

AMENDED IN SENATE JULY 9, 2015
AMENDED IN ASSEMBLY MAY 28, 2015
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 42926 and 42927~~ *Section 42926* to, ~~and to repeal~~ and add Sections 42920 and 42925 *of, and to repeal Section 42922* 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, *in addition to the 6 specified program sites*, 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 *establish, commencing with the 2015–16 fiscal year and for each fiscal year thereafter, the Foster Youth Services Coordinating Program, to be administered by the Superintendent, to coordinate and ensure that local educational agencies within its jurisdiction are providing services to foster youth pupils pursuant to a foster youth services coordinating plan with the purpose of ensuring positive educational outcomes. As part of the program, the bill would 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 coordinating 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. The bill would require county offices of education and consortia of county offices of education receiving funds under the program, and the local educational agencies within a county or a consortium of counties, to coordinate services to ensure that, for the 2015–16 and 2016–17 fiscal years, the level of direct services provided to support foster youth pupils is not less than what was provided in the 2014–15 fiscal year through the previous program. To the extent this would impose additional duties on local educational agencies within a county or a consortium to counties, the bill would impose a state-mandated local program.*

(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~~ *each foster youth services coordinating program to identify the* 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, county or consortium of counties~~, as specified. ~~The bill would authorize a foster youth services program, in consultation with 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, coordinating program, as a condition of receiving funding, to develop and implement a foster youth services coordinating 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. for purposes of establishing guiding principles and protocols to provide supports for foster care pupils aligned with the certain population priorities.~~ The bill would require each foster youth services program to establish a local interagency Executive Advisory Council, as provided.

(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~~

This bill would instead require each county office of education and consortium of county offices of education providing a foster youth services coordinating program 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 coordinating program for purposes of preparing the report that is would instead be submitted to the appropriate fiscal and policy committees of the Legislature and the Governor by February 15 of each even-numbered year, and year. The bill 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 repeal those provisions and 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. *provide that the Foster Youth Services Coordinating Program shall only be operative if funding is provided for its purposes in the annual Budget Act or another enacted statute.*~~

~~(5) This bill also would require the Superintendent to identify a State Foster Youth Services Coordinator 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 Coordinator 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 Coordinator to provide the statewide technical support needed to improve the educational success of pupils in foster care, as specified.~~

(5) This bill would require a county child welfare agency, county probation department, or local educational agency that determines that it is unable to provide tutoring, mentoring, counseling, transition, school-based social work, or emancipation services, if those services are established as needed and identified by the appropriate local educational agency, in collaboration with the county child welfare agency and county probation department, where applicable, to annually certify in writing to the applicable Foster Youth Services Coordinating Program and to the State Department of Education the reasons why it is unable to provide those services, as provided. By imposing additional duties on local officials, the bill would impose a state-mandated local program.

(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: ~~no~~-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) The Foster Youth Services (FYS) program has been a*
5 *successful program that supports the educational achievement of*
6 *pupils in foster care. This success has contributed to landmark*
7 *California education finance reform that prioritizes the educational*
8 *needs of pupils in foster care.*

9 *(b) The county office of education FYS program is uniquely*
10 *situated to support interagency collaboration and capacity*
11 *building, both at the system and individual pupil level, focused on*
12 *improving educational outcomes for pupils in foster care. This is*
13 *a key component to the successful implementation of the local*
14 *control funding formula (LCFF). The FYS program should support*
15 *and facilitate such collaboration and capacity building while*
16 *preserving the ability to provide direct services such as tutoring,*
17 *mentoring, counseling, transition, school-based social work, and*
18 *emancipation assistance when there are identified gaps in service*
19 *at the local level and the local Executive Advisory Council*
20 *establishes that these services are needed and aligned with local*
21 *control and accountability plan priorities.*

22 *(c) Pupils in foster care will benefit from increased levels of*
23 *supports and services as a result of the FYS program supporting*
24 *implementation of the LCFF for pupils in foster care.*

25 ~~(a)~~

26 *(d) Pupils in foster care represent one of the most vulnerable*
27 *and academically at-risk pupil groups enrolled in California*
28 *schools. The academic status of pupils in foster care is often*
29 *profoundly impacted by the foster care system in which many*
30 *pupils in foster care experience multiple placements with an*
31 *average frequency of one placement change every six months. Due*
32 *to this movement, pupils in foster care lose an average of four to*
33 *six months of educational attainment with each move. Therefore,*
34 *it is essential to recognize, identify, and plan for the critical and*
35 *unique educational needs of pupils in foster care.*

1 ~~(b)~~

2 (e) A high percentage of pupils in foster care are working
3 substantially below grade level, and over one-half of the pupils in
4 foster care are retained at least one year in the same grade level.
5 Pupils in foster care earn lower grades and achieve lower scores
6 on standardized achievements tests in reading and mathematics,
7 have lower levels of engagement in school, and are half as likely
8 as pupils not in foster care to be involved in extracurricular
9 activities. The long-term consequences of poor academic
10 experiences are significant. Pupils in foster care are twice as likely
11 as pupils not in foster care to drop out of school before graduation
12 and only 45 percent of pupils in foster care have graduated from
13 high school at the time of emancipation. Foster youth are similarly
14 ~~under-represented~~ *underrepresented* in college enrollment rates
15 and dramatically underperform their peers in relation to college
16 completion. Pupils in foster care are also subject to disproportionate
17 levels of disciplinary measures, including suspension and
18 expulsion. It is imperative that California close the foster youth
19 achievement gap so that pupils in foster care can realize their full
20 potential, reach their college and career goals, and become
21 independent, productive members of society.

22 ~~(e)~~

23 (f) Foster youth are an especially vulnerable pupil population,
24 as they are often also members of other underserved pupil groups.
25 In 2013, the demographic data of pupils in foster care in California
26 were as follows:

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

29 (2) African American and Native American pupils continue to
30 be disproportionately represented in the child welfare system, as
31 researchers found that 26 percent of pupils in foster care were
32 African American despite African Americans only accounting for
33 7 percent of the pupil population in California, and 2 percent of
34 pupils in foster care were Native American despite Native
35 Americans only accounting for 1 percent of the pupil population
36 in California.

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

1 (4) More than ~~one~~ 1 in 10 pupils in foster care were English
2 learners.

3 (5) *A significant number of youth in foster care identify as*
4 *lesbian, gay, bisexual, transgender, queer, questioning, or gender*
5 *nonconforming.*

6 ~~(d)~~

7 (g) Compounded by the research that indicates that there is a
8 need for California to close the achievement gap between specific
9 ethnic pupil populations and white pupils, addressing the foster
10 youth achievement gap will further efforts that support education
11 equity for all pupils.

12 ~~(e)~~

13 (h) Given their current academic status, pupils in foster care are
14 more likely to achieve ~~to~~ their full potential when they are provided
15 services and programs designed to meet their particular needs,
16 including, but not limited to, supplemental instruction, counseling,
17 tutoring, ~~and other support services.~~ *support services offered to*
18 *lesbian, gay, bisexual, transgender, queer, questioning, and gender*
19 *nonconforming youth, and other assistance relevant to their*
20 *experience.*

21 ~~(f)~~

22 (i) Policies and laws addressing the educational rights of pupils
23 in foster care must be implemented so that pupils in foster care are
24 immediately enrolled in school, provided access to meaningful
25 opportunities to meet state pupil academic achievement standards
26 to which all pupils are held, ~~and~~ provided access to a rigorous
27 curriculum, adequately prepared to enter postsecondary education,
28 and afforded the academic resources, services, and extracurricular
29 and enrichment activities made available to other pupils enrolled
30 in California's public schools, including, but not limited to,
31 interscholastic sports administered by the California Interscholastic
32 Federation. In fulfilling their responsibilities to these pupils,
33 educators, county placing agencies, caregivers, advocates, and the
34 juvenile courts will work together to ensure that each pupil is
35 placed in the least restrictive educational environment.

36 ~~(g)~~

37 (j) Foster youth services programs provide pupils in foster care
38 needed educational support and are a state priority.

39 SEC. 3. Section 42920.5 of the Education Code is amended to
40 read:

1 42920.5. (a) ~~Commencing with the 2016–17 fiscal year, and~~
 2 ~~each fiscal year thereafter, each of the following six foster youth~~
 3 ~~services program sites: Elk Grove, Mount Diablo, Sacramento~~
 4 ~~City, San Juan, Paramount, and the Placer Nevada consortium,~~
 5 ~~shall receive, in addition to their local control funding formula~~
 6 ~~apportionment, an allowance from the amount annually transferred~~
 7 ~~to Section A of the State School Fund equal to the amount the~~
 8 ~~school district spent on foster children service programs in the~~
 9 ~~2014–15 fiscal year, adjusted to reflect cost-of-living increases by~~
 10 ~~the total percentage increase received by all categorical education~~
 11 ~~programs. In no event shall this cost-of-living adjustment exceed~~
 12 ~~the inflation adjustment provided pursuant to Section 42238.~~

13 (b) ~~This allowance shall be used exclusively for foster children~~
 14 ~~services.~~

15 (c) ~~The six program sites may continue to record revenue~~
 16 ~~received pursuant to this subdivision in the same manner used to~~
 17 ~~record revenue received for foster children services in the 1981–82~~
 18 ~~fiscal year.~~

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

23 (a) *Commencing with the 2015–16 fiscal year, and each fiscal*
 24 *year thereafter, the Foster Youth Services Coordinating Program,*
 25 *administered by the Superintendent, is hereby established to*
 26 *provide supplemental funding to county offices of education, or a*
 27 *consortium of county offices of education, to coordinate and ensure*
 28 *that local educational agencies within its jurisdiction are providing*
 29 *services to foster youth pupils pursuant to the plan established in*
 30 *Section 42921, with the purpose of ensuring positive educational*
 31 *outcomes.*

32 (b) *A county office of education, or a consortium of county*
 33 *offices of education, receiving funds under this program, and the*
 34 *local educational agencies within the county or consortium of*
 35 *counties, shall coordinate services to ensure that, for the 2015–16*
 36 *and 2016–17 fiscal years, the level of direct services provided to*
 37 *support foster youth pupils is not less than what was provided in*
 38 *the 2014–15 fiscal year through the foster youth services program*
 39 *established pursuant to Section 42921, as it read on June 30, 2015.*
 40 *In meeting this requirement, services for foster youth pupils may*

1 *be provided through one or any combination of state funding,*
2 *including, but not limited to, the local control funding formula, or*
3 *federal, local, or other funding.*

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

6 42921. (a) ~~In addition to the six program sites specified in~~
7 ~~Section 42920.5, a~~A county office of education, or consortium of
8 county offices of education, may elect to apply to the
9 Superintendent for grant funding, to the extent funds are available,
10 to operate an education-based foster youth services *coordinating*
11 program to provide educational support for pupils in foster care.

12 (b) Each foster youth services *coordinating* program operated
13 pursuant to this chapter, *if sufficient funds are available*, shall have
14 at least one person identified as the foster youth educational
15 services coordinator. The foster youth educational services
16 coordinator shall facilitate the provision of educational support
17 pursuant to subdivision ~~(e)~~ *subdivisions (d) and (e)* to any pupil
18 in foster care residing or attending school in the ~~county~~ *county or*
19 *consortium of counties*.

20 (c) For purposes of this chapter, a pupil in foster care means a
21 foster youth, as defined in paragraph (b) of Section ~~42238.01~~
22 *42238.01*, or a foster child who resides in a county-operated
23 juvenile detention facility.

24 (d) ~~(1)~~It is the intent of the Legislature that pupils in foster
25 care with the greatest need for services be identified as the first
26 priority for foster youth ~~services~~ *services coordinating*. *Priority*
27 *shall be given to pupils who are living in out-of-home placements.*

28 ~~(2)~~~~In consultation with local educational agencies, the county~~
29 ~~social services agency, and the county probation department, a~~
30 ~~foster youth services program operated pursuant to this chapter~~
31 ~~may prescribe the methodology for designing specific supports~~
32 ~~for pupils in foster care, including, guiding principles that establish~~
33 ~~a hierarchy of services. In doing so, applicable methodologies may~~
34 ~~include, but are not limited to, the needs of specific age groups,~~
35 ~~pupils in foster care in specific geographic areas with the highest~~
36 ~~concentration of pupils in foster care, and pupils in foster care with~~
37 ~~the greatest academic need. A foster youth services program is~~
38 ~~encouraged to first provide services for pupils in foster care who~~
39 ~~reside in group homes, institutional settings, or other placements~~

1 with pupils with high academic needs, as determined by the local
 2 Executive Advisory Council.

3 (e) ~~Each~~ *As a condition of receiving funds pursuant to this*
 4 *chapter, each foster youth services coordinating program operated*
 5 *by a county office of education or a consortium of county offices*
 6 *of education pursuant to this chapter shall develop and implement*
 7 *a foster youth services ~~plan~~. coordinating plan for purposes of*
 8 *establishing guiding principles and protocols to provide supports*
 9 *for foster care pupils aligned with the population priorities*
 10 *established in paragraph (f). The plan shall document how the*
 11 *program will, to the extent possible, do include, to the extent*
 12 *possible, but not be limited to, the following:*

13 (1) ~~Collaborate~~ *(A) A description of how the program will*
 14 *establish ongoing collaboration with local educational agencies,*
 15 *county child welfare agencies, and county probation departments,*
 16 *and local educational agencies to departments, to determine the*
 17 *proper educational placement of the foster youth. This includes,*
 18 *but is not limited to, the following:*

19 (i) *Building the capacity of county agencies, school districts,*
 20 *and community organizations to better support the educational*
 21 *success of pupils in foster care.*

22 (ii) *Facilitating collaboration between county agencies, school*
 23 *districts, and community organizations to ensure coordinated and*
 24 *nonduplicative service delivery and to ensure pupils in foster care*
 25 *receive the educational supports and services they need to succeed*
 26 *in school.*

27 (iii) *Providing services and educational case management in*
 28 *support of individual pupils in foster care, as necessary.*

29 (B) *The primary goal of the collaboration required pursuant*
 30 *to this section shall be to minimize changes in school placement*
 31 *and support the implementation of subdivision (c) of Section*
 32 *48853. To the extent possible, As necessary, and in accordance*
 33 *with Section 48853.5, the foster youth services coordinating*
 34 *program may pay for the cost of transportation to support this*
 35 *paragraph.*

36 (2) ~~Collaborate with county child welfare agencies, county~~
 37 ~~probation departments, and local educational agencies so that when~~

38 (i) *If it is in the best interests of a pupil in foster care to transfer*
 39 *schools, local educational agencies shall ensure transfers are done*
 40 *at an educationally appropriate time, educational records are*

1 quickly transferred, appropriate partial credits are awarded, and
2 the pupil in foster care is quickly enrolled in appropriate classes.

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

5 ~~(A) Collaborate with county child welfare agencies, county
6 probation departments, and local educational agencies to ensure
7 pupils in foster care have an active education team that, to the
8 extent possible, may include~~

9 ~~(ii) In determining the appropriate educational placement of
10 foster youth pupils, local educational agencies, county welfare
11 agencies, and county probation departments shall consult with an
12 educational rights holder, caregiver, social worker, teacher,
13 counselor, court-appointed special advocate, other stakeholders,
14 and the pupil, if as appropriate. The purpose of the consultation
15 shall be to ensure all educational programmatic options are
16 considered, including, but not limited to, English learner, special
17 education, advanced placement, and career technical education.~~

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

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

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

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

1 the right to attend the pupil's school of origin, access to
2 extracurricular and enrichment activities, including, but not limited
3 to, interscholastic sports administered by the California
4 Interscholastic Federation made available to all other pupils, and
5 graduation requirements.

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

11 (A) Helping a local educational agency identify the educational
12 rights holder of a pupil in foster care.

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

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

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

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

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

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

- 1 ~~(C) Responding to requests from the juvenile court for~~
2 ~~information and working with the juvenile court to ensure the~~
3 ~~coordination and delivery of necessary educational services.~~
- 4 ~~(D) Establishing a mechanism for the efficient and expeditious~~
5 ~~transfer of health and education records, and the health and~~
6 ~~education passport.~~
- 7 ~~(7) Support interagency efforts to improve the educational~~
8 ~~outcomes of pupils in foster care, to the extent possible. This~~
9 ~~includes, but is not limited to:~~
- 10 ~~(A) Collaborating with county child welfare agencies, county~~
11 ~~probation departments, and local educational agencies to gather~~
12 ~~and analyze aggregate information on the educational challenges~~
13 ~~and outcomes of pupils in foster care.~~
- 14 ~~(B) Facilitating communication and collaboration between local~~
15 ~~educational agencies and county agencies, including, but not~~
16 ~~limited to, the county child welfare agencies, county probation~~
17 ~~departments, county mental health agencies, and courts within a~~
18 ~~county.~~
- 19 ~~(C) Providing training and technical assistance to local~~
20 ~~educational agencies, governing boards of school districts, county~~
21 ~~child welfare agencies, county probation departments, and county~~
22 ~~mental health agencies.~~
- 23 ~~(D) Collaborate with local colleges and universities to facilitate~~
24 ~~a seamless transition from secondary to postsecondary educational~~
25 ~~institutions, and provide pupils in foster care currently enrolled in~~
26 ~~high school with assistance with college application, matriculation,~~
27 ~~and financial aid applications.~~
- 28 ~~(f) Each foster youth services program operated pursuant to this~~
29 ~~chapter shall work with their county office of education to ensure~~
30 ~~the implementation of subdivision (e) of Section 52060 and~~
31 ~~subdivision (e) of Section 52066 for pupils in foster care. In doing~~
32 ~~so, the foster youth services programs may consider, but are not~~
33 ~~limited to, the following in their support of local educational~~
34 ~~agencies in developing and implementing the specific actions and~~
35 ~~strategies to support the educational achievement of pupils in foster~~
36 ~~care:~~
- 37 ~~(1) Ensuring that the local educational agency has the necessary~~
38 ~~infrastructure to support the educational success of pupils in foster~~
39 ~~care, which may include, but is not limited to, local policies,~~
40 ~~practices, and agreements.~~

1 ~~(2) Providing the local educational agency's foster youth liaison~~
2 ~~with additional resources to increase the liaison's capacity to~~
3 ~~execute his or her responsibilities.~~

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

15 ~~(4) Regularly assessing the educational strengths and needs of~~
16 ~~pupils in foster care.~~

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

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

23 ~~(7) Monitoring the educational progress of a pupil in foster care~~
24 ~~and notifying the appropriate education support team of significant~~
25 ~~changes.~~

26 *(2) (A) If the county child welfare agency, county probation*
27 *department, or local educational agency certifies in writing*
28 *pursuant to subparagraph (B) that it is unable, using any other*
29 *state, federal, local, or private funds, to provide tutoring,*
30 *mentoring, counseling, transition, school-based social work, or*
31 *emancipation services, and if those services are established as*
32 *needed and identified by the appropriate local educational agency,*
33 *in collaboration with the county child welfare agency and county*
34 *probation department, where applicable, a description of how*
35 *foster youth pupils will receive those services.*

36 *(B) If the county child welfare agency, county probation*
37 *department, or local educational agency determines that it is*
38 *unable to provide the services listed in subparagraph (A), it must*
39 *annually certify in writing to the applicable foster youth services*
40 *coordinating program and to the department the reasons why it*

1 *is unable to provide the services. In doing so, it must identify all*
2 *other state, local, federal, or private funds available for use for*
3 *those purposes, and the reasons why each is unavailable for*
4 *support of those services.*

5 *(C) It is the intent of the Legislature that local educational*
6 *agencies include information provided in subparagraph (D) in*
7 *their local control and accountability plans when describing their*
8 *services for foster youth pupils as required pursuant to paragraph*
9 *(10) of subdivision (d) of Section 52066.*

10 *(D) It is the intent of the Legislature that county offices of*
11 *education, in the development and adoption of their local control*
12 *and accountability plans, include information specific to the*
13 *transition requirement established pursuant to subdivision (b) of*
14 *Section 42920.5 when describing the coordination of services for*
15 *foster youth pupils required pursuant to paragraph (10) of*
16 *subdivision (d) of Section 52066.*

17 *(3) (A) Policies and procedures to ensure educational*
18 *placement for a foster youth pupil is not delayed, including, but*
19 *not limited to, facilitating the establishment of an individualized*
20 *education plan in accordance with the federal Individuals with*
21 *Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), if*
22 *applicable, the transfer of records, transcripts, and other relevant*
23 *educational information.*

24 *(B) The plan shall also describe how the program will facilitate*
25 *coordination with local postsecondary educational institutions,*
26 *including, but not limited to, the California Community Colleges,*
27 *the California State University, and the University of California,*
28 *to ensure foster youth pupils meet admission requirements and*
29 *access programs that support their matriculation needs.*

30 *(4) Policies and procedures for local educational agencies,*
31 *county welfare agencies, and county probation departments to*
32 *share all relevant educational information for foster youth to*
33 *ensure the court has updated and accurate information as it makes*
34 *decisions regarding foster youths.*

35 *(f) When developing the plan required pursuant to this section,*
36 *the county office of education, or the consortium of county offices*
37 *of education, shall consider the needs of specific age groups, pupils*
38 *in foster care in specific geographic areas with the highest*
39 *concentration of pupils in foster care, and pupils in foster care*
40 *with the greatest academic need. A foster youth services*

1 *coordinating program is encouraged to first provide services for*
2 *pupils in foster care who reside in group homes, institutional*
3 *settings, or other placements with pupils with high academic needs,*
4 *as determined by the local Executive Advisory Council.*

5 (g) (1) Each foster youth services *coordinating* program
6 operated pursuant to this chapter shall establish a local interagency
7 Executive Advisory Council.

8 (1)

9 (2) The Executive Advisory Council shall include
10 representatives from the county child welfare agency, the county
11 probation department, local educational agencies, local
12 postsecondary educational institutions, and community
13 organizations. If possible, the Executive Advisory Council may
14 include, but is not limited to, foster youth, caregivers, educational
15 rights holders, dependency attorneys, court representatives,
16 court-appointed special advocates, and other interested
17 stakeholders.

18 (2)

19 (3) The foster youth educational services coordinator shall be
20 a permanent member of the Executive Advisory Council.

21 (3)

22 (4) The Executive Advisory Council shall regularly review the
23 recommendations to the foster youth services plan required
24 pursuant to subdivision (e). In the event of a disagreement, the
25 foster youth educational services coordinator *or a member of the*
26 *council* may ask the ~~State Foster Youth Services Coordinator~~
27 *Superintendent* to mediate a solution.

28 ~~SEC. 5. Section 42922 of the Education Code is amended to~~
29 ~~read:~~

30 ~~42922. (a) A county office of education that provides~~
31 ~~educational support for pupils in foster care pursuant to Section~~
32 ~~42921 shall receive funding in any fiscal year for that support only~~
33 ~~by such sums as may be specifically appropriated by the annual~~
34 ~~Budget Act of the Legislature for that fiscal year for support of~~
35 ~~the foster youth services programs that provide pupils in foster~~
36 ~~care with supplemental educational support.~~

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

1 SEC. 5. Section 42922 of the Education Code is repealed.
 2 ~~42922. Any school district which provides educational services~~
 3 ~~for foster children pursuant to Section 42921 shall receive funding~~
 4 ~~in any fiscal year for those services only by such sums as may be~~
 5 ~~specifically appropriated by the annual Budget Act of the~~
 6 ~~Legislature for that fiscal year for support of those school-centered~~
 7 ~~foster children services which provide program effectiveness and~~
 8 ~~potential cost savings to the state.~~

9 The Legislature may appropriate moneys from the General Fund
 10 for this purpose, or, if sufficient funds are available, from the Foster
 11 Children and Parent Training Fund pursuant to the provisions of
 12 Section 903.7 of the Welfare and Institutions Code.

13 SEC. 6. Section 42923 of the Education Code is amended to
 14 read:

15 42923. (a) Each county office of education *and consortium of*
 16 *county offices of education* providing a foster youth services
 17 *coordinating program* pursuant to this chapter shall, by January
 18 1 of each even-numbered year, report to the Superintendent any
 19 information as may be required by the Superintendent and as
 20 accessible to the ~~foster youth services program~~ *Foster Youth*
 21 *Services Coordinating Program* for purposes of subdivision (b).

22 (b) The Superintendent shall, by February 15 of each
 23 even-numbered year, report to the *appropriate policy and fiscal*
 24 *committees of the Legislature* and the Governor on the ~~foster youth~~
 25 ~~services programs.~~ *Foster Youth Services Coordinating Program.*
 26 The report shall be prepared with the advice and assistance of
 27 providers of foster youth services and shall include, but not be
 28 limited to, the following:

29 (1) Recommendations regarding the *effectiveness and*
 30 continuation of the ~~foster youth services programs.~~ *Foster Youth*
 31 *Coordinating Program.*

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

35 (3) ~~Recommendations regarding the broadening of the~~
 36 ~~application of those services and any changes to foster youth~~
 37 ~~services programs that would make them more effective.~~

38 (4) ~~Aggregate educational~~
 39 (2) (A) *To the extent possible, aggregate educational* outcome
 40 data for each county in which there were at least 15 pupils in foster

1 care who attended school in the county, with information on each
2 of the following indicators:

3 ~~(A)~~

4 (i) The number of pupils in foster care who attended school in
5 the county.

6 ~~(B)~~

7 (ii) The academic achievement of the pupils in foster care who
8 attended school in the ~~county~~ county, as determined by quantitative
9 and qualitative data currently collected by program participants.

10 ~~(C)~~

11 (iii) The number of pupils in foster care who were suspended
12 or expelled.

13 ~~(D)~~

14 (iv) The number of pupils in foster care who were placed in a
15 juvenile hall, camp, ranch, or other county-operated juvenile
16 detention facility because of an incident of juvenile delinquency.

17 ~~(E)~~

18 (v) The truancy rates, attendance rates, and dropout rates for
19 pupils in foster care.

20 ~~(F)(i) The~~

21 (vi) (I) The number of pupils in foster care participating in foster
22 youth services *coordinating* programs pursuant to this chapter who
23 successfully transition to postsecondary education.

24 ~~(ii)~~

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 *coordinating* program
30 pursuant to this 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)~~

36 (B) *In meeting the requirement of this section, the*
37 *Superintendent shall utilize data, where appropriate, reported*
38 *pursuant to Section 49085.*

39 (3) A discussion of the meaning and implications of the
40 indicators contained in paragraph~~(4)~~: (2).

1 (4) Information about how the program has supported the
2 development and implementation of new local educational agency
3 and county agency policies, practices, and programs aimed at
4 improving the educational outcomes of pupils in foster care.

5 (5) Information about how the program has improved
6 coordination of services between local educational agencies and
7 county agencies, including the types of services provided to pupils
8 in foster care.

9 SEC. 7. Section 42924 of the Education Code is amended to
10 read:

11 42924. (a) *The Foster Youth Services Coordinating Program*
12 *shall not be operative unless funding is provided for this purpose*
13 *in the annual Budget Act or another enacted statute.*

14 (b) Any funds allocated to county offices of education or
15 consortia of county offices of education for foster youth services
16 coordinating programs pursuant to Section ~~42922~~ 42921 shall be
17 used only for foster youth services *coordinating programs* and
18 any funds not used by ~~school districts or county offices of~~
19 ~~education~~ *local educational agencies* for those services shall revert
20 to the state General Fund.

21 SEC. 8. Section 42925 of the Education Code is repealed.

22 SEC. 9. Section 42925 is added to the Education Code, to read:

23 42925. (a) Each county office of education *and consortium of*
24 *county offices of education* with a foster youth services
25 *coordinating* program operated pursuant to this chapter shall, to
26 the extent possible, develop and enter into a memorandum of
27 understanding, contract, or formal agreement with the county child
28 welfare agency pursuant to which foster youth services
29 *coordinating* program funds shall be used, to the maximum extent
30 possible, to leverage funds received pursuant to Title IV–E of the
31 federal Social Security Act (42 U.S.C. Sec. 670 et seq.) and any
32 other funds that may be used to specifically address the educational
33 needs of pupils in foster care, or they shall explain in writing,
34 annually, why a memorandum of understanding is not practical or
35 feasible.

36 (b) To the extent possible, each foster youth services
37 *coordinating* program is encouraged to consider leveraging other
38 local funding opportunities to support the educational success of
39 pupils in foster care.

1 SEC. 10. Section 42926 is added to the Education Code, to
2 read:

3 42926. (a) ~~The Superintendent shall identify a State administrator~~
4 ~~the Foster Youth Services Coordinator within the department who~~
5 ~~Coordinating Program and shall be responsible for all of the~~
6 following:

7 (1) Monitoring implementation of this chapter.

8 (2) Facilitating the data sharing and reporting ~~described in~~
9 ~~Section 49085: necessary to meet the requirements of Section~~
10 42923.

11 (3) ~~Representing the department in policy and interagency~~
12 ~~workgroups related to the educational success of pupils in foster~~
13 ~~care, that may include, but is not limited to, collaborating with~~
14 ~~child welfare, probation, and judicial agencies.~~

15 (4) ~~Overseeing the technical assistance described in Section~~
16 42927.

17 (5) ~~Providing technical support and mediation to foster youth~~
18 ~~services programs and their oversight boards.~~

19 (6) ~~Review a~~

20 (3) ~~Ensure a county office of education's local control and~~
21 ~~accountability plan as it relates to foster youth: addresses the needs~~
22 ~~of foster youth, as required pursuant to paragraph (10) of~~
23 ~~subdivision (d) of Section 52066.~~

24 (b) ~~The State Foster Youth Services Coordinator may form an~~
25 ~~advisory committee to provide consultation to the State Foster~~
26 ~~Youth Services Coordinator in regards to the responsibilities~~
27 ~~described in subdivision (a).~~

28 (b) ~~The Superintendent may use up to 5 percent of funding~~
29 ~~allocated for the Foster Services Coordinating Program to contract~~
30 ~~with a local educational agency to administer the program~~
31 ~~established pursuant to this chapter, including, but not limited, to~~
32 ~~providing technical assistance to county offices of education, or~~
33 ~~consortia of county offices of education, as they implement this~~
34 ~~program.~~

35 SEC. 11. ~~Section 42927 is added to the Education Code, to~~
36 read:

37 42927. (a) ~~The Superintendent may provide funding to one or~~
38 ~~more local educational agencies to work with the State Foster~~
39 ~~Youth Services Coordinator to provide statewide technical support~~
40 ~~to ensure educational, child welfare, and judicial agencies receive~~

1 the technical support needed to improve the educational success
2 of pupils in foster care.

3 (b) ~~Technical assistance may include, but is not limited to, the~~
4 ~~following areas:~~

5 (1) ~~State and local data sharing, and appropriate use of shared~~
6 ~~data.~~

7 (2) ~~Improving county office of education foster youth services~~
8 ~~programs.~~

9 (3) ~~Assisting local educational agencies to develop and~~
10 ~~implement specific actions and to increase the academic~~
11 ~~performance of pupils in foster care, as required by subdivision~~
12 ~~(e) of Section 52060.~~

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

14 (e) ~~Funding for the technical assistance described in this section~~
15 ~~may come from the foster youth services budget appropriated by~~
16 ~~the annual Budget Act, as determined by the Superintendent, but~~
17 ~~shall be no more than 5 percent of the foster youth services budget~~
18 ~~allocation for the applicable fiscal year. The remainder of the foster~~
19 ~~youth services budget shall be apportioned to county offices of~~
20 ~~education operating foster youth services programs in accordance~~
21 ~~with Section 42921.~~

22 *SEC. 11. If the Commission on State Mandates determines that*
23 *this act contains costs mandated by the state, reimbursement to*
24 *local agencies and school districts for those costs shall be made*
25 *pursuant to Part 7 (commencing with Section 17500) of Division*
26 *4 of Title 2 of the Government Code.*