory Framework of analysis brings awareness to the fact systematic racism has always been an underlying concern when creating policies in the United States. With that being said, issues of race and racism have been unconsciously created in this policy with little implementation for people of color and vulnerable populations, such as foster youth. Through CRT analysis, this policy presents a lack of social justice perspective which is critical when creating a policy with people of color and foster youth. A social justice lens would present the issue in a manner that would enhance the student’s well-being. It is recommended that there be an emphasis race and the vulnerable populations who would benefit from utilizing this resource. A second recommendation would be to prioritize outreach to those who need it most by using the statistics to reference the percentage of students who are unaware of the resources available to them. CRT has a framework of analysis for this policy brought awareness to the underlying issue of racism within this society, with very little action to tackle the concern of this policy. However, CRT provided imitated ability to provide recommendations to make appropriate changes to the policy.
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Appendix A

A Critical Race Theory (CRT) Framework for Policy Analysis

The model for policy analysis can be divided into five sections: description of the problem that necessitated the policy, a description of the policy, an examination of CRT and its applications, a policy analysis derived from CRT, and limitations/conclusion. The purpose of this outline is to utilize CRT principles to reveal new insight into how we understand the functions and impacts of social policy.

I. Introduction/Lit Review: Description of the Problem that Necessitated the Policy

(problem statement)

• What is the nature of the problem?
• How widespread is it?
• How many people are affected by it?
• Who is affected and how?
• What are the causes of the problem?
• Why does this policy need to be analyzed in a way that focuses on the centrality of the issue of race/racism?
• What is the method and purpose of your analysis? What is your ultimate social justice-related objective?

II. Policy Description

*Some of the following may not be available. If not, just state which aspects are not.

• How is the policy expected to work?
• What are the resources or opportunities that the policy is expected to provide?
• Who will be covered by the policy and how?
• How will the policy be implemented?
• What are the short- and long-term goals and outcomes of the policy?
• What are the administrative auspices under which the policy will be lodged?
• What is the funding mechanism for the policy?
• What agencies or organizations will be charged with overseeing, evaluating, and coordinating the policy?
• What are the formal or informal criteria that will be used to determine the effectiveness of the policy?
• How long is the policy expected to be in existence?
• What is the knowledge base or scientific grounding for the policy?

III. Critical Race Theory

(Equivalent of Methods section)

• What is critical race theory?
• What are the primary components/principles of CRT?
• How has CRT been used/applied in the past? What contexts? (i.e. education, theory, practice, policy analysis?)
• How do you plan to use CRT?

IV. Policy Analysis

• Principle 1 – Centrality of Race/racism
  o Why is examining the issue of race/racism so important within this policy?
• Are the intersections of race/racism and this policy consciously or unconsciously created?

• How does the policy demonstrate race/racist inequity at both micro/macro levels?

• Principle 2- Challenge to dominant ideology
  o How does the policy reflect a sense that the experience of White European Americans are “normal,” or all others are “abnormal?”
  o How does the policy show a lack of equity, or awareness of injustice in society?

• Principle 3- Centrality of experiential knowledge
  o Does the policy ignore the lived experiences of people of color?
  o Can you assert the experiences of people of color in relation to your policy are different, legitimate, and integral to understanding your policy?

• Principle 4- Interdisciplinary perspective
  o What might a historical perspective add to your understanding of the policy, and your assertion that race/racism should be central to your analysis?
  o What other fields/professions/perspectives are important to include in your analysis of the policy? Why? What do they tell you?

• Principle 5- Commitment to social justice
  o What about your policy reflects a lack of social justice perspectives?
- Who has access, voice, power in your policy creation, implementation, change, etc.

V. Limitations

- What information were you unable to get that may have helped your analysis?
- What do you see as the weaknesses of your application of the CRT framework?

VI. Conclusion

- Final take-away points?
- Suggestions for future analysis/research?
- Suggestions for policy-related action?