

AMENDED IN ASSEMBLY APRIL 26, 2007

AMENDED IN ASSEMBLY APRIL 12, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1578

Introduced by Assembly Member Leno
(Coauthor: Senator Simitian)

February 23, 2007

An act to amend Sections 42923 and 69435 of, to add Section 90001.5 to, to add Article 1.5 (commencing with Section 76010) to Chapter 1 of Part 47 of Division 7 of, to add Article 5.5 (commencing with Section 89348) to Chapter 3 of Part 55 of Division 8 of ~~Title 3 of~~, and to add Article 6.5 (commencing with Section 92660) to Chapter 6 of Part 57 of Division 9 of, Title 3 of, the Education Code, relating to foster youth.

LEGISLATIVE COUNSEL'S DIGEST

AB 1578, as amended, Leno. Foster Youth Higher Education Preparation and Support Act of 2007: California Competitive Grant Program.

(1) Under existing law, 6 unified school districts and consortia operating children's 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 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, which would be known as the Foster Youth Higher Education Preparation and Support Act of 2007, would make statements of legislative intent relating to the establishment and provision of service and financial support necessary to help foster youth achieve their educational goals.

(2) Existing law requires each school district providing foster children services to report specified information to the Superintendent of Public Instruction by January 1 of each even-numbered year. The Superintendent is required to submit a report that includes various recommendations and assessments of the educational services to the Legislature and Governor by February 15 of each even-numbered year.

This bill would require that in addition to the 6 specified program sites, each county office of education or consortium of county offices of education providing education-based foster youth services report to the Superintendent by January 1 of each even-numbered year. The bill would require the Superintendent to include in its report to the Legislature and the Governor additional information on education-based foster youth services.

(3) The Ortiz-Pacheco-Poohigian-Vasconcellos 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 California Student Aid Commission, and establishes eligibility requirements for awards under these programs for participating students attending qualifying institutions. An existing provision of the act prohibits more than 2% of new Cal Grant B award recipients enrolling for the first time in an institution of postsecondary education from being eligible for payments for tuition or fees, or both, in their first academic year of attendance.

This bill would, instead specify that 2% of those new Cal Grant B recipients enrolling for the first time in an institution of postsecondary education are eligible for those payments and would, authorize new Cal Grant B award recipients who are current or former foster youth enrolling for the first time in an institution of postsecondary education to be eligible for payments of tuition and fees, or both, in their first academic year of attendance.

(4)

(4) *Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California*

Community Colleges. Existing law establishes community college districts throughout the state, and authorizes them to provide instruction to students at community college campuses.

This bill would request community college campuses to give priority for housing to current and former foster youth. The bill would also request community college campuses that maintain student housing facilities open for occupation during school breaks, or on a year-round basis, to give first priority to current and former foster youth for residence in the housing facilities that are open for uninterrupted year-round occupation, and next give priority to current and former foster youth for housing that is open for occupation during the most days in the calendar year.

(5) Existing law establishes the California State University, under the administration of the Trustees of the California State University; the University of California, under the administration of the Regents of the University of California; and the California Community Colleges under the administration of the Board of Governors of the California Community Colleges, as the 3 segments of public postsecondary education in this state. Provisions of the California Constitution establish the office of Superintendent of Public Instruction, and existing statutes provide that the Superintendent is the ex officio Director of the State Department of Education.

This bill would establish the California Competitive Grant Program for the purpose of providing comprehensive support on college and university campuses to students who are *current or former foster youth*. The program would be administered by the Superintendent. The bill would authorize public postsecondary institutions to submit applications to the administrator of the program for competitive grants to fund projects intended to improve *current and former foster youth* performance and graduation rates in postsecondary education. The bill would set forth criteria to be considered in recommending projects for funding under the program. The bill would express the intent of the Legislature that all current and former foster youth who are current residents of California have their systemwide and campus fees covered by grant funds in their packages of student financial aid. With respect to the California State University, the bill would express legislative intent that, to the extent that a student of the California State University who is a current or former foster youth does not receive a Cal Grant award sufficient to cover those fees, the California State University shall provide California State University grant funds to cover all of

those fees for current and former foster youth who are otherwise eligible for institutional grant funds.

(5)

(6) 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 to give priority to current and former foster youth, as specified. 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.

(6)

(7) Existing law establishes the State Department of Social Services in the California Health and Human Services Agency.

This bill would require the department to annually notify in writing all foster youth aged 13 and older and the youth’s caregiver of the educational support available to them pursuant to this bill. The

(8) This bill would express legislative intent that new and renewal payments be made to eligible foster youth in the California Higher Education Chafee Grants program on or before ~~October 15, 2007~~ the start of Fall 2007 classes in each segment of higher education, pending adoption of the annual Budget Act. The bill would require that, if payments are not made by that date, the Student Aid Commission and the department shall report to the Legislature and the Governor by March 1, 2008, on the reasons for the failure to make timely payments. The bill would require the commission and the department to include in that report a description of the corrective actions being undertaken to prevent further delays in future years and on any necessary actions by the Legislature to support their efforts.

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

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 2007.
- 4 SEC. 2. (a) The Legislature finds and declares all of the
- 5 following:

1 (1) California’s foster youth face enormous and unique
2 challenges in their transition to adulthood and self-sufficiency.

3 (2) In many cases, foster youth do not have the support and
4 assistance enjoyed by other students as they make decisions related
5 to postsecondary education and undertake the many processes
6 associated with admission and attendance.

7 (3) The state provides a guarantee of student financial assistance
8 to meritorious, needy students through its Cal Grant entitlement
9 awards, including the Cal Grant A Entitlement Awards, the Cal
10 Grant B Entitlement Awards, and the California Community
11 College Transfer Entitlement Awards. These programs are limited
12 by strict deadlines, and provide a limited window of opportunity
13 for application. Foster youth are fully eligible for these programs
14 and are encouraged to apply.

15 (4) Foster youth may be less aware of deadlines and face other
16 barriers or circumstances that may limit or otherwise affect their
17 ability to apply for assistance or enter postsecondary education in
18 the manner required by these programs.

19 (5) It is the intent of the Legislature to remove these barriers so
20 that current and former meritorious foster youth may participate
21 more fully in the Cal Grant entitlement programs.

22 (6) It is in the best interests of the state and its foster youth to
23 provide the service and financial support necessary to help these
24 youth achieve their goals.

25 (7) Although California provides public postsecondary education
26 at a lower price than is charged for comparable education in other
27 states, foster youth still face barriers in accessing higher education,
28 including insufficient support in preparing for college, gaps in the
29 student financial aid funds targeted to pay tuition and fees, lack
30 of financial support for other costs of attendance in college, and
31 problems with residential stability during college enrollment.

32 (b) Thus, it is the intent of the Legislature to accomplish all of
33 the following:

34 (1) To coordinate outcomes reporting for local education-based
35 foster youth services programs.

36 (2) To close gaps in the mixture of California student aid
37 programs to ensure that foster youth receive sufficient financial
38 aid to pay their systemwide and campus fees at California public
39 colleges and universities.

1 SEC. 3. Section 42923 of the Education Code is amended to
2 read:

3 42923. (a) In addition to the six program sites specified in
4 Section 42920, each county office of education or consortium of
5 county offices of education providing education-based foster youth
6 services pursuant to this chapter shall, by January 1 of each
7 even-numbered year, report to the Superintendent any information
8 as may be required by the Superintendent for the purpose of
9 subdivision (b).

10 (b) The Superintendent shall, by February 15 of each
11 even-numbered year, report to the Legislature and the Governor
12 on the education-based foster youth services provided by county
13 offices of education or consortium of county offices of education.
14 The report shall be prepared with the advice and assistance of
15 providers of education-based foster youth services and shall
16 include, but not be limited to, the following:

17 (1) Recommendations regarding the continuation of services.

18 (2) Recommendations regarding the effectiveness of the services,
19 unless program effectiveness is assessed in any other report
20 covering the same time period.

21 (3) Recommendations regarding the broadening of the
22 application of those services.

23 (4) Information which shall be sufficient to determine, at a
24 minimum, whether these services have resulted in a major
25 quantitative improvement or deterioration in any of the following
26 indicators:

27 (A) Pupil academic achievement.

28 (B) The incidence of pupil discipline problems or juvenile
29 delinquency.

30 (C) Pupil dropout rates or truancy rates.

31 (D) School placement stability.

32 (E) Rate of immediate enrollment if an educational placement
33 change occurs.

34 (F) Appropriateness of educational placements.

35 (G) Pupil completion of educational programs.

36 (H) Pupil transition to independent living and higher education.

37 (5) A discussion of the meaning and implications of the
38 indicators contained in paragraph (4).

39 SEC. 4. Section 69435 of the Education Code is amended to
40 read:

1 69435. (a) (1) Commencing with the 2001–02 academic year,
2 and each academic year thereafter, a Cal Grant B award shall be
3 used only for tuition, student fees, and access costs in a for-credit
4 instructional program that is not less than one academic year in
5 length.

6 (2) The commission shall award access grants in a student’s
7 first academic year. In subsequent years, the award shall include
8 an additional amount to pay tuition or fees, or both, to attend
9 college at a public or private four-year college or university or
10 other qualifying institution for all Cal Grant B awards pursuant to
11 paragraph (2) of subdivision (b) of Section 66021.2. In no event
12 shall the total award in any year exceed the applicant’s calculated
13 financial need.

14 (3) Two percent of new Cal Grant B recipients enrolling for the
15 first time in an institution of postsecondary education shall be
16 eligible for payments for tuition or fees, or both, in their first
17 academic year of attendance. The commission shall adopt
18 regulations specifying the criteria used to determine which
19 applicants, if any, receive both tuition and fees plus the access
20 grant in the first year of enrollment. Priority shall be given to
21 students with the lowest expected family contribution pursuant to
22 Section 69432.7 and the highest level of academic merit.

23 (4) Notwithstanding paragraph (3), new Cal Grant B recipients
24 who are current or former foster youth enrolling for the first time
25 in an institution of postsecondary education shall be eligible for
26 payments of tuition and fees, or both, in their first academic year
27 of attendance.

28 (b) An award for access costs under this article shall be in an
29 annual amount not to exceed one thousand five hundred fifty-one
30 dollars (\$1,551). This amount may be adjusted in the annual Budget
31 Act.

32 *SEC. 5. Article 1.5 (commencing with Section 76010) is added*
33 *to Chapter 1 of Part 47 of Division 8 of Title 3 of the Education*
34 *Code, to read:*

35
36 *Article 1.5. Student Housing*
37

38 *76010. In order to ensure that current and former foster youth*
39 *who are students at the campuses of the California Community*
40 *Colleges have stable housing, a campus of the California*

1 *Community Colleges is requested to give priority for housing to*
 2 *current and former foster youth. In addition, a campus of the*
 3 *California Community Colleges that maintains student housing*
 4 *facilities open for occupation during school breaks, or on a*
 5 *year-round basis, is requested to give first priority to current and*
 6 *former foster youth for residence in the housing facilities that are*
 7 *open for uninterrupted year-round occupation, and next give*
 8 *priority to current and former foster youth for housing that is open*
 9 *for occupation during the most days in the calendar year.*

10 ~~SEC. 5.~~

11 SEC. 6. Article 5.5 (commencing with Section 89348) is added
 12 to Chapter 3 of Part 55 of Division 8 of Title 3 of the Education
 13 Code, to read:

14

15 Article 5.5. California Competitive Grant Program

16

17 89348. The California Competitive Grant Program is hereby
 18 established. The program shall be administered by the
 19 Superintendent. The purpose of the program shall be to provide
 20 comprehensive support on college and university campuses to
 21 students who are *current and former foster youth* with the objective
 22 of meeting the unique needs of *current and former foster youth*
 23 and supporting their rates of matriculation, graduation, academic
 24 success, and transfer to four-year higher education institutions.
 25 Campus projects funded under this chapter shall contain core
 26 support elements, as specified. Campuses receiving grants under
 27 this chapter shall receive a grant annually for five years, to be
 28 utilized for the costs of years one to three, inclusive, and forty
 29 thousand dollars (\$40,000) in years four and five.

30 89348.3. A public postsecondary educational institution may
 31 submit an application to the administrator of the program for a
 32 competitive grant to fund a project intended to improve *current*
 33 *and former foster youth* performance and graduation rates in
 34 postsecondary education. In addition to its own criteria for the
 35 recommendation of programs for funding, the administrator shall
 36 give consideration to the following elements in a campus plan:

- 37 (a) Dedicated campus support staff, including a caring staff
- 38 person, whose primary responsibility is the program and affiliated
- 39 students.

1 (b) One stop shopping: a program structure offering program
2 participants access to all campus supports through one person at
3 one site.

4 (c) Housing: priority for campus housing, and availability of
5 year-round housing and board. Partnerships with off-campus
6 resources.

7 (d) Full financial aid package: a grant and scholarship package
8 covering tuition and living expenses.

9 (e) Academic guidance counseling: regular contact with a
10 consistent counselor to develop and monitor an education plan and
11 provide access to needed academic support. Ability to identify
12 students at risk of failing or dropping out through attendance
13 records and progress reports.

14 (f) Planned transition to college: ability to bring students on
15 campus immediately after emancipation and to assist with the
16 transition to college from foster care.

17 (g) Personal guidance and counseling: on-campus mental health
18 services or off-campus partnerships, including crisis response.

19 (h) Career counseling and services: job placement,
20 job-shadowing, and advising.

21 (i) Supplemental supports: provision of support services such
22 as child care, transportation assistance, and book and school supply
23 vouchers.

24 (j) Social activities: regular opportunities for program
25 participants to develop, advise, give feedback on, and support the
26 program.

27 (k) Student leadership: opportunities for program participants
28 to develop, advise, give feedback on, and support the program.

29 (l) Partnerships: plans for partnership with community-based
30 organizations and feeder schools, connections with social services
31 agencies, independent living programs, and foster youth services
32 programs.

33 (m) Data collection on *current and* former foster youth: student
34 persistence, retention, and graduation rates.

35 (n) Internal and external campus support: commitment of
36 campus leadership, donors, and alumni to support, invest in, and
37 create sustainability for the program.

38 89348.4. Upon receipt of an application submitted pursuant to
39 Section 89348.3, the administrator of the California Competitive
40 Grant Program may award a 50-percent matching grant to the

1 applicant for purposes of funding the proposed project. Each project
2 that receives a grant pursuant to this section shall provide matching
3 funds from existing funds received from a federal, state, local, or
4 private source or a budget increase in those funds, with preference
5 given to projects that have the strongest demonstrated institutional
6 commitment.

7 89348.6. It is the intent of the Legislature that all current and
8 former foster youth who are current residents of California shall
9 have their systemwide and campus fees covered by grant funds in
10 their packages of student financial aid. ~~To~~ *It is the intent of the*
11 *Legislature that, to the extent that a student does not receive a Cal*
12 *Grant award sufficient to cover those fees, the California State*
13 *University shall provide California State University grant funds*
14 *to cover all of those fees for current and former foster youth who*
15 *are otherwise eligible for institutional grant funds.*

16 ~~SEC. 6.~~

17 *SEC. 7.* Section 90001.5 is added to the Education Code, to
18 read:

19 90001.5. In order to ensure that current and former foster youth
20 who are students at campuses of the California State University
21 have stable housing, a campus of the California State University
22 that maintains student housing facilities shall give priority to
23 current and former foster youth. In addition, a campus of the
24 California State University that maintains student housing facilities
25 open for occupation during school breaks, or on a year-round basis,
26 shall first give priority to current or former foster youth for
27 residence in the housing facilities that are open for uninterrupted
28 year-round occupation, and next give priority to current or former
29 foster youth for housing that is open for occupation during the
30 most days in the calendar year.

31 ~~SEC. 7.~~

32 *SEC. 8.* Article 6.5 (commencing with Section 92660) is added
33 to Chapter 6 of Part 57 of Division 9 of Title 3 of the Education
34 Code, to read:

35
36 Article 6.5. Housing

37
38 92660. (a) In order to ensure that current and former foster
39 youth who are students at campuses of the University of California
40 have stable housing, a campus of the University of California that

1 maintains student housing facilities shall give priority to current
2 and former foster youth. In addition, a campus of the University
3 of California that maintains student housing facilities open for
4 occupation during school breaks, or on a year-round basis, shall
5 first give priority to current or former foster youth for residence
6 in the housing facilities that are open for uninterrupted year-round
7 occupation, and next give priority to current or former foster youth
8 for housing that is open for occupation during the most days in the
9 calendar year.

10 (b) Subdivision (a) shall not apply to the University of California
11 except to the extent that the Regents of the University of California,
12 by appropriate resolution, make that provision applicable.

13 92660.1. It is the intent of the Legislature that all current and
14 former foster youth who are current residents of California shall
15 have their systemwide and campus fees covered by grant funds in
16 their packages of student financial aid. To the extent that a student
17 does not receive a Cal Grant award sufficient to cover those fees,
18 the University of California is requested to provide University of
19 California grant funds to cover all of those fees *for current and*
20 *former foster youth who are otherwise eligible for institutional*
21 *grant funds.*

22 ~~SEC. 8.~~

23 *SEC. 9.* The Department of Social Services shall annually
24 notify in writing all foster youth aged 13 and older and the youth's
25 caregiver of the educational support available to them pursuant to
26 this act.

27 ~~SEC. 9.~~

28 *SEC. 10.* It is the intent of the Legislature that new and renewal
29 payments shall be made to eligible foster youth in the California
30 Higher Education Chafee Grants program on or before ~~October~~
31 ~~15, 2007~~ *the start of Fall 2007 classes in each segment of higher*
32 *education, pending adoption of the annual Budget Act.* If payments
33 are not made by that date, the California Student Aid Commission
34 and the State Department of Social Services shall report to the
35 Legislature and the Governor by March 1, 2008, on the reasons
36 for the failure to make timely payments. The commission and the
37 department shall include in that report a description of the
38 corrective actions being undertaken to prevent further delays in

- 1 future years *and on any necessary actions by the Legislature to*
- 2 *support their efforts.*

O