

Date of Hearing: June 29, 2021

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

SB 512 (Min) – As Amended June 10, 2021

[Note: This bill is doubled referred to the Assembly Human Services Committee and will be heard by that Committee as it relates to issues under its jurisdiction.]

SENATE VOTE: 39-0

SUBJECT: Public postsecondary education: support services for foster youth: Cooperating Agencies Foster Youth Educational Support Program.

SUMMARY: Expands eligibility for priority enrollment for current and former foster youth at the University of California (UC), California State University (CSU), and California Community Colleges (CCC), and expands eligibility for a student support program for current and former foster youth at the CCCs. Specifically, **this bill:**

- 1) Expands eligibility for priority enrollment at UC, CSU, and the CCCs by changing the age that dependency was established or continued by the court from the youth's 16th birthday to the youth's 13th birthday.
- 2) Expands eligibility for participation in the Cooperating Agencies Foster Youth Educational Support (CAFYES) program (otherwise known as the NextUP program) for current and former foster youth at CCCs by changing the age that dependency was established or continued by the court from the youth's 16th birthday to the youth's 13th birthday.
- 3) Authorizes NextUp programs to provide services, including direct financial support, to enrolled students who meet all eligibility requirements but whose courses have not yet begun, and who have completed required matriculation activities, if the direct financial support is necessary to enable the student to be successful upon the beginning of the academic term.
- 4) Stipulates that regulations adopted by the CCC Board of Governors ensure that program application and enrollment processes are streamlined and do not impose barriers to entry.
- 5) Requires that adopted regulations, as enumerated in (4) above, allow programs to exercise professional judgment to waive any income criteria specified in the regulations as a condition of eligibility, provided that income-eligible students have first priority.
- 6) Clarifies that, for American Indian students, homelessness may be identified by a representative of the student's tribe or a representative of a tribal organization that is a homeless services provider.

EXISTING LAW:

- 1) Establishes as eligibility criteria, among other things, that the student qualify to receive a fee waiver with a calculated Expected Family Contribution of \$0 (California Code of Regulations, Title 5, Section 56403).

- 2) Requires each campus of the CSU and CCC, and requests each campus of the UC, to grant priority enrollment to current and former foster youth and current and former homeless youth. Defines “current” or “former foster youth” as a person in California whose dependency was established or continued by the court on or after the youth’s 16th birthday and who is no older than 25 years of age at the commencement of the academic year (Education Code (EC) Section 66025.9).
- 3) Establishes the CAFYES program (also known as the NextUp program), which authorizes the CCCCO to enter into agreements with up to 20 CCC districts to provide additional funds for services in support of postsecondary education for foster youth. In addition to the delivery of Student Success and Support Program services, services are to include when appropriate: outreach and recruitment, service coordination, counseling, book and supply grants, tutoring, independent living and financial literacy skills support, frequent in-person contact, career guidance, transfer counseling, child care and transportation assistance, and referrals to health services, mental health services, housing assistance, and other related services (EC Section 79220, et seq.)
- 4) Requires a student participant the CAFYES program to meet both of the following requirements: (a) be a current or former foster youth in California whose dependency was established or continued by the court on or after the youth’s 16th birthday; and, (b) be no older than 25 years of age at the beginning of any academic year in which the student participates in the program (EC Section 79222).
- 5) Requires, beginning March 31, 2020, and every two years thereafter, the CCC Board of Governors to submit a report to the Governor, Legislature, and the California Child Welfare Council describing its efforts to serve students who are current and former foster youth. Stipulates that the report must include a review on a campus-by-campus basis of the enrollment, retention, transfer, and completion rates of foster youth, including categorical funding of those programs. Further, the report must include recommendations on whether and how the program can be expanded to all community college districts and campuses (EC Section 79226).
- 6) Requires the California Department of Social Services (CDSS) and county welfare departments, in coordination with the CSU and CCC, to communicate with foster youth at two grade levels in order to provide outreach and technical assistance efforts for prospective foster youth students (EC Section 89346).
- 7) Establishes a state and local system of child welfare services, including foster care, for children who have been adjudged by the court to be at risk of abuse or neglect or to have been abused or neglected, as specified (Welfare and Institutions Code (WIC) Section 202).
- 8) Provides for extended foster care funding for youth until age 21, as well as adopts other changes to conform to the federal Fostering Connections to Success Act (WIC Sections 241.1, 303, 366.3, 388, 391, 450, 11400, 11402, and 11403).
- 9) Defines "nonminor dependent" as a current foster youth or a nonminor under the transition jurisdiction of the court who: a) is between 18 and 21 years old; b) turned 18 years old while under an order of foster care placement; c) is in foster care under the responsibility of the county welfare department, county probation department, or Indian Tribe; and, d) is

participating in a transitional independent living plan, as specified (WIC 11400 (v)).

FISCAL EFFECT: According to the Senate Appropriations Committee analysis of AB 228 (Leyva) of 2021, which is virtually identical to this measure:

- 1) By expanding eligibility to allow foster youth on or after their 13th birthday to participate in the NextUp program, this bill could potentially lead to pressure for the state to fund the program beyond its current level (\$20 million Proposition 98 General Fund). A precise estimate is unknown and would depend on the actual increase in the number of students. Senate Appropriations Staff noted that an immediate expansion could likely be absorbed within the program's current funding allocation due to enrollment decreases and funds anticipated to be unspent; however, this could change if student participation levels increase after the COVID-19 pandemic ends.
- 2) The provisions regarding priority enrollment at UC and CSU are not expected to result in additional costs to the state.

COMMENTS: *Gut and amend.* This measure would have authorized the California Transportation Commission to relinquish a specified portion of State Route (SR) 75 and the entirety of SR 282 to the City of Coronado. However, on June 10, 2021, this measure was gutted and amended and became virtually identical to SB 228 (Leyva), which is on the Inactive File on the Senate Floor.

Foster youth. According to the CCC Chancellor's Office (CCCCO), April 2021 report, *NextUp Legislative Report*, as of July 1, 2019, there were 61,501 children and youth in California's foster care system. Of the 61,501, over 15,467 were found to be youth between the ages of 16-21. Within a single fiscal year, roughly 25% of youth in the state's care will reach the age of traditional college preparation and matriculation to college. The report finds that a disproportionately large percentage of current and former foster youth live in poverty, many being homeless or housing insecure upon their emancipation from the foster care system.

Further, the report suggests that many foster youth experience impediments to successful preparation for entrance into college:

- 1) One-third of students in foster care change schools at least once during the school year – four times the rate of the low-socio-economic status or general populations. About 1 in 10 students in foster care attended three or more schools during the school year;
- 2) Students in foster care fall short of achieving proficiency in both English language arts (ELA) and math. In ELA, 39% of foster youth test below basic proficiency as compared to 27% of students with low-socio-economic status and 20% of all students. For math, just 12% of foster youth demonstrated proficiency as compared to 23% of students with low-socio-economic status and 32% of all students;
- 3) The high school dropout rate for foster youth is 8%, about three times higher than the statewide dropout rate of 2.7%;
- 4) The statewide graduation rate for all grade 12 students was 84%, but for students in foster care, it was only 58% - the lowest rate among all at-risk student groups; and,

- 5) One in four foster youth in California are chronically absent compared to one in 10 for the general student population.

Additionally, the report finds that transition between high school and college is challenging for many young adults, but even more challenging for foster youth. Despite a plethora of barriers, the overwhelming majority of foster youth want to attend and complete college. At age 19, more than 93% of California's foster youth aspire to complete college.

Purpose of the measure. According to the author, "Foster youth face several barriers to accessing higher education, including the NextUp program which is meant to help rather than pose additional barriers."

The author states, "SB 512 will remove these barriers and expand eligibility for priority enrollment at the UC, CSU and CCC for students who were in foster care on or after their 13th birthday, aligning with FAFSA." Further, the author contends that, "It's important that we remove existent barriers for foster youth because they are a vulnerable population of students who already experience unique challenges and barriers to higher education without the NextUp program."

NextUp. Knowing the disparities between what foster youth want and the opportunities for success, the CAFYES or NextUp program was established. The program focuses on developing a comprehensive system to meet current and former foster youth where they are; seeking to ensure students preparing to exit high school are aware of the program and can receive support during the transition between high school and college. Additionally, the program develops meaningful education plans by working closely with current and former foster youth in order to best understand their career goals, reconciling and accounting for any previous college coursework that could apply to their completion, and understanding external factors that could impact their success. The NextUp staff support is in-depth, designed to identify if the students are academically on track, and if not, to determine what combination of wraparound support is necessary in order to ensure their success. The program also provides guidance to youth in accessing financial aid, priority registration, and navigating admissions and records processes.

The CCCCO report finds the initial findings of the program promising; they are meeting diverse student needs and providing flexible and individualized wraparound services to participants. The CCCCO report recommends that current law be amended in order to expand access, create more flexibility, and spur innovation to better serve current and former foster youth in the CCC.

According to the CCCCO, of the 2.1 million CCC students, approximately 30,000 of them are current or former foster youth, but many of them, due, in part to various barriers, including age and income ineligibility, are not participants of the NextUp program. The NextUp program serves approximately 2,100 current and former foster youth annually, at 45 of the 116 CCCs.

Based on 2018-19 data of current and former foster youth participating in the NextUp program versus current and former foster youth not participating in the NextUp program, NextUp program students are enrolling in credit bearing courses and retaining semester after semester at much higher rates than those not participating in the program. Further, participants in the program are completing core courses in ELA and math at higher rates than non-participants. Additionally, participants in the program are receiving financial aid more consistently than non-participants, across multiple aid programs.

Age in foster care. Community college students who were in foster care on or after their 16th birthday are eligible to participate in the NextUp program. This bill expands eligibility to include students who were in foster care on or after their 13th birthday. This bill also expands eligibility for priority enrollment at UC, CSU and the CCCs by including students who were in foster care on or after their 13th birthday.

These changes align the age threshold with the determination for independent status used by the Free Application for Federal Student Aid (FAFSA) (age 13). It is estimated that an additional 1,100 students would be eligible to participate in the NextUp program, and an additional 2,500 students would be eligible for priority enrollment across the public segments of postsecondary education.

Income criteria. This bill requires regulations to allow NextUp programs to exercise professional judgment to waive any income criteria specified in the regulations as a condition of eligibility for participation in NextUp, provided that income-eligible students have first priority. Pursuant to existing regulations, to be income-eligible to participate in NextUp, a student must qualify to receive a California College Promise Grant (CCPG), formerly known as the Board of Governors (BOG) Fee Waiver, *and* have a calculated Expected Family Contribution (EFC) of \$0. Students must meet one of the following to be eligible for the CCPG:

- 1) Have a total income in the prior year equal to or less than 150 percent of the federal poverty level;
- 2) Have an EFC as determined by federal methodology that is equal to zero;
- 3) Be determined financially eligible for federal and/or state need-based financial aid; and/or,
- 4) Be a current recipient of Temporary Assistance for Needy Families, Supplemental Security Income or General Assistance.

According to the John Burton Advocates for Youth, flexibility is needed specific to the requirement for a student's EFC to be zero. If students who have worked in the prior year, for example, still have financial need yet have an EFC above zero, currently would be ineligible to participate in the NextUp program. The NextUp program staff work closely with campus financial aid offices, and would continue to do so to determine a student's financial need even with an EFC above zero. Additionally, this bill provides that income-eligible students (those with an EFC of zero) have first priority to participate in the NextUp program.

Committee comments. As currently drafted, this measure defines "foster youth and former foster youth" as a person in the state of California whose dependency was established or continued by a court of competent jurisdiction, including a tribal court, on or after the youth's 13th birthday and who is no older than age 25 at the commencement of the academic year. Additionally, this measure stipulates that in order to be eligible to participate in CAFYES, participating students must have their dependency established or continued by a court of competent jurisdiction, including a tribal court.

Committee Staff understands that "a court of competent jurisdiction" is meant to ensure Indigenous (Native American) foster youth and former foster youth are included and able to

participate in CAFYES programs. However, this measure lacks a definition of the term “a court of competent jurisdiction.”

Moving forward, in order to provide clarity, the author may wish to work with both this Committee, the Human Services Committee, and appropriate stakeholders, in order to create a definition of “a court of competent jurisdiction.”

Related legislation. AB 228 (Leyva) of 2021, as noted in the “Gut and amend” portion of this analysis.

Prior legislation. SB 958 (Leyva) of 2020, which was not heard by the Senate Education Committee due to the compressed Legislative schedule, was virtually identical to this measure.

SB 12 (Beall), Chapter 722, Statutes of 2017, which, requires the California Student Aid Commission to work with the CDSS to develop an automated system to verify a student's status as a foster youth for the purposes of processing applications for federal financial aid; expands the CAFYES program from up to 10 community college districts to 20 community college districts; and, makes changes aimed at increasing and facilitating foster youth and nonminor dependent access to postsecondary education.

SB 1023 (Liu), Chapter 771, Statutes of 2014, which, in part, authorizes the CCCCO to enter into agreements with up to 10 community college districts to establish the CAFYES program in order to provide additional funds for services in support of postsecondary education for foster youth.

REGISTERED SUPPORT / OPPOSITION:

Support

Beyond Emancipation
Butte College
California Alliance of Child and Family Services
California Community Colleges Chancellor's Office
California Court Appointed Special Advocate Association
California State University, Office of The Chancellor
Children Now
Coastline College
College of the Desert
Cuyamaca College
David & Margaret Youth and Family Services
Everychild Foundation
Excite Credit Union
First Place for Youth
First Star
Foster Care Counts
Hillsides
John Burton Advocates for Youth (Sponsor)
Merced College
National Association of Social Workers, California Chapter
One Day, Inc.

Pasadena City College NextUp
PATH Scholars at CSU, Chico
Porterville College
Public Counsel
Reedley College
Rio Hondo College
Santa Rosa Junior College

Opposition

None on file.

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