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AB-2137 Homeless and foster youth. (2023-2024)

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Assembly Bill No. 2137

CHAPTER 382

An act to amend Section 42921 of the Education Code, relating to homeless and foster youth.

[Approved by Governor September 22, 2024. Filed with Secretary of State September 22, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2137, Quirk-Silva. Homeless and foster youth.

Existing law establishes the Foster Youth Services Coordinating Program, under the administration of the Superintendent of Public Instruction, to provide supplemental funding to county offices of education, or a consortium of county offices of education, 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. The program authorizes a county office of education, or a consortium of county offices of education, to apply to the Superintendent for grant funding to operate an education-based foster youth services coordinating program. If sufficient funds are available, existing law requires each foster youth services coordinating program to identify at least one person as the foster youth educational services coordinator, who is responsible for facilitating educational support, as specified, to any pupil in foster care residing or attending school in the county or consortium of counties. As a condition of receiving funds, existing law requires a foster youth services coordinating program to develop and implement a foster youth services plan that includes, among other things, authorization of a school district, when specified conditions apply, to enter into a temporary agreement with the foster youth services coordinating program to provide tutoring, mentoring, and counseling services to pupils, as provided.

This bill instead would authorize a foster youth services coordinating program to provide tutoring, mentoring, and counseling services to a foster youth pupil, if a foster youth educational services coordinator determines, as specified, that the foster youth services coordinator is unable to secure those services provided by the foster youth pupil's school district and if those services are established as needed and identified by the foster youth educational services coordinator.

This bill would incorporate additional changes to Section 42921 of the Education Code proposed by AB 3223 to be operative only if this bill and AB 3223 are enacted and this bill is enacted last.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 42921 of the Education Code is amended to read:

42921. (a) A county office of education, or a consortium of county offices of education, may 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.

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

(c) For purposes of this chapter, a pupil in foster care means a foster youth, as defined in subdivision (b) of Section 42238.01, or a foster child who is detained in a county-operated juvenile detention facility.

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

(e) As a condition of receiving funds pursuant to this chapter, each foster youth services coordinating program operated by a county office of education or a consortium of county offices of education pursuant to this chapter shall develop and implement a foster youth services coordinating plan for purposes of establishing guiding principles and protocols to provide supports for foster care pupils aligned with the population priorities established in subdivision (f). The plan shall include, to the extent possible, but not be limited to, all of the following:

(1) (A) A description of how the program will establish ongoing collaboration with local educational agencies, county child welfare agencies, and county probation departments to determine the proper educational placement of the foster youth. This includes, but is not limited to, all of the following:

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

(ii) Facilitating collaboration between county agencies, school districts, and community organizations to ensure coordinated and nonduplicative service delivery and to ensure pupils in foster care receive the educational supports and services they need to succeed in school. This may include, but is not limited to, education emancipation services such as support with transitions to postsecondary education or career technical education programs.

(iii) Providing services and educational case management in support of individual pupils in foster care, as necessary. This may include, but is not limited to, transition and school social work to support transition between schools or school districts.

(B) The primary goal of the collaboration required pursuant to this section shall be to minimize changes in school placement by supporting the implementation of Section 48850, subdivision (c) of Section 48853, and all related statutes that pertain to pupils in foster care. As necessary, and in accordance with Section 48853.5, the foster youth services coordinating program may pay for the cost of transportation to support this subparagraph.

(i) If it is in the best interests of a pupil in foster care to transfer schools, the foster youth services coordinating program shall support local educational agencies in the implementation of Section 48853.5, and all related statutes pertaining to pupils in foster care, such as ensuring transfers are done at an educationally appropriate time, educational records are quickly transferred, appropriate partial credits are awarded, and the pupil in foster care is quickly enrolled in appropriate classes.

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

(2) (A) If a foster youth educational services coordinator annually determines that the foster youth services coordinator is unable, through coordinating activities required under this section and using any other state, federal, local, or private funds, to secure tutoring, mentoring, and counseling services provided by a foster youth pupil's school district, and if those services are established as needed and identified by the foster youth educational services coordinator, the foster youth services coordinating program may provide those services to the pupil.

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

(C) It is the intent of the Legislature that county offices of education, in the development and adoption of their local control and accountability plans, include information specific to the transition requirement established pursuant to subdivision (b) of

Section 42920.5, when describing the coordination of services for foster youth pupils required pursuant to paragraph (10) of subdivision (d) of Section 52066.

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

(B) The plan shall also describe how the program will facilitate coordination with local postsecondary educational institutions, including, but not limited to, the California Community Colleges, the California State University, and the University of California, to ensure foster youth pupils meet admission requirements and access programs that support their matriculation needs. The plan shall describe how the program will coordinate efforts to ensure, to the extent possible, the completion of the Free Application for Federal Student Aid or the California Dream Act Application for foster youth pupils who are in grade 12.

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

(f) When developing the plan required pursuant to this section, the county office of education, or the consortium of county offices of education, shall consider the needs of specific age groups, pupils in foster care in specific geographic areas with the highest concentration of pupils in foster care, and pupils in foster care with the greatest academic need. A foster youth services coordinating program is encouraged to first provide services for pupils in foster care who reside in group homes, institutional settings, or other placements with pupils with high academic needs, as determined by the local Executive Advisory Council.

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

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

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

(4) The Executive Advisory Council shall regularly review the recommendations to the foster youth services plan required pursuant to subdivision (e).

SEC. 1.5. Section 42921 of the Education Code is amended to read:

42921. (a) A county office of education, or a consortium of county offices of education, may 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.

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

(c) For purposes of this chapter, a pupil in foster care means a foster youth, as defined in subdivision (b) of Section 42238.01, a foster child who is detained in a county-operated juvenile detention facility, or a child who is the subject of a petition filed pursuant to Section 602 of the Welfare and Institutions Code and has been identified by a county child welfare agency, probation department, or Indian tribe that entered into an agreement pursuant to Section 10553.1 of the Welfare and Institutions Code as being at imminent risk of removal and placement into foster care.

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

(e) As a condition of receiving funds pursuant to this chapter, each foster youth services coordinating program operated by a county office of education or a consortium of county offices of education pursuant to this chapter shall develop and implement a foster youth services coordinating plan for purposes of establishing guiding principles and protocols to provide supports for foster care pupils aligned with the population priorities established in subdivision (f). The plan shall include, to the extent possible, but not be limited to, all of the following:

(1) (A) A description of how the program will establish ongoing collaboration with local educational agencies, county child welfare agencies, and county probation departments to determine the proper educational placement of the foster youth. This includes, but is not limited to, all of the following:

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

(ii) Facilitating collaboration between county agencies, school districts, and community organizations to ensure coordinated and nonduplicative service delivery and to ensure pupils in foster care receive the educational supports and services they need to succeed in school. This may include, but is not limited to, education emancipation services such as support with transitions to postsecondary education or career technical education programs.

(iii) Providing services and educational case management in support of individual pupils in foster care, as necessary. This may include, but is not limited to, transition and school social work to support transition between schools or school districts.

(B) The primary goal of the collaboration required pursuant to this section shall be to minimize changes in school placement by supporting the implementation of Section 48850, subdivision (c) of Section 48853, and all related statutes that pertain to pupils in foster care. As necessary, and in accordance with Section 48853.5, the foster youth services coordinating program may pay for the cost of transportation to support this subparagraph.

(i) If it is in the best interests of a pupil in foster care to transfer schools, the foster youth services coordinating program shall support local educational agencies in the implementation of Section 48853.5, and all related statutes pertaining to pupils in foster care, such as ensuring transfers are done at an educationally appropriate time, educational records are quickly transferred, appropriate partial credits are awarded, and the pupil in foster care is quickly enrolled in appropriate classes.

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

(2) (A) If a foster youth educational services coordinator annually determines that the foster youth services coordinator is unable, through coordinating activities required under this section and using any other state, federal, local, or private funds, to secure tutoring, mentoring, and counseling services provided by a foster youth pupil's school district, and if those services are established as needed and identified by the foster youth educational services coordinator, the foster youth services coordinating program may provide those services to the pupil.

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

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

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

(B) The plan shall also describe how the program will facilitate coordination with local postsecondary educational institutions, including, but not limited to, the California Community Colleges, the California State University, and the University of California, to ensure foster youth pupils meet admission requirements and access programs that support their matriculation needs. The plan shall describe how the program will coordinate efforts to ensure, to the extent possible, the completion of the Free Application for Federal Student Aid or the California Dream Act Application for foster youth pupils who are in grade 12.

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

(f) When developing the plan required pursuant to this section, the county office of education, or the consortium of county offices of education, shall consider the needs of specific age groups, pupils in foster care in specific geographic areas with the highest concentration of pupils in foster care, and pupils in foster care with the greatest academic need. A foster youth services coordinating program is encouraged to first provide services for pupils in foster care who reside in group homes, institutional settings, or other placements with pupils with high academic needs, as determined by the local Executive Advisory Council.

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

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

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

(4) The Executive Advisory Council shall regularly review the recommendations to the foster youth services plan required pursuant to subdivision (e).

SEC. 2. Section 1.5 of this bill incorporates amendments to Section 42921 of the Education Code proposed by both this bill and Assembly Bill 3223. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2025, (2) each bill amends Section 42921 of the Education Code, and (3) this bill is enacted after Assembly Bill 3223, in which case Section 1 of this bill shall not become operative.