

ASSEMBLY BILL

No. 2489

Introduced by Assembly Member Leno

February 23, 2006

An act to amend Section 42921 of, to add Sections 66025.1, 69433.2, and 90001.5 to, and to add Article 6.5 (commencing with Section 92660) to Chapter 6 of Part 57 of Division 9 of, the Education Code, relating to foster youth.

LEGISLATIVE COUNSEL'S DIGEST

AB 2489, as introduced, Leno. Foster youth: educational services.

(1) Under existing law, 6 unified school districts and consortia operating children services program sites that provide instruction, counseling, tutoring, and related services for foster children receive an allowance from the State School Fund. Existing law also authorizes other school districts to provide educational services for foster children who reside in a regularly established licensed or approved foster home, located within the boundaries of a program site, pursuant to a commitment by a juvenile court. Existing law provides for funding for those other school districts for the provision of those services in any fiscal year, upon appropriation from the General Fund, or, if sufficient funds are available, from the Foster Children and Parent Training Fund.

This bill would, instead, provide that in addition to the 6 specified program sites, any other county office of education, consortium of school districts in cooperation with the county office of education, or consortium of county offices of education, may elect to apply to the Superintendent of Public Instruction for grant funding, to the extent funds are available, to operate an education-based foster youth services program to provide educational services for foster children.

The bill would require, if sufficient funds are available, these programs to have at least one educational services advocate, and would specify the duties to be performed by these advocates. It would set priorities for the services to be delivered by these programs.

(2) Existing law establishes categories of students for whom mandatory systemwide fees or tuition at the University of California, the California State University, and the California Community Colleges are waived. These provisions apply to the University of California only to the extent that the Regents of the University of California act, by resolution, to make them applicable.

The bill would establish a waiver from mandatory systemwide fees or tuition at the University of California, the California State University, and the California Community Colleges, for resident foster youth who resided in foster care at age 14 or older. That provision would apply to the University of California only to the extent that the Regents of the University of California acts, by resolution, to make it applicable. To the extent that this bill would require community colleges to adjust their procedures for calculating enrollment fees, it would impose a state-mandated local program

(3) The Ortiz-Pacheco-Poochigian-Vasconcello Cal Grant Act establishes the Cal Grant A and B entitlement awards and the California Community College Transfer Entitlement awards, under the administration of the Student Aid Commission, and establishes eligibility requirements for awards under these programs for participating students attending qualifying institutions. The act requires an applicant to complete a financial aid application to determine eligibility, including grade point average and certain financial information.

This bill would exempt a person who resided in a regularly established licensed or approved foster home at 14 years of age or older, and who is accepted to a public postsecondary education institution in this state, from the requirements to submit a grade point average and information to determine financial need on an official financial aid application for the purposes of the program.

(4) Existing law imposes certain requirements on the California State University with respect to student housing.

This bill would require a state university that maintains student housing facilities open for occupation on a year-round basis to give priority to emancipated foster youth, as defined. The bill would apply a similar provision to the University of California only to the extent

that the Regents of the University of California act, by resolution, to make it applicable.

(5) The bill would make statements of legislative intent relating to the establishment and provision of funding for a matching program for federal Chaffee Higher Education Grants for foster youth. The provisions of the bill would be known as the Foster Youth Higher Education Preparation and Support Act of 2006.

(6)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 these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

1 SECTION 1. This act shall be known and may be cited as the
2 “Foster Youth Higher Education Preparation and Support Act of
3 2006.”

4 SEC. 2. (a) It is the intent of the Legislature to establish and
5 provide funding through the state budget process for a matching
6 program for federal Chaffee Higher Education Grants for foster
7 youth to fulfill the commitment of support to foster youth that
8 continue on to higher education.

9 (b) It is the further intent of the Legislature to make federal
10 Chaffee Higher Education Grants available to foster youth
11 recipients in advance of the adoption of the federal budget in
12 October.

13 SEC. 3. Section 42921 of the Education Code is amended to
14 read:

15 42921. (a) In addition to the six program sites specified in
16 Section 42920, ~~any other school district may provide educational~~
17 ~~services for children who reside in a regularly established~~
18 ~~licensed or approved foster home, located within the boundaries~~
19 ~~of the program site, pursuant to a commitment for placement~~
20 ~~under Chapter 2 (commencing with Section 200) of Part 1 of~~

1 ~~Division 1 of the Welfare and Institutions Code~~ other county
 2 office of education, consortium of school districts in cooperation
 3 with the county office of education, or consortium of county
 4 offices of education may elect to apply to the Superintendent of
 5 Public Instruction for grant funding, to the extent funds are
 6 available, to operate an education-based foster youth services
 7 program to provide educational services for children who reside
 8 in a regularly established licensed or approved foster home
 9 located within the boundaries of the program site.

10 (b) Each foster youth services program operated pursuant to
 11 this chapter shall, if sufficient funds are available, have at least
 12 one person identified as the foster youth educational services
 13 advocate, who shall facilitate the provision of educational
 14 services pursuant to subdivision (d) to any foster child in the
 15 county who is either under the jurisdiction of the juvenile court
 16 pursuant to Section 300 of the Welfare and Institutions Code or
 17 under the jurisdiction of the juvenile court pursuant to Section
 18 601 or 602 of the Welfare and Institutions Code who is placed in
 19 a group home, to the extent that funding is made available for the
 20 provision of these services. A program operated pursuant to this
 21 chapter may prescribe the methodology for determining which
 22 children may be served. Applicable methodologies may include,
 23 but are not limited to, serving specific age groups, serving
 24 children in specific geographic areas of the county or counties in
 25 which the program operates, or serving the children with the
 26 greatest need.

27 (c) The responsibilities of the foster youth educational services
 28 advocate shall include, but shall not be limited to:

29 (1) Working with the child welfare agency to minimize
 30 changes in school placement.

31 (2) Facilitating the prompt transfer of educational records,
 32 including the health and education passport, between
 33 educational institutions when placement changes are necessary.

34 (3) Providing information to the child welfare agency to assist
 35 the child welfare agency to deliver services to foster children,
 36 including, but not limited to, information required for inclusion
 37 in court reports by Section 16010 of the Welfare and Institutions
 38 Code.

1 (4) Responding to requests from the juvenile court for
2 information and working with the court to ensure the delivery or
3 coordination of necessary educational services.

4 (5) Working to obtain and identify, and link children to,
5 mentoring, tutoring, transitional services, vocational training,
6 emancipation services, and other services designed to enhance
7 the educational prospects of foster children.

8 (6) Facilitating communication between the foster care
9 provider, the teacher, and any other school staff or education
10 service providers for the child.

11 (7) Sharing information with the foster care provider
12 regarding available training programs that address education
13 issues for children in foster care.

14 (8) Referring caregivers of foster youth who have special
15 education needs to the Community Alliance or other special
16 education advocates and others who have helpful information on
17 special education.

18 (d) Each foster youth services program operated pursuant to
19 this chapter shall include guiding principles that establish a
20 hierarchy of services, in accordance with the following order:

21 (1) Provide, or arrange for the referral to, tutoring services
22 for foster youth.

23 (2) Provide, or arrange for the referral to, services that meet
24 local needs identified through collaborative relationships and
25 local advisory groups, which may include, but shall not be
26 limited to, all of the following:

27 (A) Mentoring.

28 (B) Counseling.

29 (C) Transitioning services.

30 (D) Emancipation services.

31 (3) Facilitation of timely individualized education programs
32 and all special education services.

33 (4) Establishing collaborative relationships and local advisory
34 groups.

35 (5) Establishing a mechanism for the efficient and expeditious
36 transfer of health and education records and the health and
37 education passport.

38 SEC. 4. Section 66025.1 is added to the Education Code, to
39 read:

1 66025.1. (a) No campus of the University of California, the
2 California State University, or the California Community
3 Colleges shall charge any mandatory systemwide tuition or fees,
4 including enrollment fees, registration fees, differential fees, or
5 incidental fees, to a foster youth who resided in foster care at age
6 14 or older.

7 (b) The waiver of tuition or fees under this section shall apply
8 only to a person who is determined to be a resident of California
9 pursuant to Chapter 1 (commencing with Section 68000) of Part
10 41.

11 (c) No provision of this section shall apply to the University of
12 California except to the extent that the Regents of the University
13 of California, by appropriate resolution, make that provision
14 applicable.

15 SEC. 5. Section 69433.2 is added to the Education Code, to
16 read:

17 69433.2. Notwithstanding Section 69432.9 or 69433, or any
18 other provision of this chapter, a person who resided in a
19 regularly established licensed or approved foster home at 14
20 years of age or older, and who is accepted to a public
21 postsecondary education institution in this state, shall not be
22 required to submit any of the following information on an official
23 financial aid application for the purposes of this chapter:

24 (a) Grade point average.

25 (b) Information to determine financial need.

26 SEC. 6. Section 90001.5 is added to the Education Code, to
27 read:

28 90001.5. A state university that maintains student housing
29 facilities open for occupation on a year-round basis shall give
30 priority to emancipated foster youth, as defined in Section
31 11403.1 of the Welfare and Institutions Code.

32 SEC. 7. Article 6.5 (commencing with Section 92660) is
33 added to Chapter 6 of Part 57 of Division 9 of the Education
34 Code, to read:

35

36

Article 6.5. Housing

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38 92660. (a) A university that maintains student housing
39 facilities open for occupation on a year-round basis shall give

1 priority to emancipated foster youth, as defined in Section
2 11403.1 of the Welfare and Institutions Code.

3 (b) Subdivision (a) shall not apply to the University of
4 California except to the extent that the Regents of the University
5 of California, by appropriate resolution, make that provision
6 applicable.

7 SEC. 8. If the Commission on State Mandates determines that
8 this act contains costs mandated by the state, reimbursement to
9 local agencies and school districts for those costs shall be made
10 pursuant to Part 7 (commencing with Section 17500) of Division
11 4 of Title 2 of the Government Code.

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