

AMENDED IN ASSEMBLY MAY 26, 2006

AMENDED IN ASSEMBLY MAY 3, 2006

AMENDED IN ASSEMBLY APRIL 17, 2006

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 2489

Introduced by Assembly Member Leno
(Principal coauthor: Assembly Member Cohn)
(Coauthor: Assembly Member Leslie)

February 23, 2006

An act to amend Sections 42921 and 69435 of, to add Section 90001.5 to, and to add ~~Chapter 3.5~~ *Article 5.5* (commencing with Section 89348) to *Chapter 3 of Part 55* of, and to add Article 6.5 (commencing with Section 92660) to Chapter 6 of Part 57 of, the Education Code, relating to foster youth.

LEGISLATIVE COUNSEL'S DIGEST

AB 2489, as amended, Leno. Foster youth: educational and support services: Foster Youth Higher Education Preparation and Support Act of 2006: ~~California Guardian Scholars Program~~.

(1) Under existing law, 6 unified school districts and consortia operating ~~children~~ *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 for funding for those other school districts for the

provision of those services in any fiscal year, upon appropriation from the General Fund, or, if sufficient funds are available, from the Foster Children and Parent Training Fund.

This bill, which would be known as the Foster Youth Higher Education Preparation and Support Act of 2006, would make statements of legislative intent relating to the establishment and provision of funding for a matching program for federal Chafee ~~Higher Education Grants~~ *higher education grants* for foster youth.

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

The bill would require, if sufficient funds are available, these programs to have at least one educational services advocate, and would authorize foster youth services programs that have a foster youth services coordinator to designate that individual as the educational services advocate. The bill would specify the duties to be performed by these advocates. It would set priorities for the services to be delivered by these programs.

(2) The Ortiz-Pacheco-Poochigian-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 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, notwithstanding this 2% limitation, 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.

(3) 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 *one of* the 3 segments of public postsecondary education in this state. ~~Existing 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 Guardian Scholars Program for the purpose of providing comprehensive support on college and university campuses to students who are former foster youth. The bill would provide that the program would be jointly administered by the trustees, regents, board of governors, and 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 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 require the trustees, regents, board of governors, and superintendent to adopt rules and regulations necessary for the effective implementation of the program~~ *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.*

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

This bill would require a state university that maintains student housing facilities ~~open for occupation on a year-round basis~~ to give priority to 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.

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

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

The 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, 2006. 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, 2007, 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.

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 2006.”

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

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

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

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

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

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

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

11 (7) Although California provides public postsecondary
12 education at a lower price than is charged for comparable
13 education in other states, foster youth still face barriers in
14 accessing higher education, including insufficient support in
15 preparing for college, gaps in the student financial aid funds
16 targeted to pay tuition and fees, lack of financial support for
17 other costs of attendance in college, and problems with
18 residential stability during college enrollment.

19 (8) The federal Chafee Higher Education Grant Program is a
20 welcome addition to the partnership of student aid funding
21 targeted to assist foster youth with vocational and academic
22 college and university costs, but funding in this program is
23 insufficient to meet calculated need, and there were unacceptable
24 and damaging delays in making payments to eligible foster youth
25 in the 2005–06 fiscal year.

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

28 (1) To create additional opportunities for local
29 education-based foster youth services programs.

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

34 (3) To provide additional matching funds for the federal
35 Chafee Higher Education Grant Program through the State
36 Budget process to fulfill the commitment to support the cost of
37 attendance for foster youth.

38 (4) To ensure timely payments of Chafee higher education
39 grants to foster youths and to thus increase foster youths' chances

1 at success in higher education by accomplishing both of the
2 following:

3 (A) Providing funding for the Chafee Higher Education Grant
4 Program in anticipation of federal funding to be received after
5 adoption of the federal budget in October 2006.

6 (B) Encouraging the Department of Social Services and the
7 California Student Aid Commission to review their joint and
8 separate responsibilities regarding this program, and to make all
9 necessary improvements to ensure that the unacceptable delays in
10 the 2005–06 fiscal year are not repeated.

11 SEC. 3. Section 42921 of the Education Code is amended to
12 read:

13 42921. (a) In addition to the six program sites specified in
14 Section 42920, any other county office of education, consortium
15 of school districts in cooperation with the county office of
16 education, or consortium of county offices of education may
17 elect to apply to the Superintendent of Public Instruction for
18 grant funding, to the extent funds are available, to operate an
19 education-based foster youth services program to provide
20 educational and support services for children who reside in a
21 regularly established licensed or approved foster home located
22 within the boundaries of the program site. The provision of
23 educational and support services to foster youth in licensed or
24 approved foster homes shall also apply to foster youth services
25 programs in operation as of January 1, 2007, and receiving grant
26 funding.

27 (b) Each foster youth services program operated pursuant to
28 this chapter shall, if sufficient funds are available, have at least
29 one person identified as the foster youth educational services
30 advocate. Foster youth services programs that have a foster youth
31 services coordinator may designate that individual as the
32 educational services advocate. The foster youth educational
33 services advocate shall facilitate the provision of educational
34 services pursuant to subdivision (d) to any foster child in the
35 county who is either under the jurisdiction of the juvenile court
36 pursuant to Section 300 of the Welfare and Institutions Code or
37 under the jurisdiction of the juvenile court pursuant to Section
38 601 or 602 of the Welfare and Institutions Code who is placed in
39 a group home, to the extent that funding is made available for the
40 provision of these services. A program operated pursuant to this

1 chapter may prescribe the methodology for determining which
2 children may be served. Applicable methodologies may include,
3 but are not limited to, serving specific age groups, serving
4 children in specific geographic areas of the county or counties in
5 which the program operates, or serving the children with the
6 greatest academic need. It is the intent of the Legislature that
7 children with the greatest need for services be identified as the
8 first priority for foster youth services.

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

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

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

16 (3) Providing information to the child welfare agency to assist
17 the child welfare agency to deliver services to foster children,
18 including, but not limited to, information required for inclusion
19 in court reports by Section 16010 of the Welfare and Institutions
20 Code.

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

24 (5) Working to obtain and identify, and link children to,
25 mentoring, tutoring, transitional services, vocational training,
26 emancipation services, and other services designed to enhance
27 the educational prospects of foster children.

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

31 (7) Sharing information with the foster care provider regarding
32 available training programs that address education issues for
33 children in foster care.

34 (8) Referring caregivers of foster youth who have special
35 education needs to special education advocates who are
36 knowledgeable about special education procedural safeguards,
37 regulations, and legal mandates.

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

- 1 (1) Provide, or arrange for the referral to, tutoring services for
- 2 foster youth.
- 3 (2) Provide, or arrange for the referral to, services that meet
- 4 local needs identified through collaborative relationships and
- 5 local advisory groups, which may include, but shall not be
- 6 limited to, all of the following:
- 7 (A) Mentoring.
- 8 (B) Counseling.
- 9 (C) Transitioning services.
- 10 (D) Emancipation services.
- 11 (3) Facilitation of timely individualized education programs
- 12 and all special education services.
- 13 (4) Establishing collaborative relationships and local advisory
- 14 groups.
- 15 (5) Establishing a mechanism for the efficient and expeditious
- 16 transfer of health and education records and the health and
- 17 education passport.
- 18 (e) For purposes of this section, “licensed or approved foster
- 19 home” means a licensed or approved relative (kin) foster home,
- 20 licensed foster family home, certified foster family agency home,
- 21 court-specified home, or licensed care institution (group home).
- 22 SEC. 4. Section 69435 of the Education Code is amended to
- 23 read:
- 24 69435. (a) (1) Commencing with the 2001–02 academic
- 25 year, and each academic year thereafter, a Cal Grant B award
- 26 shall be used only for tuition, student fees, and access costs in a
- 27 for-credit instructional program that is not less than one academic
- 28 year in length.
- 29 (2) The commission shall award access grants in a student’s
- 30 first academic year. In subsequent years, the award shall include
- 31 an additional amount to pay tuition or fees, or both, to attend
- 32 college at a public or private four-year college or university or
- 33 other qualifying institution for all Cal Grant B awards pursuant to
- 34 paragraph (2) of subdivision (b) of Section 66021.2. In no event
- 35 shall the total award in any year exceed the applicant’s calculated
- 36 financial need.
- 37 (3) Two percent of new Cal Grant B recipients enrolling for
- 38 the first time in an institution of postsecondary education shall be
- 39 eligible for payments for tuition or fees, or both, in their first
- 40 academic year of attendance. The commission shall adopt

1 regulations specifying the criteria used to determine which
2 applicants, if any, receive both tuition and fees plus the access
3 grant in the first year of enrollment. Priority shall be given to
4 students with the lowest expected family contribution pursuant to
5 Section 69432.7 and the highest level of academic merit.

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

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

15 ~~SEC. 5. Chapter 3.5 (commencing with Section 89348) is~~
16 ~~added to Part 55 of the Education Code, to read:~~

17

18 ~~CHAPTER 3.5. CALIFORNIA GUARDIAN SCHOLARS PROGRAM~~

19

20 ~~89348. The California Guardian Scholars Program is hereby~~
21 ~~established. The program shall be jointly administered by the~~
22 ~~Trustees of the California State University, the Regents of the~~
23 ~~University of California, the Board of Governors of the~~
24 ~~California Community Colleges, and the Superintendent of~~
25 ~~Public Instruction. The purpose of the program shall be to~~
26 ~~provide comprehensive support on college and university~~
27 ~~campuses to students who are former foster youth with the~~
28 ~~objective of meeting the unique needs of former foster youth and~~
29 ~~supporting their rates of matriculation, graduation, academic~~
30 ~~suecess, and transfer to four-year higher education institutions.~~
31 ~~Campus projects funded under this chapter shall contain core~~
32 ~~support elements, as specified. Campuses receiving grants under~~
33 ~~this chapter shall receive a grant annually for five years, to be~~
34 ~~utilized for the costs of years 1 to 3, inclusive, and \$40,000 in~~
35 ~~years 4 and 5. The State Department of Education shall also~~
36 ~~receive grant funding for the purpose of contracting with~~
37 ~~community-based organizations to provide technical assistance to~~
38 ~~campus programs receiving grants under this section.~~

39 ~~89348.1. The administrator of the California Guardian~~
40 ~~Scholars Program shall establish an advisory committee to assist~~

1 in selecting proposals to be funded and developing criteria for
2 project evaluation. The committee shall include, but shall not
3 necessarily be limited to, all of the following members:

4 (a) Two representatives of the California Community
5 Colleges, appointed by the Board of Governors of the California
6 Community Colleges.

7 (b) Two representatives of the California State University,
8 appointed by the Chancellor of the California State University.

9 (c) Two representatives of the University of California,
10 appointed by the President of the University of California.

11 (d) One representative appointed by the Director of the
12 California Postsecondary Education Commission.

13 (e) One representative of the Foster Youth Services Program
14 of the State Department of Education.

15 (f) Three representatives that are current or former foster
16 youth.

17 (g) Two representatives of the State Department of Social
18 Services, appointed by the Director of Social Services.

19 89348.2. The advisory committee established under Section
20 89348.1 shall make recommendations regarding all of the
21 following:

22 (a) Development of criteria for awarding grants pursuant to
23 Section 89348.3.

24 (b) Development of criteria for determining the priority
25 ranking of schools selected to receive assistance under the
26 California Guardian Scholars Program.

27 (c) Development of criteria for identifying effective projects.

28 (d) Development of criteria for awarding grants to
29 community-based programs to provide technical assistance to
30 campus projects.

31 (e) Development of options identifying additional resources
32 and programs that promote the program.

33 89348.3. A public postsecondary educational institution may
34 submit an application to the administrator of the California
35 Guardian Scholars Program for a competitive grant to fund a
36 project intended to improve former foster youth performance and
37 graduation rates in postsecondary education. In addition to its
38 own criteria for the recommendation of programs for funding, the
39 advisory committee established under Section 89348.1 shall give
40 consideration to the following elements in a campus plan:

- 1 ~~(a) Dedicated campus support staff, including a caring staff~~
2 ~~person whose primary responsibility is the Guardian Scholars~~
3 ~~Program and affiliated students.~~
- 4 ~~(b) One-stop shopping: A program structure offering Guardian~~
5 ~~Scholars students access to all campus supports through one~~
6 ~~person at one site.~~
- 7 ~~(c) Housing: Priority for campus housing, and availability of~~
8 ~~year-round housing and board. Partnerships with off-campus~~
9 ~~resources.~~
- 10 ~~(d) Full financial aid package: A grant and scholarship~~
11 ~~package covering tuition and living expenses.~~
- 12 ~~(e) Academic guidance counseling: Regular contact with a~~
13 ~~consistent counselor to develop and monitor an education plan~~
14 ~~and provide access to needed academic support. Ability to~~
15 ~~identify students at risk of failing or dropping out through~~
16 ~~attendance records and progress reports.~~
- 17 ~~(f) Planned transition to college: Ability to bring students on~~
18 ~~campus immediately after emancipation and to assist with the~~
19 ~~transition to college from foster care.~~
- 20 ~~(g) Personal guidance and counseling: On-campus mental~~
21 ~~health services or off-campus partnerships, including crisis~~
22 ~~response.~~
- 23 ~~(h) Career counseling and services: Job placement,~~
24 ~~job shadowing, and advising.~~
- 25 ~~(i) Supplemental supports: Provision of support services such~~
26 ~~as child care, transportation assistance and book and school~~
27 ~~supply vouchers.~~
- 28 ~~(j) Social activities: Regular opportunities for Guardian~~
29 ~~Scholar students to develop, advise, give feedback on and~~
30 ~~support the program.~~
- 31 ~~(k) Student leadership: Opportunities for Guardian Scholar~~
32 ~~students to develop, advise, give feedback on and support the~~
33 ~~program.~~
- 34 ~~(l) Partnerships: Plans for partnership with community-based~~
35 ~~organizations and feeder schools, connections with social~~
36 ~~services agencies, independent living programs, and foster youth~~
37 ~~services programs.~~
- 38 ~~(m) Data collection on former foster youth student persistence,~~
39 ~~retention, and graduation rates.[PU EXTERNAL SOURCE]~~

1 (n) Internal and external campus support: Commitment of
2 campus leadership, donors, and alumni to support, invest in, and
3 create sustainability for the program.[PU EXTERNAL SOURCE
4]

5 89348.4. Upon receipt of an application submitted pursuant to
6 Section 89348.3, the administrator of the California Guardian
7 Scholars Program may award a 50 percent matching grant to the
8 applicant for purposes of funding the proposed project. Each
9 project that receives a grant pursuant to this section shall provide
10 matching funds from existing funds received from a federal,
11 state, local, or private source or a budget increase in those funds,
12 with preference given to projects that have the strongest
13 demonstrated institutional commitment.

14 89348.5. The Trustees of the California State University, the
15 Regents of the University of California, the Board of Governors
16 of the California Community Colleges, and the Superintendent of
17 Public Instruction shall adopt rules and regulations necessary for
18 the effective implementation of this chapter.

19 SEC. 5. Article 5.5 (commencing with Section 89348) is
20 added to Chapter 3 of Part 55 of the Education Code, to read:

21
22 *Article 5.5. Student Financial Aid for Foster Youth*

23
24 89348.6.

25 89348. It is the intent of the Legislature that all current and
26 former foster youth who are current residents of California shall
27 have their systemwide and campus fees covered by grant funds in
28 their packages of student financial aid. ~~To~~ *It is also the intent of*
29 *the Legislature that, to* the extent that a student of the California
30 State University who is a current or former foster youth does not
31 receive a Cal Grant award sufficient to cover those fees, the
32 California State University shall provide California State
33 University grant funds to cover all of those fees.

34 89348.7.

35 89348.1. The California State University shall annually
36 provide appropriate information to the Department of Finance
37 and the Legislative Analyst’s Office to ensure that its budget is
38 augmented to provide necessary funding for the State University
39 Grant Program.

1 SEC. 6. Section 90001.5 is added to the Education Code, to
2 read:

3 90001.5. In order to ensure that current and former foster
4 youth who are students at campuses of the California State
5 University have stable housing, a campus of the California State
6 University that maintains student housing facilities shall give
7 priority to current and former foster youth. In addition, a campus
8 of the California State University that maintains student housing
9 facilities open for occupation during school breaks, or on a
10 year-round basis, shall first give priority to current or former
11 foster youth for residence in the housing facilities that are open
12 for uninterrupted year-round occupation, and next give priority to
13 current or former foster youth for housing that is open for
14 occupation during the most days in the calendar year.

15 SEC. 7. Article 6.5 (commencing with Section 92660) is
16 added to Chapter 6 of Part 57 of the Education Code, to read:

17

18

Article 6.5. Housing

19

20 92660. (a) In order to ensure that current and former foster
21 youth who are students at campuses of the University of
22 California have stable housing, a campus of the University of
23 California that maintains student housing facilities shall give
24 priority to current and former foster youth. In addition, a campus
25 of the University of California that maintains student housing
26 facilities open for occupation during school breaks, or on a
27 year-round basis, shall first give priority to current or former
28 foster youth for residence in the housing facilities that are open
29 for uninterrupted year-round occupation, and next give priority to
30 current or former foster youth for housing that is open for
31 occupation during the most days in the calendar year.

32 (b) Subdivision (a) shall not apply to the University of
33 California except to the extent that the Regents of the University
34 of California, by appropriate resolution, make that provision
35 applicable.

36 92660.1. It is the intent of the Legislature that all current and
37 former foster youth who are current residents of California shall
38 have their systemwide and campus fees covered by grant funds in
39 their packages of student financial aid. To the extent that a
40 student does not receive a Cal Grant award sufficient to cover

1 those fees, the University of California is requested to provide
2 University of California grant funds to cover all of those fees.

3 92660.2. The University of California is requested annually to
4 provide appropriate information to the Department of Finance
5 and the Legislative Analyst’s Office to ensure that its budget is
6 augmented to provide necessary funding in the University Grant
7 Program to serve foster youth in this manner.

8 SEC. 8. The Department of Social Services shall annually
9 notify in writing all foster youth aged 13 and older of the
10 educational support available to them pursuant to this act.

11 SEC. 9. It is the intent of the Legislature that new and
12 renewal payments shall be made to eligible foster youth in the
13 California Higher Education Chafee Grants program on or before
14 October 15, 2006. If payments are not made by that date, the
15 Student Aid Commission and the State Department of Social
16 Services shall report to the Legislature and the Governor by
17 March 1, 2007, on the reasons for the failure to make timely
18 payments. The commission and the department shall include in
19 that report a description of the corrective actions being
20 undertaken to prevent further delays in future years.

21

22

23 **CORRECTIONS:**

24 **Text — Pages 8, 12 and 13.**

25

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