

AMENDED IN ASSEMBLY MAY 4, 2015

AMENDED IN ASSEMBLY APRIL 14, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 854

Introduced by Assembly Member Weber

February 26, 2015

An act to amend Sections 42920.5, 42921, 42922, 42923, and 42924 of, to add Sections 42921.5, 42926, and 42927 to, and to repeal and add Sections 42920 and 42925 of, the Education Code, relating to educational services.

LEGISLATIVE COUNSEL'S DIGEST

AB 854, as amended, Weber. Educational services: pupils in foster care.

(1) Existing law requires 6 specified foster children services program sites to receive a certain allowance that is required to be used exclusively for foster children services. Existing law authorizes any county office of education, or consortium of county offices of education, to apply to the Superintendent of Public Instruction for grant funding, to the extent the funds are available, to operate an education-based foster youth services program to provide educational and support services for foster children who reside in a licensed foster home or county-operated juvenile detention facility, as specified.

This bill would instead authorize a county office of education, or consortium of county offices of education, in addition to the 6 specified program sites, to apply to the Superintendent for grant funding, to the extent funds are available, to operate an education-based foster youth services program to provide educational support for pupils in foster

care. The bill also would provide, commencing with the 2016–17 fiscal year, that each of the 6 specified program sites shall receive, in addition to their local control funding formula apportionment, an allowance equal to the amount the school district spent on foster children service programs in the 2014–15 fiscal year.

(2) Existing law also requires each foster youth services program to identify at least one person as the foster youth educational services coordinator, if sufficient funds are available, and assigns the foster youth educational services coordinator certain responsibilities, and requires him or her to facilitate the provision of educational services, as provided, to certain foster youth. Existing law authorizes a foster youth services program to prescribe a methodology for determining which pupils may be served.

This bill would instead require the identified foster youth educational services coordinator to facilitate the provision of educational support to any pupil in foster care residing or attending school in the county, as specified. The bill would authorize a foster youth services program, in consultation with ~~school districts~~, *local educational agencies*, the county social services agency, and the county probation department, to prescribe the methodology for designing specific educational supports for pupils in foster care, as specified. The bill would require each foster youth services program to develop and implement a foster youth services plan, as specified, and to work with its county office of education to ensure the implementation of certain portions of county and school district local control and accountability plans, as specified. The bill would require each foster youth services program to establish a local interagency Executive Advisory Council, as provided. The bill would require each school district or charter school to designate a schoolsite-based staff person as a liaison to pupils in foster care if a schoolsite has one or more pupils in foster care, and to provide the liaison's contact information to the school district foster youth services coordinator and the county foster youth services coordinator. By imposing additional duties on school districts and charter schools, the bill would impose a state-mandated local program.

(3) Existing law requires the Superintendent, by February 15 of each even-numbered year, to report to the Legislature and the Governor on the foster children services provided by school districts, as specified, and requires each school district providing foster children services to report to the Superintendent, by January 1 of each even-numbered year,

any information the Superintendent may require for purposes of preparing the report.

The bill would instead require each county office of education providing foster youth services to report to the Superintendent, by January 1 of each even-numbered year, any information the Superintendent may require and that is accessible to the foster youth services program for purposes of preparing the report that is submitted to the Legislature and the Governor by February 15 of each even-numbered year, and would require the report to include different information, including aggregate educational outcome data, as specified.

(4) Existing law provides that any school district which provides educational services for foster children pursuant to the provisions above shall receive funding in any fiscal year for those services only by such sums as may be specifically appropriated by the annual Budget Act of the Legislature for that fiscal year for support of those school-centered foster children services which provide program effectiveness and potential cost savings to the state.

This bill would instead provide that a county office of education that provides educational support for pupils in foster care shall receive funding in any fiscal year for that support only by such sums as may be specifically appropriated by the annual Budget Act of the Legislature for that fiscal year for support of foster youth services programs that provide pupils in foster care with supplemental educational support. The bill also would require county offices of education with a foster youth services program, to the extent possible, to develop and enter into a memorandum of understanding, contract, or formal agreement with the county child welfare agency to leverage funding, as specified.

(5) This bill also would require the Superintendent to identify a State Foster Youth Services Director within the State Department of Education who would have certain responsibilities related to foster youth services programs, and would authorize the State Foster Youth Services Director to form an advisory committee, as specified. The bill would also authorize the Superintendent to provide funding to one or more local educational agencies to work with the State Foster Youth Services Director to provide the statewide technical support needed to improve the educational success of pupils in foster care, as specified.

(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. Section 42920 of the Education Code is repealed.
2 SEC. 2. Section 42920 is added to the Education Code, to read:
3 42920. The Legislature finds and declares all of the following:
4 (a) Pupils in foster care represent one of the most vulnerable
5 and academically at-risk pupil groups enrolled in California
6 schools. The academic status of pupils in foster care is often
7 profoundly impacted by the foster care system in which many
8 pupils in foster care experience multiple placements with an
9 average frequency of one placement change every six months. Due
10 to this movement, pupils in foster care lose an average of four to
11 six months of educational attainment with each move. Therefore,
12 it is essential to recognize, identify, and plan for the critical and
13 unique educational needs of pupils in foster care.
14 (b) A high percentage of pupils in foster care are working
15 substantially below grade level, and over one-half of the pupils in
16 foster care are retained at least one year in the same grade level.
17 Pupils in foster care earn lower grades and achieve lower scores
18 on standardized achievements tests in reading and mathematics,
19 have lower levels of engagement in school, and are half as likely
20 as pupils not in foster care to be involved in extracurricular
21 activities. The long-term consequences of poor academic
22 experiences are significant. Pupils in foster care are twice as likely
23 as pupils not in foster care to drop out of school before graduation
24 and only 45 percent of pupils in foster care have graduated from
25 high school at the time of emancipation. Foster youth are similarly
26 under represented in college enrollment rates and dramatically
27 underperform their peers in relation to college completion. Pupils
28 in foster care are also subject to disproportionate levels of
29 disciplinary measures, including suspension and expulsion. It is
30 imperative that California close the foster youth achievement gap
31 so that pupils in foster care can realize their full potential, reach

1 their college and career goals, and become independent, productive
2 members of society.

3 (c) Foster youth are an especially vulnerable pupil population,
4 as they are often also members of other underserved pupil groups.
5 In 2013, the demographic data of pupils in foster care in California
6 were as follows:

7 (1) The largest ethnic group amongst pupils in foster care was
8 Hispanic, with nearly half of the population.

9 (2) African American and Native American pupils continue to
10 be disproportionately represented in the child welfare system, as
11 researchers found that 26 percent of pupils in foster care were
12 African American despite African Americans only accounting for
13 7 percent of the pupil population in California, and 2 percent of
14 pupils in foster care were Native American despite Native
15 Americans only accounting for 1 percent of the pupil population
16 in California.

17 (3) Nearly one in five pupils in foster care had special education
18 needs, which is over twice the rate of the statewide pupil
19 population.

20 (4) More than one in ten pupils in foster care were English
21 learners.

22 (d) Compounded by the research that indicates that there is a
23 need for California to close the achievement gap between specific
24 ethnic pupil populations and white pupils, addressing the foster
25 youth achievement gap will further efforts that support education
26 equity for all pupils.

27 (e) Given their current academic status, pupils in foster care are
28 more likely to achieve to their full potential when they are provided
29 services and programs designed to meet their particular needs,
30 including, but not limited to, supplemental instruction, counseling,
31 tutoring, and other support services.

32 (f) Policies and laws addressing the educational rights of pupils
33 in foster care must be implemented so that pupils in foster care are
34 immediately enrolled in school, provided access to meaningful
35 opportunities to meet state pupil academic achievement standards
36 to which all pupils are held, and provided access to a rigorous
37 curriculum, adequately prepared to enter postsecondary education,
38 and afforded the academic resources, services, and extracurricular
39 and enrichment activities made available to other pupils enrolled
40 in California's public schools, including, but not limited to,

1 interscholastic sports administered by the California Interscholastic
2 Federation. In fulfilling their responsibilities to these pupils,
3 educators, county placing agencies, caregivers, advocates, and the
4 juvenile ~~counts~~ courts will work together to ensure that each pupil
5 is placed in the least restrictive educational environment.

6 (g) Foster youth services programs provide pupils in foster care
7 needed educational support and are a state priority.

8 SEC. 3. Section 42920.5 of the Education Code is amended to
9 read:

10 42920.5. (a) Commencing with the 2016–17 fiscal year, and
11 each fiscal year thereafter, each of the following six foster youth
12 services program sites: Elk Grove, Mount Diablo, Sacramento
13 City, San Juan, Paramount, and the Placer Nevada consortium,
14 shall receive, in addition to their local control funding formula
15 apportionment, an allowance from the amount annually transferred
16 to Section A of the State School Fund equal to the amount the
17 school district spent on foster children service programs in the
18 2014–15 fiscal year, adjusted to reflect cost-of-living increases by
19 the total percentage increase received by all categorical education
20 programs. In no event shall this cost-of-living adjustment exceed
21 the inflation adjustment provided pursuant to Section 42238.

22 (b) This allowance shall be used exclusively for foster children
23 services.

24 (c) The six program sites may continue to record revenue
25 received pursuant to this subdivision in the same manner used to
26 record revenue received for foster children services in the 1981–82
27 fiscal year.

28 (d) The six program sites shall maintain their foster children
29 services programs in fiscal year 1995–96 and each subsequent
30 fiscal year at a program level comparable to that at which they
31 administered those programs in fiscal year 1994–95.

32 SEC. 4. Section 42921 of the Education Code is amended to
33 read:

34 42921. (a) In addition to the six program sites specified in
35 Section 42920.5, a county office of education, or consortium of
36 county offices of education, may elect to apply to the
37 Superintendent for grant funding, to the extent funds are available,
38 to operate an education-based foster youth services program to
39 provide educational support for pupils in foster care.

1 (b) Each foster youth services program operated pursuant to
2 this chapter, shall have at least one person identified as the foster
3 youth educational services coordinator. The foster youth
4 educational services coordinator shall facilitate the provision of
5 educational support pursuant to subdivision (e) to any pupil in
6 foster care residing or attending school in the county.

7 (c) For purposes of this chapter, a pupil in foster care means a
8 foster youth, as defined in paragraph (b) of Section 42238.01 or a
9 foster child who resides in a county-operated juvenile detention
10 facility.

11 (d) (1) It is the intent of the Legislature that pupils in foster
12 care with the greatest need for services be identified as the first
13 priority for foster youth services.

14 (2) In consultation with ~~school districts~~, *local educational*
15 *agencies*, the county social services agency, and the county
16 probation department, a foster youth services program operated
17 pursuant to this chapter may prescribe the methodology for
18 designing specific supports for pupils in foster care, including,
19 guiding principles that establish a hierarchy of services. In doing
20 so, applicable methodologies may include, but are not limited to,
21 the needs of specific age groups, pupils in foster care in specific
22 geographic areas with the highest concentration of pupils in foster
23 care, and pupils in foster care with the greatest academic need. A
24 foster youth services program is encouraged to first provide
25 services for pupils in foster care who reside in group homes,
26 institutional settings, or other placements with pupils with high
27 academic needs, as determined by the local Executive Advisory
28 Council.

29 (e) Each foster youth services program operated pursuant to this
30 chapter shall develop and implement a foster youth services plan.
31 The plan shall document how the program will, to the extent
32 possible, do the following:

33 (1) Collaborate with county child welfare agencies, county
34 probation departments, and ~~school districts~~ *local educational*
35 *agencies* to minimize changes in school placement and support
36 the implementation of subdivision (c) of Section 48853. To the
37 extent possible, the foster youth services program may pay for the
38 cost of transportation to support this paragraph.

39 (2) Collaborate with county child welfare agencies, county
40 probation departments, and ~~school districts~~ *local educational*

1 agencies so that when it is in the best interests of a pupil in foster
 2 care to transfer schools, transfers are done at an educationally
 3 appropriate time, educational records are quickly transferred,
 4 appropriate partial credits are awarded, and the pupil in foster care
 5 is quickly enrolled in appropriate classes.

6 (3) In an effort to support the educational achievement of pupils
 7 in foster care, how they will do the following:

8 (A) Collaborate with county child welfare agencies, county
 9 probation departments, and ~~school districts~~ *local educational*
 10 *agencies* to ensure pupils in foster care have an active education
 11 team that, to the extent possible, may include an educational rights
 12 holder, caregiver, social worker, teacher, counselor, ~~court appointed~~
 13 *court-appointed* special advocate, other stakeholders, and the pupil,
 14 if appropriate.

15 (B) Participate in education teams as is helpful and needed. *For*
 16 *purposes of this section, “education teams” includes, but is not*
 17 *limited to, existing education teams such as individualized*
 18 *education program teams, student success teams, student study*
 19 *teams, and multidisciplinary teams. Nothing in this section shall*
 20 *be construed to prevent local educational agencies from*
 21 *establishing additional education teams.*

22 (C) Help the education team assess the educational strengths
 23 and needs of the pupil in foster care, and help develop, monitor,
 24 and update an education plan based on those strengths and needs.
 25 *For purposes of this section, “education plans” includes, but is*
 26 *not limited to, existing education plans such as individualized*
 27 *education programs, student success plans, and multidisciplinary*
 28 *team plans. Nothing in this section shall be construed to prevent*
 29 *local educational agencies from establishing additional education*
 30 *plans.*

31 (D) Provide tutoring, mentoring, counseling, transition,
 32 school-based social work, and emancipation services, if those
 33 services are established as needed and identified by the local
 34 Executive Advisory Council to ensure that the services are aligned
 35 with local control and accountability plan priorities and the county
 36 child welfare agency, county probation department, or ~~school~~
 37 ~~district~~ *local educational agency* are unable to provide those
 38 services.

39 (E) Maintain information on all of the following for purposes
 40 of ensuring that pupils in foster care, educational rights holders,

- 1 and other education team members are informed of all available
2 opportunities:
- 3 (i) Available schools to ensure appropriate placement.
 - 4 (ii) Educational programs, including linked learning programs
5 and special education programs.
 - 6 (iii) English learner programs.
 - 7 (iv) After school and summer enrichment opportunities.
 - 8 (v) Other appropriate supports and services.
- 9 (F) Maintain information on postsecondary educational
10 institutions, career and technical education programs, and
11 postsecondary opportunities for purposes of ensuring that pupils
12 in foster care, educational ~~right holders~~ *holders*, and other members
13 of the education team have the information necessary to support
14 access to postsecondary education, career program, and related
15 supports, including financial aid.
- 16 (G) Collaborate with local postsecondary educational
17 institutions, including the California Community Colleges, the
18 California State University, and the University of California, and
19 with county independent living programs to facilitate a seamless
20 transition from high school to postsecondary educational
21 institutions, and provide pupils in foster care currently enrolled in
22 high school with assistance with college application, matriculation,
23 and financial aid.
- 24 (4) Facilitate, on behalf of individual pupils in foster care, to
25 ensure:
- 26 (A) Transfer of records.
 - 27 (B) Transcript analysis.
 - 28 (C) Credit recovery.
 - 29 (D) Timely individualized education programs in collaboration
30 with the ~~school district~~ *local educational agency* in accordance
31 with the federal Individuals with Disabilities Education Act (20
32 U.S.C. Sec. 1400 et seq.) and all special education services.
 - 33 (E) Timely placement in English learner programs, in
34 collaboration with ~~school districts~~, *local educational agencies*, as
35 needed.
 - 36 (F) Enrollment in, or transition to, comprehensive schools or
37 the least restrictive educational placements, when appropriate.
 - 38 (G) Education entitlements specific to pupils in foster care are
39 provided, including, but not limited to, receiving partial credits,
40 the right to attend the pupil's school of origin, access to

1 extracurricular and enrichment activities, including, but not limited
 2 to, interscholastic sports administered by the California
 3 Interscholastic Federation made available to all other pupils, and
 4 graduation requirements.

5 (5) Collaborate with ~~school districts~~, *local educational agencies*,
 6 county child welfare agencies, juvenile courts, county probation
 7 departments, and special education local plan areas in an effort to
 8 have pupils in foster care have an identified educational rights
 9 holder with the capacity to support educational success by:

10 (A) Helping a ~~school district~~ *local educational agency* identify
 11 the educational rights holder of a pupil in foster care.

12 (B) Collaborating with county child welfare agencies and county
 13 probation departments to identify a responsible adult familiar with
 14 the pupil in foster care to serve as the pupil’s educational rights
 15 holder.

16 (C) Recruiting volunteer educational rights holders to be used
 17 only after the county child welfare agency, county probation
 18 department, and juvenile court have taken every reasonable effort
 19 to find a responsible adult familiar with the pupil in foster care to
 20 serve as the pupil’s educational rights holder.

21 (D) Training and building the capacity of biological parents,
 22 foster parents, and all other educational rights holders to support
 23 educational success, including, but not limited to, the provision of
 24 information related to requirements for postsecondary education
 25 application, matriculation, enrollment, and financial aid.

26 (6) Collaborate with county child welfare agencies, county
 27 probation departments, and ~~school districts~~ *local educational*
 28 *agencies* to facilitate information sharing, to the extent possible.
 29 This includes, but is not limited to:

30 (A) Collaborating with county child welfare agencies and county
 31 probation departments to develop, monitor, and regularly update
 32 the education portion of child welfare and probation case plans.

33 (B) Providing education related information to the county child
 34 welfare agency to assist the county child welfare agency in
 35 delivering services to foster children, including, but not limited
 36 to, education status and progress information required to be
 37 included in court reports.

38 (C) Responding to requests from the juvenile court for
 39 information and working with the juvenile court to ensure the
 40 coordination and delivery of necessary educational services.

1 (D) Establishing a mechanism for the efficient and expeditious
2 transfer of health and education records, and the health and
3 education passport.

4 (7) Support interagency efforts to improve the educational
5 outcomes of pupils in foster care, to the extent possible. This
6 includes, but is not limited to:

7 (A) Collaborating with county child welfare agencies, county
8 probation departments, and ~~school districts~~ *local educational*
9 *agencies* to gather and analyze aggregate information on the
10 educational challenges and outcomes of pupils in foster care.

11 (B) Facilitating communication and collaboration between
12 ~~school districts~~ *local educational agencies* and county agencies,
13 including, but not limited to, the county child welfare agencies,
14 county probation departments, county mental health agencies, and
15 courts within a county.

16 (C) Providing training and technical assistance to ~~school~~
17 ~~districts~~, *local educational agencies*, governing boards of school
18 districts, county child welfare agencies, county probation
19 departments, and county mental health agencies.

20 (D) Collaborate with local colleges and universities to facilitate
21 a seamless transition from secondary to postsecondary educational
22 institutions, and provide pupils in foster care currently enrolled in
23 high school with assistance with college application, matriculation,
24 and financial aid applications.

25 (f) Each foster youth services program operated pursuant to this
26 chapter shall work with their county office of education to ensure
27 the implementation of subdivision (c) of Section 52060 and
28 subdivision (c) of Section 52066 for pupils in foster care. In doing
29 so, the foster youth services programs may consider, but are not
30 limited to, the following in their support of ~~school districts~~ *local*
31 *educational agencies* in developing and implementing the specific
32 actions and strategies to support the educational achievement of
33 pupils in foster care:

34 (1) Ensuring that the ~~school district~~ *local educational agency*
35 has the necessary infrastructure to support the educational success
36 of pupils in foster care, which may include, but is not limited to,
37 local policies, practices, and agreements.

38 (2) Providing the ~~school district's~~ *local educational agency's*
39 foster youth liaison with additional resources to increase the
40 liaison's capacity to execute his or her responsibilities.

1 (3) Maintaining information on educational programs, supports,
2 and services provided by the ~~school district~~, *local educational*
3 *agency*, including, but not limited to, linked learning and career
4 pathways programs, credit-recovery classes, after school classes,
5 school tutoring resources, California High School Exit Examination
6 tutoring resources, other remediation services, school social worker
7 counseling, school-based mental health services, in-school
8 therapeutic services, summer enrichment opportunities, support
9 services offered to lesbian, gay, bisexual, transgender, and gender
10 nonconforming youth, ~~summer enrichment opportunities~~, college
11 planning, and financial aid workshops and counseling.

12 (4) Regularly assessing the educational strengths and needs of
13 pupils in foster care.

14 (5) Developing, monitoring, and regularly updating education
15 plans for a pupil in foster care that lists the strengths and needs,
16 goals and objectives, and the programs, supports, and services the
17 pupil in foster care will receive.

18 (6) Ensuring that each pupil in foster care receives the programs,
19 supports, or services needed by the pupil to succeed academically.

20 (7) Monitoring the educational progress of a pupil in foster care
21 and notifying the appropriate education support team of significant
22 changes.

23 (g) Each foster youth services program operated pursuant to
24 this chapter shall establish a local interagency Executive Advisory
25 Council.

26 (1) The Executive Advisory Council shall include
27 representatives from the county child welfare agency, the county
28 probation department, ~~school districts~~, *local educational agencies*,
29 local postsecondary educational institutions, and community
30 organizations. If possible, the Executive Advisory Council may
31 include, but is not limited to, foster youth, caregivers, educational
32 rights holders, dependency attorneys, court representatives,
33 *court-appointed special advocates*, and other interested
34 stakeholders.

35 (2) The foster youth services coordinator shall be a permanent
36 member of the Executive Advisory Council.

37 (3) The Executive Advisory Council shall regularly review the
38 recommendations to the foster youth services plan required
39 pursuant to subdivision (e). In the event of a disagreement, the

1 Executive Advisory Council may ask the State Foster Youth
2 Services Director to mediate a solution.

3 SEC. 5. Section 42921.5 is added to the Education Code, to
4 read:

5 42921.5. Each school district or charter school receiving funds
6 pursuant to Section 42238.02 shall designate a schoolsite-based
7 staff person to serve as a liaison to pupils in foster care if the
8 schoolsite has one or more identified pupils in foster care. Each
9 such school district and charter school shall provide contact
10 information for each schoolsite liaison to the school district foster
11 youth liaison and the county foster youth services coordinator.

12 SEC. 6. Section 42922 of the Education Code is amended to
13 read:

14 42922. (a) A county office of education that provides
15 educational support for pupils in foster care pursuant to Section
16 42921 shall receive funding in any fiscal year for that support only
17 by such sums as may be specifically appropriated by the annual
18 Budget Act of the Legislature for that fiscal year for support of
19 the foster youth services programs that provide pupils in foster
20 care with supplemental educational support.

21 (b) The Legislature may appropriate moneys from the General
22 Fund for this purpose, or, if sufficient funds are available, from
23 the Foster Children and Parent Training Fund pursuant to the
24 provisions of Section 903.7 of the Welfare and Institutions Code.

25 SEC. 7. Section 42923 of the Education Code is amended to
26 read:

27 42923. (a) Each county office of education providing foster
28 youth services pursuant to this chapter shall, by January 1 of each
29 even-numbered year, report to the Superintendent any information
30 as may be required by the Superintendent and as accessible to the
31 foster youth services program for purposes of subdivision (b).

32 (b) The Superintendent shall, by February 15 of each
33 even-numbered year, report to the Legislature and the Governor
34 on the foster youth services programs. The report shall be prepared
35 with the advice and assistance of providers of foster youth services
36 and shall include, but not be limited to, the following:

37 (1) Recommendations regarding the continuation of the foster
38 youth services programs.

1 (2) Recommendations regarding the effectiveness of the foster
2 youth services programs, unless program effectiveness is assessed
3 in another report covering the same time period.

4 (3) Recommendations regarding the broadening of the
5 application of those services and any changes to foster youth
6 services programs that would make them more effective.

7 (4) Aggregate educational outcome data for each county in
8 which there were at least 15 pupils in foster care who attended
9 school in the county, with information on each of the following
10 indicators:

11 (A) The number of pupils in foster care who attended school in
12 the county.

13 (B) The academic achievement of the pupils in foster care who
14 attended school in the county.

15 (C) The number of pupils in foster care who were suspended
16 or expelled.

17 (D) The number of pupils in foster care who were placed in a
18 juvenile hall, camp, ranch, or other county-operated juvenile
19 detention facility because of an incident of juvenile delinquency.

20 (E) The truancy rates, attendance rates, and dropout rates for
21 pupils in foster care.

22 (F) (i) The number of pupils in foster care participating in foster
23 youth services programs pursuant to this chapter who successfully
24 transition to postsecondary education.

25 (ii) The department shall collaborate with the Chancellor of the
26 California Community Colleges and the Chancellor of the
27 California State University to identify indicators that can be used
28 to track access to postsecondary education for pupils in foster care
29 participating in a foster youth services program pursuant to this
30 chapter.

31 (5) Whenever possible, the data in the report shall be the same
32 data that is used by the Superintendent in determining the
33 Academic Performance Index or in developing the report required
34 pursuant to Section 49085.

35 (6) A discussion of the meaning and implications of the
36 indicators contained in paragraph (4).

37 SEC. 8. Section 42924 of the Education Code is amended to
38 read:

39 42924. Any funds allocated to county offices of education for
40 foster youth services pursuant to Section 42922 shall be used only

1 for foster youth services and any funds not used by school districts
2 or county offices of education for those services shall revert to the
3 state General Fund.

4 SEC. 9. Section 42925 of the Education Code is repealed.

5 SEC. 10. Section 42925 is added to the Education Code, to
6 read:

7 42925. (a) Each county office of education with a foster youth
8 services program operated pursuant to this chapter shall, to the
9 extent possible, develop and enter into a memorandum of
10 understanding, contract, or formal agreement with the county child
11 welfare agency pursuant to which foster youth services program
12 funds shall be used, to the maximum extent possible, to leverage
13 funds received pursuant to Title IV–E of the federal Social Security
14 Act (42 U.S.C. Sec. 670 et seq.) and any other funds that may be
15 used to specifically address the educational needs of pupils in
16 foster care, or they shall jointly explain in writing, annually, why
17 a memorandum of understanding is not practical or feasible.

18 (b) To the extent possible, each foster youth services program
19 is encouraged to consider leveraging other local funding
20 opportunities to support the educational success of pupils in foster
21 care.

22 SEC. 11. Section 42926 is added to the Education Code, to
23 read:

24 42926. (a) The Superintendent shall identify a State Foster
25 Youth Services Director within the department who shall be
26 responsible for all of the following:

27 (1) Monitoring implementation of this chapter.

28 (2) Facilitating the data sharing and reporting described in
29 Section 49085.

30 (3) Representing the department in policy and interagency
31 workgroups related to the educational success of pupils in foster
32 care, that may include, but is not limited to, collaborating with
33 child welfare, probation, and judicial agencies.

34 (4) Overseeing the technical assistance described in Section
35 42927.

36 (5) Providing technical support and mediation to foster youth
37 services programs and their oversight boards.

38 (6) Review a county office of education's local control and
39 accountability plan as it relates to foster youth.

1 (b) The State Foster Youth Services Director may form an
2 advisory committee to provide consultation to the State Foster
3 Youth Services Director in regards to the responsibilities described
4 in subdivision (a).

5 SEC. 12. Section 42927 is added to the Education Code, to
6 read:

7 42927. (a) The Superintendent may provide funding to one or
8 more local educational agencies to work with the State Foster
9 Youth Services Director to provide statewide technical support to
10 ensure educational, child welfare, and judicial agencies receive
11 the technical support needed to improve the educational success
12 of pupils in foster care.

13 (b) Technical assistance may include, but is not limited to, the
14 following areas:

15 (1) State and local data sharing, and appropriate use of shared
16 data.

17 (2) Improving county office of education foster youth services
18 programs.

19 (3) ~~Assisting school districts~~ *local educational agencies* to
20 develop and implement specific actions and to increase the
21 academic performance of pupils in foster care, as required by
22 subdivision (c) of Section 52060.

23 (4) Policy and legal guidance specific to pupils in foster care.

24 (c) Funding for the technical assistance described in this section
25 may come from the foster youth services budget appropriated by
26 the annual Budget Act, as determined by the Superintendent, but
27 shall be no more than 5 percent of the foster youth services budget
28 allocation for the applicable fiscal year. The remainder of the foster
29 youth services budget shall be apportioned to county offices of
30 education operating foster youth services programs in accordance
31 with Section 42921.

32 SEC. 13. If the Commission on State Mandates determines
33 that this act contains costs mandated by the state, reimbursement
34 to local agencies and school districts for those costs shall be made
35 pursuant to Part 7 (commencing with Section 17500) of Division
36 4 of Title 2 of the Government Code.

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