

## **Proposed Revisions to Title 5, California Code of Regulations Relating to the NextUp Program (Second Reading)**

This document contains underlined and stricken text, which may require adjustments to screen reader settings. Underlined text denotes additions to existing regulations or new text; ~~stricken~~ text denotes deletions from existing regulations. This document may also contain double underline and ~~double strikeout~~ to indicate changes to the text for second reading.

### **SUBCHAPTER 3.5 OF CHAPTER 7 OF DIVISION 6 OF TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS IS AMENDED TO READ:**

Subchapter 3.5. ~~Cooperating Agencies Foster Youth Educational Services~~ NextUp Program  
**SECTIONS 56400, 56401 AND 56402 OF ARTICLE 1 OF SUBCHAPTER 3.5 OF  
CHAPTER 7 OF DIVISION 6 OF TITLE 5 OF THE CALIFORNIA CODE OF  
REGULATIONS ARE AMENDED TO READ:**

#### **§ 56400. Implementation.**

This subchapter implements article 7 (commencing with section 79220), chapter 9, part 48, division 7, Title 3 of the Education Code. ~~This subchapter should be read in conjunction with Community College Extended Opportunity Programs and Services, article 8 (commencing with Section 69640), chapter 2, part 42, title 3 of the Education Code.~~

Authority cited: Sections ~~69648, 69652, 70901, 78210, 78211, 78211.5, 78212, 78213, 78214, 78215, 78216, 78218, 78219, 70901, 79223 and 79225~~, Education Code. Reference: Sections ~~69640, 69641, 69641.5, 69642, 69643, 69648, 69648.5, 69649, 69650, 69651, 69652, 69653, 69654, 69655, 69656, 79220, 79221, 79222, 79223, 79223.5, 79224, 79225, 79226, 79227, and 79228 and 79229~~, Education Code.

#### **§ 56401. Comparable Level of Services.**

~~Cooperating Agencies Foster Youth Educational Support~~ NextUp funds are excluded from the Extended Opportunity Programs and Services calculation referenced in section 56210.

Authority cited: Sections 70901, 79223 and 79225, Education Code. Reference: Sections 79220, 79221, 79222, 79223, 79223.5, 79224, 79225, 79226, 79227, ~~and 79228 and 79229~~, Education Code.

#### **§ 56402. Service Coordination.**

~~(a) College Cooperating Agencies Foster Youth Educational Support~~ NextUp programs shall cooperate with local county child welfare departments, county probation departments, local educational opportunity and services programs, and the community college district to ensure that services ~~Cooperating Agencies Foster Youth Educational Support~~ programs provided are coordinated with, and do not supplant, other services provided by the county and state.

~~(b) Cooperating Agencies Foster Youth Educational Support~~ students shall receive the full breadth of services and support to which they are entitled through Extended Opportunity Programs and Services, (unless and until Extended Opportunity Programs and Services eligibility ends.)

Authority cited: Sections 70901, 79223 and 79225, Education Code. Reference: Sections 79220, 79221, 79222, 79223, 79223.5, 79224, 79225, 79226, 79227, and 79228 and 79229, Education Code.

**SECTIONS 56403 AND 56404 OF ARTICLE 2 OF SUBCHAPTER 3.5 OF CHAPTER 7 OF DIVISION 6 OF TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS ARE AMENDED TO READ:**

§ 56403. Eligibility for Programs and Services.

(a) ~~To receive Cooperating Agencies Foster Youth Educational Support~~ be eligible to participate in NextUp, a student must:

~~(1) be a resident of California, or eligible for a nonresident tuition waiver, pursuant to sections 68130-68134 of the Education Code; the Dream Act, and T and U Visas; and Be a current or former foster youth 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 be no older than 25 years of age at the commencement of the academic year in which the student first enrolls in the program; and~~

~~(2) qualify to receive a California College Promise Grant pursuant to section 58620(b)(1), or (2), or (3) with a calculated Expected Family Contribution of \$0; and Be enrolled in at least nine units at the time of acceptance into the program; however, students enrolled in fewer than nine units may be accepted into the program if such enrollment is part of an education plan designed to move the student toward subsequent enrollment in at least nine units, or part of a Disabled Student Programs and Services (DSPS) academic accommodation plan (AAP).~~

~~(3) be a current or former foster youth in California whose dependency was established or continued by the court on or after the student's 16th birthday, and be younger than 26 years of age at the beginning of any academic year in which he or she participates in Cooperating Agencies Foster Youth Educational Support; and~~

~~(4) at the time of acceptance into Cooperating Agencies Foster Youth Educational Support be enrolled in at least nine units, or three-quarters time (.75) as defined by the college in which the student is enrolled, whichever is the minimum eligibility criterion. Cooperating Agencies Foster Youth Educational Support students enrolled less than full time at the time of acceptance shall not count towards the 10% limit of Extended Opportunity Programs and Services students accepted at nine units, articulated in section 56220(b). Students whose Disabled Students Programs and Services education plan require them to enroll in less than nine units or three-quarters (.75) time, as defined by the college in which the student is enrolled, are solely exempt from this minimum eligibility criterion.~~

(b) ~~Cooperating Agencies Foster Youth Educational Support shall expand the number of students participating in Extended Opportunity Programs and Services, not displace existing students. Districts participating in NextUp shall not impose any additional eligibility criteria on NextUp students other than the criteria specified in subdivision (a).~~

(c) ~~Cooperating Agencies Foster Youth Educational Support students are exempted from the degree applicable unit cap communicated in sections 56220(c) and 56226(a). Students enrolled in NextUp shall not be deemed eligible for the Extended Opportunity Programs and Services program unless they independently meet that program's eligibility criteria.~~

Authority cited: Sections 70901, 79222, 79223 and 79225, Education Code. Reference: Sections 79220, 79221, 79222, 79223, 79223.5, 79224, 79225, 79226, 79227, and 79228 and 79229, Education Code.

§ 56404. Limitations on Ongoing Eligibility.

(a) ~~A student who has met eligibility requirements of section 56403 shall continue to be eligible until the student:~~

~~(1) is 26 or older at the beginning of any academic year; or~~

~~(2) no longer meets the terms, conditions, and follow-up provisions of the Extended Opportunity Programs and Services mutual responsibility contract and/or the student education plan, individually developed between the student and academic counselor. The Extended Opportunity Programs and Services Director shall perform a review of circumstances contributing to a student not fulfilling the terms, conditions and follow-up provisions of the mutual responsibility contract and/or student education plan and may exercise discretion, permitting a student to resolve issues, before a student loses Cooperating Agencies Foster Youth Educational Support eligibility. No Cooperating Agencies Foster Youth Educational Support student shall be removed from Cooperating Agencies Foster Youth Educational Support based on his or her performance during a single semester.~~

~~(b) As per Pursuant to section 58621(a)(2), Cooperating Agencies Foster Youth Educational Support NextUp students meeting the definition of "foster youth" in Education Code section 66025.9(b) are exempt from loss of the California College Promise Grant due to academic or progress probation and shall not be removed from Cooperating Agencies Foster Youth Educational Support NextUp solely due to being on academic or progress probation.~~

Authority cited: Sections 70901, 79223 and 79225, Education Code. Reference: Sections 66025.9, 79220, 79221, 79222, 79223, 79223.5, 79224, 79225, 79226, 79227, and 79228 and 79229, Education Code.

**SECTIONS 56405 AND 56406 OF ARTICLE 3 OF SUBCHAPTER 3.5 OF CHAPTER 7 OF DIVISION 6 OF TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS ARE AMENDED TO READ:**

§ 56405. Program Standards.

(a) At a minimum, ~~Cooperating Agencies Foster Youth Educational Support~~ NextUp students shall receive core Student Success and Support Program services and, if eligible, referral to specialized services listed in Education Code section 78212.

(b) ~~Cooperating Agencies Foster Youth Educational Support~~ NextUp students shall receive additional counseling and in person contacts that exceed the requirements of section 56236 any of the services listed in section 56406 deemed necessary to support the student's success.

(c) Community college districts shall not impose undue barriers preventing NextUp students from receiving services ~~to which they are entitled under this article. described in section 56406, including but not limited to, ensuring that program application and enrollment processes are streamlined and do not impose barriers to entry.~~

Authority cited: Sections 70901, 79223 and 79225, Education Code. Reference: Sections 79221, 79222, 79223, 79223.5, 79224, 79225, 79226, 79227, and 79228 and 79229, Education Code.

#### § 56406. Specialized Support Services.

(a) ~~Cooperating Agencies Foster Youth Educational Support~~ NextUp Programs must not supplant support and services provided by the college, community partners, county and state.

(b) In addition to the services defined in Education Code section 78212, students enrolled in ~~Cooperating Agencies Foster Youth Educational Support~~ NextUp, when appropriate, shall receive, but not necessarily be limited to:

- (1) outreach and recruitment;
- (2) academic, guidance, and personal counseling;
- (3) frequent in-person contact with, but not limited to, ~~Extended Opportunity Programs and Services and Cooperating Agencies Foster Youth Educational Support~~ NextUp counselors and staff;
- (4) tutoring;
- (5) career guidance;
- (6) transfer counseling;
- (7) service coordination;
- (8) independent living and financial literacy skills support;
- (9) book and supply grants;
- (10) work study awards;
- (11) emergency ~~loans~~ grants;
- (12) ~~Unmet Need~~ unmet need grants;
- (13) child care assistance;
- (14) transportation assistance;

(15) meal tickets and/or emergency food support, including but not limited to, access to a campus food pantry;

(16) emergency housing support;

(17) health and mental health services payment assistance;

(18) referrals to health services, mental health services, housing assistance, food assistance and other related services including, but not limited to, those available through local county agencies.

~~(e) Students participating in Cooperating Agencies Foster Youth Educational Support shall receive, when appropriate, services and support that are over and above what they are eligible for and do receive from other college support programs.~~

~~(c) NextUp programs may provide services and direct financial support as specified in subdivision (b) to enrolled students meeting all eligibility requirements, but whose courses have not yet commenced, and who have completed required matriculation activities as described in paragraph (2) of subdivision (a) of Education Code section 78212, if those services are necessary to enable the student to be successful upon the commencement of the academic term.~~

~~(d) NextUp programs may provide consultation services and referrals for students deemed ineligible for the program.~~

Authority cited: Sections 70901, 79223 and 79225, Education Code. Reference: Sections 79220, 79221, 79222, 79223, 79223.5, 79224, 79225, 79226, 79227, and 79228 and 79229, Education Code.

## **SECTION 56407 OF ARTICLE 4 OF SUBCHAPTER 3.5 OF CHAPTER 7 OF DIVISION 6 OF TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS IS AMENDED TO READ:**

§ 56407. Grants and Work Study Awards.

~~Cooperating Agencies Foster Youth Educational Support NextUp Unmet Need unmet need grants and work study awards may be made and are exempted from section 56254(a), (b), and (c) as follows:~~

~~(a) Grants may be awarded in an amount not to exceed a student's unmet need for the academic year. Notwithstanding any local policies to the contrary, no community college district, college, or NextUp program may enforce any restrictions on where students may spend NextUp grant funds awarded under this section.~~

~~(b) Work study awards shall not exceed a student's unmet need for the academic year. Contracts with private industry may be utilized to place NextUp work study students.~~

~~(c) No combination of NextUp grant and work study awards may exceed the amount of a student's unmet need in an academic year.~~

Authority cited: Sections 70901, 79223 and 79225, Education Code. Reference: Sections 79220, 79221, 79222, 79223, 79223.5, 79224, 79225, 79226, 79227, and 79228 and 79229, Education Code.

**SECTION 56408 OF ARTICLE 4 OF SUBCHAPTER 3.5 OF CHAPTER 7 OF DIVISION 6 OF TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS IS REPEALED:**

**§ 56408. Emergency Loans.**

~~Extended Opportunity Programs and Services emergency loans may be made to Cooperating Agencies Foster Youth Educational Support students in excess of the amount identified in section 56258(a). Cooperating Agencies Foster Youth Educational Support emergency loans may be made to students over and above what they are eligible to borrow through Extended Opportunity Programs and Services.~~

~~Authority cited: Sections 79223 and 79225, Education Code. Reference: Sections 79220, 79221, 79222, 79223, 79224, 79225, 79226, 79227, 79228 and 79229, Education Code.~~

**SECTION 56409 OF ARTICLE 5 OF SUBCHAPTER 3.5 OF CHAPTER 7 OF DIVISION 6 OF TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS IS REPEALED:**

**§ 56409. Staff.**

~~All staff funded by Cooperating Agencies Foster Youth Educational Support and/or assigned to Cooperating Agencies Foster Youth Educational Support shall be supervised by, and/or accountable to, the Extended Opportunity Programs and Services director for the services rendered to Cooperating Agencies Foster Youth Educational Support students, pursuant to approved Cooperating Agencies Foster Youth Educational Support budgets and program plans.~~

~~Authority cited: Sections 79223 and 79225, Education Code. Reference: Sections 79220, 79221, 79222, 79223, 79224, 79225, 79226, 79227, 79228 and 79229, Education Code.~~

**SECTION 56410 OF ARTICLE 6 OF SUBCHAPTER 3.5 OF CHAPTER 7 OF DIVISION 6 OF TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS IS AMENDED TO READ:**

**§ 56410. Program Plan.**

~~Districts that are awarded Cooperating Agencies Foster Youth Educational Support funds shall submit for approval by the Chancellor's Office a plan that conforms to the provisions of this chapter for each awarded college within the district. A college plan approved by the Chancellor's Office shall constitute a formal agreement between the district that operates the college and the Chancellor. Substantive changes to the plan may be made only with the prior written approval of the Chancellor's Office.~~

(a) Community college districts wishing to participate in the NextUp Program shall submit a letter of interest to participate to the Board of Governors. The letter of interest shall state the estimated number of foster youth to be served in the district and shall certify that services provided using NextUp funding will be coordinated with, and do not supplant, services provided by the county and state.

(b) Community college districts that are awarded NextUp funds shall submit to the Chancellor's Office a plan that conforms to the provisions of this chapter for each participating college within the district. Plans submitted by a district and received by the Chancellor's Office shall constitute a formal agreement between the district that operates the college and the Chancellor that the district will operate the NextUp program as specified in the plan. Substantive changes to the plan may be made only with the prior written approval of the Chancellor's Office.

Authority cited: Sections 70901, 79223 and 79225, Education Code. Reference: Sections 79220, 79221, 79222, 79223, 79223.5, 79224, 79225, 79226, 79227, and 79228 and 79229, Education Code.

**SECTIONS 56411, 56412, 56413, 56414 AND 56415 OF ARTICLE 7 OF SUBCHAPTER 3.5 OF CHAPTER 7 OF DIVISION 6 OF TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS ARE AMENDED TO READ:**

§ 56411. Funding.

(a) Cooperating Agencies Foster Youth Educational Support sections 56400-56416 This subchapter shall only be operative in a fiscal year if funds have been appropriated for purposes of this subchapter for that fiscal year.

(b) The Board of Governors may authorize the Chancellor, consistent with the requirements the Board of Governors may impose, is authorized to designate up to 2 1 percent of the funds allocated to Cooperating Agencies Foster Youth Educational Support for the NextUp program for program administration, program development, and program accountability.

(c) The Board of Governors may authorize the Chancellor, consistent with the requirements the Board of Governors may impose, to designate up to 3 percent of the funds allocated pursuant to this article for program development and program accountability.

Authority cited: Sections 70901, 79223 and 79225, Education Code. Reference: Sections 79220, 79221, 79222, 79223, 79223.5, 79224, 79225, 79226, 79227, and 79228 and 79229, Education Code.

§ 56412. District Fiscal Responsibility.

DistrictsCommunity college districts shall ensure that colleges under their jurisdiction conducting Cooperating Agencies Foster Youth Educational Support NextUp programs provide to Cooperating Agencies Foster Youth Educational Support NextUp students who need them the same programs and services the college offers to all of its students. Supplanting existing resources with Cooperating Agencies Foster Youth Educational Support NextUp funds is strictly prohibited.

Authority cited: Sections 70901, 79223 and 79225, Education Code. Reference: Sections 79220, 79221, 79222, 79223, 79223.5, 79224, 79225, 79226, 79227, and 79228 and 79229, Education Code.

§ 56413. Supplemental Costs.

~~College~~~~Community college~~ districts shall expend ~~Cooperating Agencies Foster Youth Educational Support~~ NextUp funds only for programs and services which are over, above, and in addition to the costs which are the district's responsibilities as defined under "District Fiscal Responsibility" above pursuant to section 56412.

Authority cited: Sections 70901, 79223 and 79225, Education Code. Reference: Sections 79220, 79221, 79222, 79223, 79223.5, 79224, 79225, 79226, 79227, and 79228 ~~and~~ 79229, Education Code.

§ 56414. Expenditures Allowed.

(a) ~~Cooperating Agencies Foster Youth Educational Support~~ programs are exempt from the limit placed on Extended Opportunity Programs and Services expenses in object codes 4000-6000 in section 56295(a).

(b) ~~Cooperating Agencies Foster Youth Educational Support~~ funds shall solely be spent on staff, programming and activities exclusively serving eligible ~~Cooperating Agencies Foster Youth Educational Support~~ students.

NextUp program funds shall be spent solely on:

(1) Services and direct support for NextUp students; and

(2) Staff, training, programming and related activities exclusively intended to advance the success of eligible NextUp students.

Authority cited: Sections 70901, 79223 and 79225, Education Code. Reference: Sections 79220, 79221, 79222, 79223, 79223.5, 79224, 79225, 79226, 79227, and 79228 ~~and~~ 79229, Education Code.

§ 56415. Expenditures Disallowed.

(a) ~~Cooperating Agencies Foster Youth Educational Support~~ NextUp funds shall not be used for the following:

(1) Supplanting salaries, employee benefits, services, support, financial aid, and other expenditures that are currently covered by other funding;

(2) Salaries, employee benefits and activities of programs other than those related to supporting the Cooperating Agencies Foster Youth Educational Support NextUp program;

(3) College administrative support costs (e.g., staff of the business office, bookstore, reproduction, staff above the dean salary level);

(4) Indirect costs (e.g., heat, light, power, janitorial services and district-associated costs);

(5) Travel, conference, meeting attendance, or any other expenses for staff, students or programs outside of ~~Cooperating Agencies Foster Youth Educational Support~~ NextUp;

(6) Recreational, entertainment or fundraising functions for ~~Cooperating Agencies Foster Youth Educational Support~~ NextUp staff;

(7) ~~Cooperating Agencies Foster Youth Educational Support NextUp student recreational and entertainment functions unrelated to the student's Education Plan advancing the success of eligible NextUp students; and student participation in fundraising functions;~~

(8) Student participation in fundraising functions;

(9) ~~Equipment, furniture, contracts, construction, renovation, or remodeling not approved by the Chancellor's Office in advance of encumbrance or agreement with vendor;~~

(9) ~~Political, non-profit or professional association dues and/or contributions.~~

Authority cited: Section 70901, 79223 and 79225, Education Code. Reference: Sections 79220, 79221, 79222, 79223, 79223.5, 79224, 79225, 79226, 79227, and 79228 and 79229, Education Code.

## **SECTION 56416 OF ARTICLE 7 OF SUBCHAPTER 3.5 OF CHAPTER 7 OF DIVISION 6 OF TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS IS REPEALED:**

§ 56416. Financial Aid.

~~Cooperating Agencies Foster Youth Educational Support programs are exempt from the Extended Opportunity Programs and Services financial aid restrictions in section 56298.~~

~~Authority cited: Sections 79223 and 79225, Education Code. Reference: Sections 79220, 79221, 79222, 79223, 79224, 79225, 79226, 79227, 79228 and 79229, Education Code.~~

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