

Date of Hearing: April 23, 2024

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Alex Lee, Chair

AB 2137 (Quirk-Silva) – As Amended April 11, 2024

SUBJECT: Homeless and foster youth

SUMMARY: Revises requirements related to foster youth services coordinating program (FYSCP) coordinating plans, and the adoption and annual updates of local control and accountability plans (LCAPs), as it relates to homeless and foster youth. Specifically, **this bill:**

- 1) Permits, if a foster youth services (FYS) coordinator annually determines that they are unable, through coordinating activities required under existing law 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 FYS coordinator, the FYSCP to provide those services to the pupil.
- 2) Specifies that "foster youth" has the same meaning as defined in the Education Code, and includes a foster child who is detained in a county-operated juvenile detention facility.
- 3) Requires, for pupils who are foster youth, the local educational agency (LEA) to submit a copy of opt-out forms related to the Free Application for Federal Student Aid (FAFSA) or the California Dream Act Application (CADAA) to the FYSCP no later than 14 calendar days following the date that the opt-out form was completed.
- 4) Requires, before the governing board of a school district considers the adoption or annual update to the LCAP, the superintendent of the school district to consult with its foster youth and homeless youth liaisons.
- 5) Requires the instructions developed by the state board used to complete and annually update the LCAP, to specify, beginning with LCAPs for the 2025-26 school year, that school districts, county offices of education (COEs), and charter schools with a number of homeless pupils identified that is less than 10% of the number of pupils identified as eligible for free or reduced-price meals, for purposes of determining the local control funding formula (LCFF) allocation under the LCFF for the previous year, shall include a description of how the school district, COE, or charter school has implemented or intends to implement existing law requiring an LEA to ensure that each school within the LEA identifies all homeless children and youths and unaccompanied youths enrolled at the school.
- 6) Stipulates the instructions developed by the state board used to complete and annually update the LCAP, beginning with LCAPs for the 2025-26 school year, shall require school districts, COEs, and charter schools that had homeless pupils or foster pupils to receive the lowest performance level on one or more state indicators on the California School Dashboard (Dashboard) within the LEA, or within a school, in the year preceding the adoption of the LCAP, to develop actions to address instances where a school or pupil group within an LEA, or a school, receives the lowest performance level on one or more state indicators on the Dashboard, in consultation, for homeless pupils, with the homeless liaison and, for foster pupils, with the foster youth liaison.

- 7) Adds to the requirements that must be considered before the county board of education adopts or annually updates the LCAP to include a requirement for the county superintendent of schools to consult with the homeless and foster liaisons to address the requirement for LEAs to identify all homeless and unaccompanied youths enrolled at the school and to address all instances where pupils received the lowest performance level on one or more state indicators on the Dashboard.

EXISTING LAW:

State law:

- 1) Requires LEAs to ensure that each school within the LEA identifies all homeless children and youths and unaccompanied youths enrolled at the school. (Education Code [EDC] § 48851)
- 2) Defines “foster child” to mean any of the following:
 - a) A child who has been removed from their home and taken into temporary custody;
 - b) A child who is the subject of a petition, as defined, whether or not the child has been removed from their home;
 - c) A dependent child of the court of an Indian tribe, consortium of tribes, or tribal organization who is the subject of a petition filed in the tribal court pursuant to the tribal court’s jurisdiction in accordance with the tribe’s law; or,
 - d) A child who is the subject of a voluntary placement agreement, as defined. (EDC § 48853.5(a))
- 3) Confers certain rights on all children placed in foster care, including the right to be represented by an attorney to advocate for the child’s protection, safety, and well-being. (Welfare and Institutions Code § 16001.9(a)(33))
- 4) Establishes the FYSCP, administered by the Superintendent of Public Instruction (SPI), to provide supplemental funding to COEs, or a consortium of COEs, to coordinate and ensure that LEAs within its jurisdiction are providing services to foster youth pupils, with the purpose of ensuring positive educational outcomes. Requires a FYSCP to meet minimum standards established by the SPI. (EDC § 42920.5)
- 5) Requires each LEA to designate a staff person as the educational liaison for foster children. (EDC § 48853.5)
- 6) Requires a school district, charter school, or COE to create a website containing the list of LEA liaisons for pupils in foster care and pupils who are homeless with contact information, and information on homelessness including educational rights and resources in that school district, charter school, or the California Department of Education (CDE). (EDC § 48852.6)

Federal law:

- 7) Defines, in the McKinney-Vento Act, “homeless children and youths” as individuals who lack a fixed, regular, and adequate nighttime residence, and includes:

- a) Children who are sharing the housing of others due to economic hardship, are living in motels, hotels, trailer parks, or campgrounds due to the lack of alternative accommodations, are living in emergency or transitional shelters, or are abandoned in hospitals;
 - b) Children who have a primary nighttime residence not designed or ordinarily used for sleeping;
 - c) Children who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and,
 - d) Migratory children who are living in the circumstances described above. (United States Code [U.S.C.] Title 42 § 11434(a))
- 8) Provides a homeless student with specific rights and protections, including the right to immediate enrollment, and the right to continue education at the student's school of origin for the duration of the student's homelessness, according to the child's or youth's best interest. (U.S.C. Title 42 § 11432 (g))
- 9) Requires each LEA liaison for homeless children and youths, to ensure that homeless children and youths are identified by school personnel through outreach and coordination activities with other entities and agencies. (U.S.C. Title 24 § 11432(g)(6)(A)(i))

FISCAL EFFECT: Unknown, this bill has not been analyzed by a fiscal committee.

COMMENTS:

Background: *Foster Youth Services Coordinating Programs* play a crucial role in coordinating between LEAs and county child welfare agencies. Data show FYSCPs enhance the identification and enrollment of students who are placed in foster care, safeguard their educational rights, and improve high school graduation and college enrollment rates.

The current statutory framework restricts FYSCPs from providing direct services to foster youth students unless LEAs certify in writing that they are "unable, using any other state, federal, local, or private funds, to provide the direct services" being offered by FYSCPs. The Author reports this requirement has proven to be a barrier to foster youth students receiving essential services like tutoring, mentoring, and counseling. This bill removes the requirement for the written certification and instead authorizes the FYS coordinator to make this determination annually in order for FYSCPs to directly provide those services to the pupil.

Since 1981, CDE has administered a statewide grant program, the Foster Youth Services Program, now referred to as the FYSCP, which provides funding to COEs to improve interagency support for students in foster care. In order to coordinate services across county agencies, county FYSCPs developed memorandums of understanding (MOUs) with county child welfare agencies for the purpose of drawing down Title IV-E federal dollars for eligible case management activities that support the coordination of services for foster youth. The FYSCPs also developed policies and procedures for information-sharing among county agencies concerning foster youth. This shared information is used by education, child welfare, and probation agencies to track the progress of foster youth in both care and education and, when needed, quickly transfer students between

districts. The county-administered FYSCPs have also developed agreements to address transportation to a child's school of origin to promote school stability.

Some of the types of educational case management activities that can be included in these MOUs enumerate what the COEs agree to provide, such as working with the child welfare department to minimize changes in school placement; assisting with the prompt transfer of educational records, including the health and education passport, between educational institutions when placement changes are necessary; and, facilitating communication between the education rights holder, the foster care provider, teacher, and any other school staff or education service providers for the child. In 2003, through the enactment of AB 490, (Steinberg), Chapter 862, Statutes of 2003, LEAs that operate a FYSCP are required to appoint a staff person to act as an educational liaison for foster youth. The liaison helps to ensure proper placement, enrollment in school, and to assist them in transferring from one school to another by seeing that necessary records, credits, and grades are transferred.

This bill would require the superintendent of the school district to consult with its foster youth liaison when developing actions or annually updating the LCAP to address requirements to include specific actions in the LCAP to address all instances where a school or pupil group within an LEA, or a pupil group within a school, receives the lowest performance level on one or more state indicators on the Dashboard.

Free Application for Federal Student Aid and the California Dream Act Application: The FAFSA and CADAA are used to determine student financial aid eligibility. Students who are United States (U.S.) citizens, national, or permanent residents of the U.S. can complete the FAFSA to determine their eligibility for federal and state financial aid. The CADAA is used to determine eligibility for state financial aid for California students who are not U.S. citizens, national, or permanent residents. The California Dream Act and corresponding financial aid application (the CADAA) are unrelated to the federal Deferred Action for Childhood Arrivals (DACA) program. Completion of either the FAFSA or the CADAA is required to establish financial eligibility for many grants and scholarships, including the Cal Grant, Middle Class Scholarship, Chafee Grant for foster youth, University of California Grants, California State University Grants, some university scholarships, and some private scholarships administered by campuses. Current and prospective college students who do not complete the FAFSA or CADAA lose the opportunity to apply for substantial amounts of financial aid. Starting in the 2022-23 academic school year, high schools, and LEAs are required to ensure that all 12th graders in the state of California complete a FAFSA or CADAA, unless the student has formally submitted an opt-out waiver. The California Student Aid Commission is the state agency responsible for administering state financial aid and has an initiative entitled the *All In for FAFSA/CA Dream Act* to assist school districts with ensuring that high school seniors complete and submit their FAFSA or CADAA. With the implementation of these efforts, FAFSA completion rates for all students increased from 57% to 74%, however, rates for foster youth increased from 62.6% to just 65%. This bill would allow FYSCPs to better track students who opt out of completion, by requiring LEAs to send a copy of FAFSA and CADAA opt-out forms to the FYSCP no later than 14 calendar days following the date that the opt-out form was completed.

Educational Outcomes for Foster Youth. Students in foster care represent one of the most vulnerable and academically at-risk student groups enrolled in California schools. CDE monitors the educational outcomes for foster youth and partners with multiple state agencies and nonprofit organizations to ensure these students receive the supports and services they need.

California's foster youth have the poorest education outcomes of any students, due in large part to their school instability. Data show that youth in foster care change schools an average of eight times while in care, losing four to six months of learning with each move. Youth in foster care graduate at a rate of only 56% (compared to 85% of all students), 15% are suspended at least once per year (compared to 4% of all students), 28% are chronically absent (compared to 12% of all students), and math and English language test scores are consistently far below their peers. To address this issue, existing law ensures youth in foster care the right to remain stable in school by staying in their school of origin, despite a home placement change, and federal law created a corresponding right to transportation to the school of origin, as established in the Every Student Succeeds Act, signed into law by President Obama on December 10, 2015.

Homeless Youth in California. The McKinney-Vento Homeless Assistance Act (Act) is a federal law that, among other requirements, requires public schools to count the number of students who are living on the street, in shelters, motels, in cars, or with other families. The Act further requires school districts, COEs, and charter schools to hire a local liaison who must ensure that homeless youth are identified and coordinate education services to increase their chances of succeeding academically. This bill would require the instructions developed by the state board used to complete and annually update the LCAP, to specify that schools reporting a number of homeless pupils that is less than 10% of the number of pupils eligible for free or reduced-price meals, to include a description of how the school district, COE, or charter school has implemented or intends to implement existing law requiring an LEA to ensure that each school identifies all homeless children and youths and unaccompanied youths enrolled at the school.

According to the United States Department of Housing and Urban Development's (HUD's) 2023 Annual Homeless Assessment Report (HAR) to Congress, states that there are 25,483 people experiencing homelessness in families with children in California. The report says that 46 in every 10,000 people experienced sheltered homelessness in California and that a total of 181,399 people were experiencing homelessness in the state in 2023. Data from CDE's 2019-20 Homeless Youth Educational Outcomes report shows that 244,626 homeless youth were enrolled from kindergarten through Grade 12, which was a 9% decrease from 2018-19. The report also stated that Black students make up 5.4% of statewide enrollment, but represent 9% of homeless students. Latino students make up 55% of statewide enrollment but represent 71% of homeless students.

According to the 2023 HAR, between 2007 and 2023, the number of people experiencing homelessness increased in 25 states. The largest absolute increase was in California reporting an additional 42,413 more people experiencing homelessness.

People experiencing homelessness face a variety of challenges including food and income insecurity, as well as health problems; the homeless population faces a higher risk of exposure to communicable diseases such as COVID-19, influenza, strep throat, sexually transmitted diseases, Hepatitis C, HIV/AIDS, and tuberculosis, among others. Relatedly, CDE's report states that the chronic absence rate for homeless youth was nearly two times that for all students, while the homeless youth graduation rate was 15% lower than the rate for non-homeless students.

Author's Statement: According to the Author, "Research shows that these students who are experiencing homelessness or are foster youth face immense challenges in attaining a high school diploma and successfully matriculating to higher education. While schools are improving in identifying homeless students, many districts still report zero cases or likely underreport, denying these students the specialized assistance mandated by law.

“Fiscal concerns should not hinder our state’s provide services to foster youth and those experiencing homelessness. It is precisely during these times that we must think creatively to ensure that the allocated funding and resources are used optimally for the benefit of these students. [This bill] utilizes existing resources to enhance direct student support, streamline collaboration of services, and reduce gaps in financial aid application completion to further improve outcomes for foster youth and students who experience homelessness.”

Equity Implications: The provisions of this bill are focused on improving outcomes for California’s foster youth and students who experience homelessness, by utilizing existing resources to enhance direct student support, streamline better collaboration of services, and reduce gaps in financial aid application completion. Research has consistently shown that California’s foster youth experience low educational outcomes, and data has shown the same dismal outcomes for youth experiencing homelessness while juggling the demands of a K-12 education. Due to the lower rates of educational success and support, foster youth often experience poor outcomes later in life, including higher unemployment, homelessness, and incarceration rates than their peers. Homeless youth are also at a disadvantage when compared to their non-homeless peers and also graduate at a lower rate. This bill is seeking to remove barriers for the vulnerable foster youth and homeless population enrolled in school.

Double referral: This bill was previously heard in the Assembly Education Committee, on April 3, 2024, and was approved on consent with a 7-0 vote.

RELATED AND PRIOR LEGISLATION:

AB 3223 (Wilson), of the current legislative session, permits a child who is the subject of a petition filed pursuant to a violation of laws and who has been identified as being at imminent risk of removal and placement into foster care, to be served by the FYSCP. *AB 3223 is pending before this committee and set for a hearing on April 23, 2024.*

AB 373 (Gipson), Chapter 327, Statutes of 2023, required an LEA operating an intersession program to grant priority access to homeless and foster children and youth.

AB 1055 (Ramos), Chapter 237, Statutes of 2021, revised the definition of students in foster care for purposes of the LCFF and for purposes of specified educational rights of students in foster care, including the right to remain in the school of origin, to include those students subject to a voluntary placement agreement and by eliminating the requirement that a dependent child of the court of an Indian tribe also meet the definition of a dependent child of a county court.

SB 860 (Beall), Chapter 231, Statutes of 2020, required FYSCPs to ensure, to the extent possible, that youth in foster care complete the FAFSA or CADAA, and requires a FYSCP to report data on how many students in foster care completed these forms.

SB 918 (Wiener), Chapter 841, Statutes of 2018, established the Homeless Youth Act of 2018 to better serve the state’s homeless youth population and required the Homeless Coordinating and Financing Council (now known as the California Interagency Council on Homelessness) to take on additional related responsibilities, including setting goals to prevent and end homelessness among youth in the state, defining outcome measures, and gathering data related to those goals.

SB 933 (Thompson), Chapter 311, Statutes of 1998, expanded the FYS program statewide through COEs, and targeted funding to students residing in licensed children's institutions.

AB 1808 (Steinberg), Chapter 75, Statutes of 2006, expanded the FYS program to serve youth in foster family homes, foster family agencies, and juvenile detention facilities.

REGISTERED SUPPORT / OPPOSITION:

Support

National Center for Youth Law (Co-Sponsor)
Access Reproductive Justice
Alameda County Office of Education
Alliance for Children's Rights
Aspiranet
California Academy of Child and Adolescent Psychiatry
California Alliance of Caregivers
California Alliance of Child and Family Services
California Coalition for Youth
California Competes: Higher Education for A Strong Economy
California Federation of Teachers AFL-CIO
California School-Based Health Alliance
CASA of Los Angeles
Children Now
Children's Law Center of California
Coalition of California Welfare Rights Organizations
East Bay Children's Law Offices
John Burton Advocates for Youth
Los Angeles County Office of Education
MILPA Collective
Northern California College Promise Coalition
Optimist Youth Homes & Family Services
Orangewood Foundation
Safe Place for Youth
SchoolHouse Connection
Students Rising Above
TLC Child and Family Services Transition Age Youth Housing Programs
Twinspire
Women's Foundation California
Woodland Community College Foster & Kinship Care Education
Young Women's Freedom Center
Youth Leadership Institute

Opposition

None on file.

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