

Date of Hearing: June 14, 2022

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

SB 885 (Laird) – As Amended March 31, 2022

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

SENATE VOTE: 39-0

SUBJECT: Community colleges: Current and former foster youth support: NextUp

SUMMARY: This bill eliminates the existing cap on the number of community college districts (20) that may administer the Cooperating Agencies Foster Youth Educational Support Program, and makes other changes to this program. Specifically, **this bill:**

- 1) Removes the existing cap on the number of community college districts (20) that may administer the Cooperating Agencies Foster Youth Educational Support Program, thereby enabling this program to expand to every community college district.
- 2) Eliminates the existing application process for a community college district's participation, as well as the requirement that the application include information about cooperating with local entities that support current and former foster youth.
- 3) Replaces the application process with one where interested community college districts submit a letter of intent.
- 4) Authorizes eligible students to participate in the program while enrolled in fewer than nine units if that is part of an education plan designed to move the student towards subsequent enrollment in at least nine units.
- 5) Modifies priority for funding if the number of requests to participate exceeds available funding, from districts with the higher number of eligible students to being based on the geographical distribution of eligible students.
- 6) Reduces the percentage of funding that may be used for administration of this program, from two percent to one percent, and adds that these funds are also to be used for program development and program accountability.
- 7) Deletes the authority for the CCC Board of Governors to allow the Chancellor to designate up to three percent of program funds for program development and program accountability.

EXISTING LAW:

Priority enrollment

- 1) Requires each campus of the California State University and California Community Colleges (CCC), and requests each campus of the University of California, to grant priority enrollment

to current and former foster youth and current and former homeless youth. (Education Code (EDC) Section 66025.9)

- 2) Defines current or former foster youth as a person in 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 25 years of age at the commencement of the academic year. (EDC Section 66025.9)

Cooperating Agencies Foster Youth Educational Support Program (NextUp)

- 3) Authorizes the CCC Chancellor's Office to enter into agreements with up to 20 community college districts to provide additional funds for services in support of postsecondary education for foster youth. Existing law provides that services are to include, when appropriate, outreach and recruitment, consultation and eligibility verification, consultation and referrals for students deemed ineligible, 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. (EDC Section 79220)
- 4) Requires a student participant in this 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 a court on or after the youth's 13th 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. (EDC Section 79222)
- 5) 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)

FISCAL EFFECT: According to the Senate Appropriations Committee:

- 1) By eliminating the cap on the number of community college districts that can administer the program, this bill could result in Proposition 98 General Fund cost pressure in the low tens of millions of dollars each year. A precise amount would depend on the number of additional districts and students that would participate. The Chancellor's Office indicates that if the existing appropriation of \$20 million (which currently serves up to 3,226 students) were to be increased by \$10 million, then the program could serve 4,839 students. A \$20 million increase could serve up to 6,452 students.
- 2) The Chancellor's Office estimates that one staff specialist position at a General Fund cost of \$163,000 each year would be needed for the administration, program development, program accountability, and technical assistance of the program's expansion. Appropriations Committee staff notes that the bill would reduce the percentage of funding that may be used for administrative costs to one percent, and provides that these funds are also to be used for program development and accountability.

COMMENTS: *Purpose.* According to the author, "Senate Bill 885 furthers California's goal of providing educational opportunities to all students by expanding the supportive services that

could be offered to former and current foster students across the [CCC] system. Given the plethora of challenges this population must overcome to succeed in college, the NextUp Program provides a comprehensive support system to meet these students where they are.”

“Currently, the program is limited to 20 districts which has resulted in just 46 of the 116 colleges offering the program. This legislation will eliminate that cap and allows additional colleges the opportunity to establish and support a NextUp program. It will also adjust program rules to better meet the needs of the target population by creating flexibility around unit requirements and streamlining administrative requirements. These changes come at a crucial time when expanded supports for post-secondary education is top of mind, and this bill allows the Legislature to make a meaningful impact in the lives of these vulnerable students.”

NextUp. The CCC Student Success Task Force reported that students who maintained full-time enrollment (12 units) were more likely to meet their educational goals. Regulations established eligibility for student support to include full-time enrollment. However, reports specific to educational outcomes of foster youth found that maintaining full-time enrollment is an obstacle for students who are current or former foster youth; many do not continue to attend beyond the first year. As a result, legislation established the “Cooperating Agencies Foster Youth Educational Support Program” in statute in 2015. In 2017, the CCC Chancellor’s Office changed the name of this program to “NextUp.” The goal is to provide the support and services to students necessary to assist them in meeting the requirements of the Student Success Act. A student is eligible to be served by the NextUp program if the student is a current or former foster youth who was in care on or after the student’s 13th birthday, is enrolled in at least 9 units, and is not older than 25 years of age at the beginning of the academic term in which the student participates in NextUp.

The NextUp program provides traditional student support services such as orientation, in addition to outreach and recruitment, consultation and eligibility verification, consultation and referrals for students deemed ineligible, 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. Existing law requires the CCC Board of Governors to submit a report by March 31, 2020 and biennially thereafter, describing its efforts to serve students who are current and former foster youth, and include:

- 1) 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.
- 2) Recommendations on whether and how the program under this article can be expanded to all community college districts and campuses.

The 2020 report includes the following recommendations:

- 1) Remove the cap on the number of participating districts to allow strategic expansion and innovation of the NextUp program across the California Community Colleges system; and,
- 2) Broadening NextUp program eligibility criteria by including students who have been in foster care on or after their 13th birthday.

Program expansion is not automatic. While this bill eliminates the cap on the number of community college districts that may participate in the NextUp program, expansion is not automatic as districts must still submit a letter of intent and be approved by the Chancellor's Office to receive funding and participate in the NextUp program.

Application vs letter of intent. Currently, community college districts must submit an application to the Chancellor's Office for approval in order to participate in and receive funding for the NextUp program. This bill replaces the application process with one where interested community college districts submit a letter of intent. According to the author, the current application process is burdensome for community college districts and the Chancellor's Office, and notes that letters of intent are currently used for other programs, including the rapid rehousing program.

Fewer than 9 units. Generally, students need to enroll in 15 units to complete "on time" and a minimum of 12 units is typically required to be eligible for most financial aid. Further, data shows that persistence rates fall as it take longer for students to complete their academic plan.

The NextUp program was created to support current and former foster youth while upholding the tenants of the Student Success Act (academic planning and other efforts to support student completion). Students may participate in the NextUp program while being enrolled in only nine units in recognition of the unique difficulties that current and former foster youth often face, and that these students may not persist at all if required to be enrolled in 12 or more units.

This bill authorizes students who are enrolled in fewer than nine units to be accepted into the program if such enrollment is part of an education plan designed to move the student towards subsequent enrollment in at least nine units. Committee staff believes this is a reasonable allowance while maintaining a safety net for participating students.

Related budget proposal. At the time of this publication, the 2022-23 legislative budget package, as negotiated by the Senate and Assembly, approves \$30 million in ongoing Proposition 98 General Funds for NextUp foster youth programs at the CCC. This proposal is \$10 million more than what was provided by the Governor in his May Revise. The final funding is still being negotiated, and will be resolved following publication of this analysis. The Governor's Budget currently proposes to expand the NextUp program by removing the 20-district cap, and proposes an additional \$20 million in on-going funding.

Arguments in support. The John Burton Advocates for Youth wrote that "The COVID-19 pandemic has only exacerbated existing inequities between foster youth and their peers. A research study found that more than a quarter of foster youth (28%) stopped attending classes, and 1 in 8 reported dropping out altogether due to the pandemic. Unfortunately, this program is limited to 20 CCC districts, resulting in just 46 of the 116 colleges offering the program and many colleges with significant foster youth populations do not currently receive funding. This legislation seeks to remedy this statutory limitation placed on the NextUp program and allows additional campuses the resources they need to establish and support this crucial support system."

"Additionally, over the six years that the program has been in place, it has become clear that the existing 9-unit enrollment requirement fails to recognize the unique and severe barriers foster youth face as they embark upon post-secondary education. These barriers, which stem from a

combination of the aftermath of trauma, academic challenges, a lack of family support and competing life responsibilities necessitate greater flexibility. By passing SB 885, the Legislature will highlight its continued commitment to provide for the safety, health, and overall well-being of our most disadvantaged students.”

The Chancellor’s Office of the California Community Colleges wrote that, “SB 885 will allow greater access to higher education for current and former foster youth by expanding NextUp to more colleges and providing flexibility to the 9 unit requirement. When NextUp was established, there were many unknowns, which led to the establishment of a unit requirement that may not fit the needs of foster youth students. Since its inception, the evidence of NextUp’s effectiveness has grown. A study by Educational Results Partnership (ERP) and John Burton Advocates for Youth showed that students in NextUp have higher grade point averages, complete more units and access more financial aid than foster youth students not in NextUp. This is just one of many examples that demonstrate the success of NextUp and make clear that it should be expanded so that all eligible foster youth students are able to access it.”

Prior legislation. SB 228 (Leyva, 2021) expanded eligibility for priority enrollment for current and former foster youth at the University of California, California State University, and California Community Colleges and expanded eligibility for Next Up by making eligibility for both priority enrollment and NextUp available to a youth whose dependency was established or continued by the court on or after their 13th birthday. This bill was held on the Senate floor, due to limitations related to the COVID-19 pandemic, but the provisions described above were amended into SB 512 (Min) Chapter 574, Statutes of 2021, which was signed into law.

SB 958 (Leyva, 2020) was identical to SB 228 (Leyva, 2021). SB 958 was not heard due to the compressed legislative schedule caused by the COVID-19 pandemic, according to the author.

SB 854 (Weber) Chapter 781, Statutes of 2015, restricted the existing Foster Youth Services program by shifting the primary function from direct services to coordination, and allows program funds to be used to support all students in foster care. Additionally required county offices of education to ensure foster youth receive college planning services in high school.

SB 1023 (Lui) Chapter 771, Statutes of 2014, authorized the CCC Chancellor’s Office to enter into agreements with up to 10 CCC districts to establish the NextUP program in order to provide additional funds for services in support of postsecondary education for foster youth.

AB 194 (Beall) Chapter 458, Statutes of 2011, provided for foster youth to receive priority registration at community college and CSU campuses.

REGISTERED SUPPORT / OPPOSITION:

Support

All Saints Church Foster Care Project
Alliance for Children's Rights
Aspiranet
Butte College Inspiring Scholars
California Alliance of Child and Family Services
California Community Colleges, Chancellor's Office

Children Now
College of the Canyons
Columbia College
Community College League of California
Doing Good Works
Excite Credit Union
GENup
John Burton Advocates for Youth
Kamali'i Foster Family Agency
Los Angeles County Office of Education
National Association of Social Workers, California Chapter
Norco College
Northern California College Promise Coalition
San Jose-evergreen Community College District

Opposition

None on file.

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