

October 6, 2022

FKCE Advisory Committee

Fiscal Year 2022-23



California
Community
Colleges

Foster and Kinship Care
Education

2022 FKCE Advisory Committee

A11Y 10/17/22

Housekeeping

Audio/Visual

You will be muted during the main presentation but will have microphone and camera access during the public comment session.

Display Name

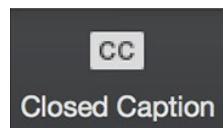
Please update your display name to your First and Last name only by hovering over your video, clicking on the three dots in the upper right corner, and choosing “rename.”

Tech Support

Tech Support is available, please email conferences@foundationccc.org with any questions.

Closed Captioning

Click the Closed Caption (CC) tab to read live captions.



Public Comment Instructions

There will be opportunities for public comment:

1. Attendees will be prompted to “raise hand” in Zoom, press “*9” if attending by telephone.
2. Individuals will be called on verbally. We will enable Camera and Audio and start a 2-minute timer. If joining by telephone, please press “*6” to unmute.
3. When the timer expires, we will disable your camera and audio.
4. If utilizing an interpreter or other interpretation technology, the Chancellor’s Office shall provide twice the allotted time, 4-minutes, to ensure that all speakers receive the same opportunity to address the committee.



Agenda

1. Order of Business

- a. Call to Order
- b. Roll Call
- c. Future Meeting Dates

2. Information and Reports

a. Bagley-Keene Open Meeting Act Orientation

This item provides the Committee with an overview of requirements set forth in the Bagley-Keene Open Meeting Act

b. Committee Purpose

This item presents the Committee with a brief orientation to the charter and goals for fiscal year 2022-23.

c. Chancellor's Office Report

This item provides an overview of the FKCE program.

d. Public Comment



Agenda

Break (5-10 minutes)

3. Action

a. Review of alternative funding formulas

This item provides information about funding formulas grounded in equitable access to and efficient delivery of services. Members will consider funding formula options and provide recommendations.

b. Public Comment

4. Public Forum

This item provides an opportunity to members of the public desiring to address the Committee on a topic not stated on the agenda and within its jurisdiction.

5. Adjournment



1. Order of Business

a. Call to Order

b. Roll Call

c. Proposed Future Meeting Date:

Tuesday, November 8, 2022 (based on progress made today)



2. Information and Reports

a. Bagley-Keene Open Meeting Act Orientation



Bagley-Keene Open Meetings Act Orientation Foster & Kinship Care Education Advisory Committee

October 6, 2022

Overview

This general orientation session will provide an introductory overview on compliance with the Bagley-Keene Open Meetings Act (Government Code section 11120 *et seq.*).

- Policy & Applicability
- Meetings
- Notice and Agenda Requirements
- Public Participation
- Voting
- Violations and Remedies

Policy

“It is the public policy of this state that public agencies exist to aid in the conduct of the people’s business and the proceedings of public agencies be conducted openly so that the public may remain informed.”

- Govt. Code section 11120

Policy

General Rule:

“All meetings of a state body shall be open and public and all persons shall be permitted to attend any meeting of a state body except as otherwise provided in this article.”

-Govt. Code section 11123(a)

Applicability – Is this a “State Body?”

- “State Bodies” include:
 - “Every state board, commission, or similar multimember body of the state that is created by statute or required by law to conduct official meetings and every commission created by executive order.”
 - Govt. Code section 11121(a)
- Foster & Kinship Care Education Advisory Committee
 - Is a multimember body
 - Created by statute (Education Code § 79420(a))

Applicability – What is a “Meeting?”

- “Any congregation of a majority of the members of a state body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the state body to which it pertains.” (Gov. Code § 11122.5(a))
- Bagley-Keene is not limited to “meetings” where a final decision is made!
 - “Hear”
 - “Discuss”
 - “Deliberate”
- Or limited to formally noticed meetings...

Serial Meetings

- “Any use of direct communication, personal intermediaries, or technological devices that is employed by a majority of the members of the state body to develop a collective concurrence as to action to be taken on an item by the members of the state body **is prohibited.**” (Gov. Code § 11122.5(b))
- Common Types of Serial Meetings:
 - Daisy Chain
 - Hub and Spoke
 - Email

Meeting Exceptions (i.e., *Not Meetings...*)

- Individual Contacts
 - But beware of the serial meeting!
- Social or Ceremonial Occasions
 - So long as business of the state body is not discussed
- Conferences and Retreats
 - So long as they are open to the public and involve subject matter of general interest to the public
- Meetings of Another State or Legislative Body
 - The meeting must be open to the public and properly noticed

Teleconference/Virtual Meetings

- Shortly after the beginning of the COVID-19 emergency, the Governor issued Executive Order N-29-20, which suspended the “normal” teleconference meeting requirements and allowed state and local agencies to conduct meetings virtually.
- Provided that:
 - No physical location necessary;
 - Members’ locations need not be open to the public;
 - Basic obligation for notice remains, explaining the procedures for remote public participation;
 - Members of the public could observe and address the meeting virtually or telephonically; and
 - Requires roll-call voting
- SB 189 (2022), one of the Budget trailer bills signed by the Governor on June 30, 2022, extended these teleconference meeting provisions through July 1, 2023.

Public Notice and Agenda Requirements

- Notice of Meeting
 - Posted online (and at meeting location) at least 10 days in advance
 - Must be provided to individuals who request notice in writing
 - Must include date, time, and location of meeting and name, address, and telephone number of contact person for more information
- Agenda
 - Brief description of items to be discussed at the meeting in either open or closed session
 - Each item must be sufficiently described to allow public to determine whether to attend the meeting – a brief description is sufficient
 - Closed session items must reference specific statutory authority for considering in closed session

Public Notice and Agenda Requirements

- Notice, agenda, and supporting documents are public records and must be made available to the public
 - Documents, when distributed to a majority of the body by any person in connection with a matter subject to consideration at a public meeting, are public records that must be made available to the public “upon request without delay.” (Govt. Code section 11125.1)
- No fees allowed for attendance or for providing notice, agenda, or the supporting documents

Authorized Closed Session Topics

- The Bagley-Keene Act authorizes closed sessions **ONLY** for specific topics, including:
 - Existing or anticipated litigation
 - Real property negotiations
 - Public employee appointments, evaluation, and discipline
 - Labor negotiations
 - Threats to security
- **No** exemption for embarrassing, difficult, sensitive, uncomfortable, or controversial topics

Authorized Closed Session Topics

- State body must publicly announce it is going into closed session.
- During the closed session, the state body may **only** discuss the items listed on the closed session agenda.
- Following a closed session, the state body must provide an oral or written report out on actions taken in closed session, if any.
 - For example:
 - The Board took action to dismiss employee #1234
 - The Board gave direction to its negotiators to sell the property located at...
 - The Board took no action on any closed session agenda item (if informational only)

Public Participation

- Public access required at all locations
- Opportunity to address the state body on each agenda item before or during discussion of the item & on matters not on agenda, but within the subject matter jurisdiction of the state body
- Any person may record the proceedings via audio recorder, video recorder or still motion camera
- No conditions may be set for attendance at or participation in a public meeting
 - Sign-in/Self-identification not required
 - Cannot prohibit criticism of state body
 - BUT: May limit time per speaker if necessary
- All meetings must comply with the Americans with Disabilities Act (ADA)

Public Participation

- * Current Rules for Pandemic Conditions:
- It is sufficient to provide telephonic or virtual participation.
- ADA accessibility must be provided through closed captioning on request.
- Notice must provide instructions for telephonic/virtual attendance and for making public comment.

Consideration of Urgency Items

- Bagley-Keene generally prohibits consideration of any item not on the posted agenda; EXCEPT:
- Urgency items:
 - Notice of an urgent item/ revised agenda must be provided at least 48 hours in advance of meeting.
 - At the meeting, 2/3 of all members present (or all members if less than 2/3 are present) must determine that there is a need for immediate action and this need came to the attention of the state body subsequent to the original agenda posting.
- Notice to all members of state body and to parties requesting prior notice

Voting

- Any votes must be recorded to show the vote count.
- The body may also vote by roll call vote.
- *** Currently, in teleconference/virtual meetings held under pandemic rules, votes MUST all be by roll call.**

Violations and Remedies

- Lawsuits – a prevailing plaintiff may recover attorneys’ fees and costs of litigation.
- Depending on the circumstances, the decision of the state body may be overturned.
 - **BUT:** state body is afforded an opportunity to cure and correct violations
- Injunctions (court orders) against future violations
- Criminal misdemeanor penalties may result
 - If the member attends a meeting in violation of the Act with the intent to deprive the public of information he or she knows, or has reason to know, the public is entitled to receive.

Violations and Remedies

- Remember, in this capacity, we are:
 - Representatives of the state and the community college system
 - Conducting the public's business and expending public funds.
- **The Court of Public Opinion** is often where consequences for violations will be meted out.
 - In other words, the public's perception about how its business is conducted may be adversely impacted.

In Summary...

- Complicated details, but simple General Rule:
 - Do the public's business in public,
 - Give the public notice and an opportunity to participate.
- If in doubt, reach out to the Office of General Counsel
 - Through the Chancellor's Office representative(s) on the state body.
- Thank You!

2. Information and Reports

b. Committee Purpose:



2. Information and Reports

b. Committee Purpose:

The Chancellor's Office considers the recommendations made by this committee to update existing program funding models, policies and guidelines.

Funding decisions are ultimately the responsibility of the Chancellor's Office, and feedback from committee members provides important information about the population being served, dynamics of program administration at the college level, and impact of the foster care ecosystem on the program.

2. Information and Reports

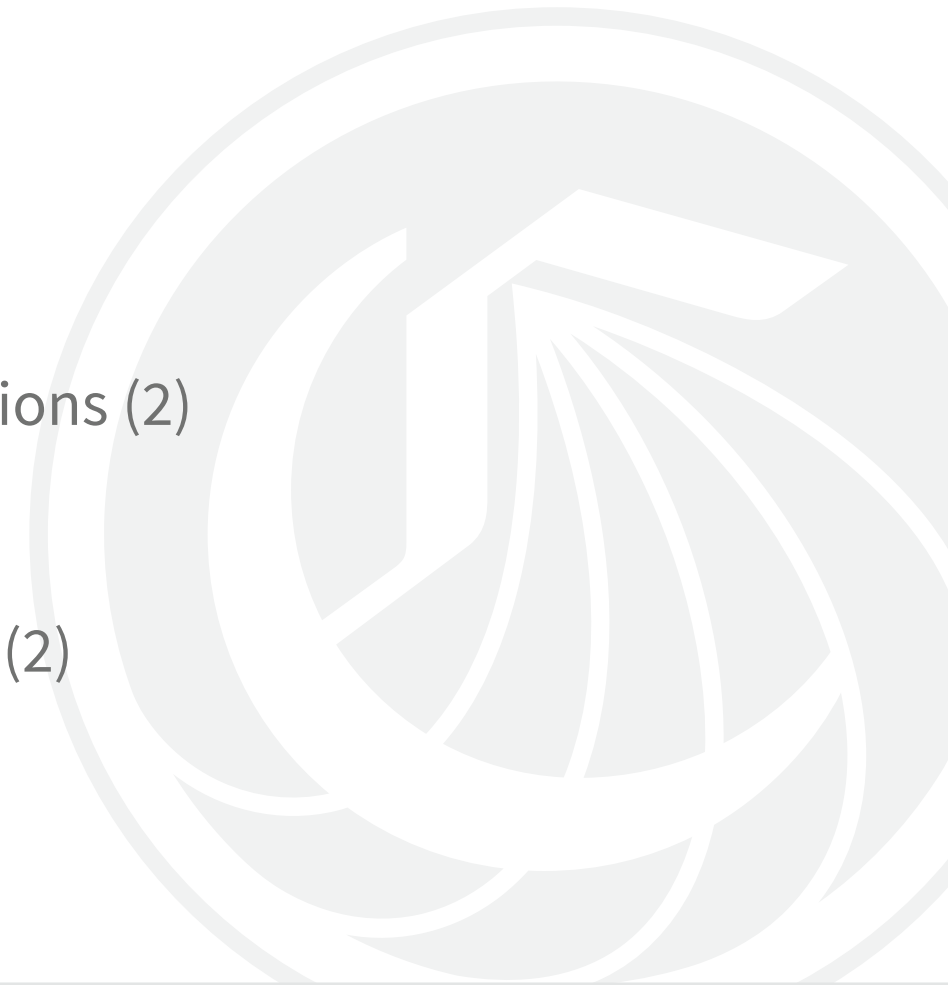
Meetings and Membership:

- Meetings are scheduled as needed and based on goals and progress at each meeting
- Term: 1 year and eligible for a second year
 - Vacancies do not count towards the determination of the quorum
 - Members can send a designee in their place
- Quorum for meetings is met when 50% plus one of the members are present.

2. Information and Reports

Legislation requires the following representation:

- Foster (Resource) parents (2)
- Representatives of statewide foster parent organizations (2)
- Parent and relative/kinship care providers (2)
- County child welfare services representatives (2)
- State Department of Social Services representatives (2)



2. Information and Reports

In addition, the Chancellor's Office recommends the following representation:

- Program Regional Coordinators (2)
- California Community College Student, former foster youth (1)

Chancellor's Office Leadership:

- Dean of Educational Services and Support
- Program Specialist, Educational Services and Support (Chair)
- Program Analyst, Educational Services and Support

2. Information and Reports

Goals:

1. Recommend a funding formula grounded in equitable access to and efficient delivery of services.
2. Assist in determining strategic shared priorities of the program to strengthen alignment with community colleges Vision for Success and departments of social services to facilitate program growth.
3. Co-design strategies to strengthen partnerships with stakeholders within the foster care ecosystem to maximize Resource Parent training resources and collaboration towards advancing the economic and social mobility of foster youth

2. Information and Reports

c. Chancellor's Office Report



Program Overview

The Foster and Kinship Care Education (FKCE) program is a collaborative effort between the California Community Colleges Chancellor's Office and the California Department of Social Services serving over 22,000 Resource Parents, caregivers, child welfare services staff and other professionals annually .

FKCE provides mandated training as part of the Resource Family Approval process for applicant and approved resource parents.

Pre-Approval, Annual and Specialized training customized to meet needs of county.

Classes are offered year-round on campus, online, at county offices or alternative locations and at no cost to caregivers.



Statewide Outreach



FY 2022-23
53 colleges serving 45 counties

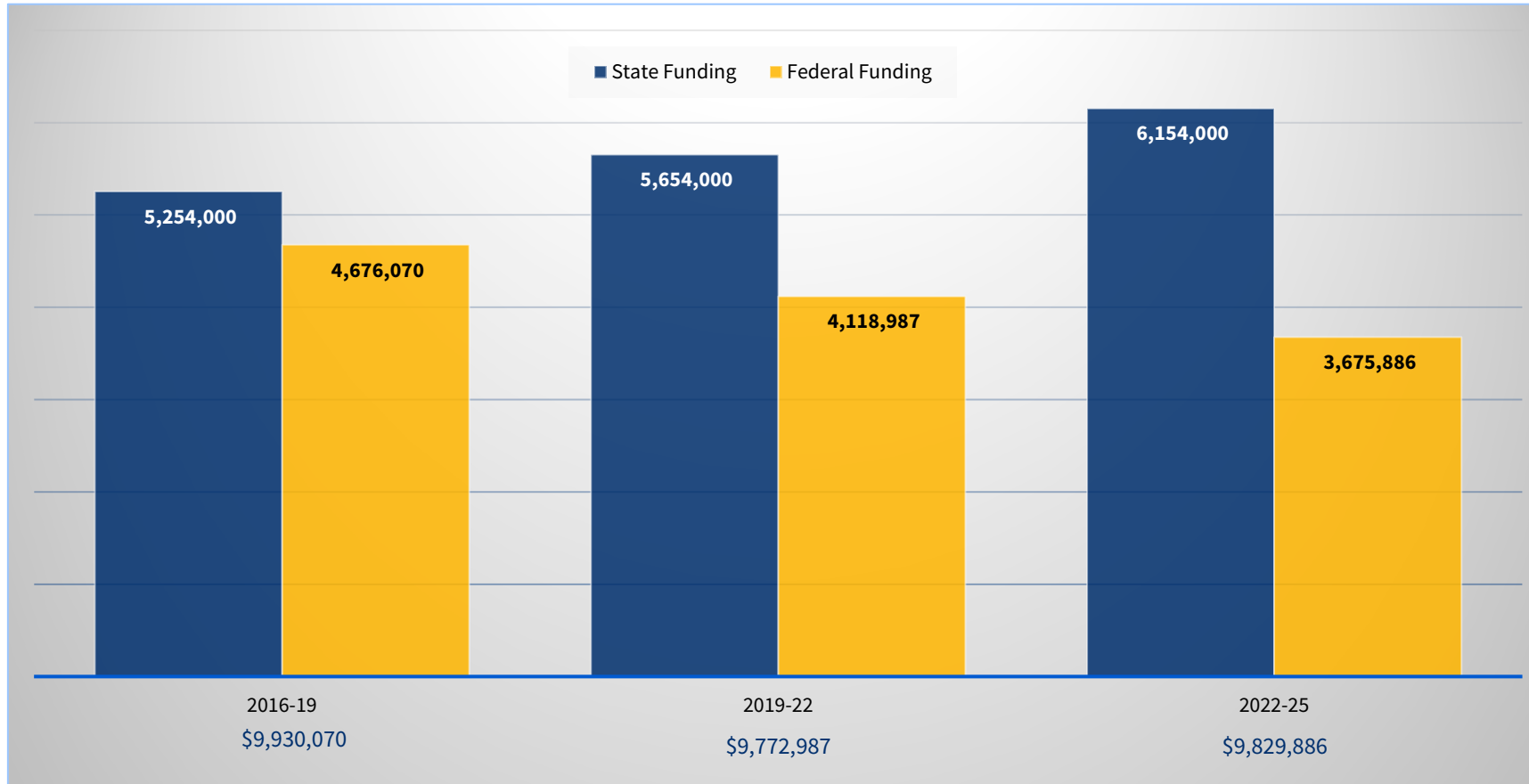


Each College program authorized to serve one or more counties , and participants within their geographical area.



Each college works in collaboration with the County to prioritize the training needs of Resource Parents.

Funding by Interagency Agreement term



Total Statewide budget
1% lower today
compared to 6 years ago

CDSS: Foster Caregiver Policy and Support Unit



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Public Comment

Members of the public may provide comment on Information and Reports for the next 15 minutes:

- A time limit of up to two (2) minutes per speaker shall be observed. A time limit per topic will also be provided.
- During the meeting, use the Raise Hand feature on the zoom platform (If joining by phone, dial *9) and a Chancellor's Office employee will grant you the ability to present your verbal comment at that time.
- For members of the public utilizing a translator or other translating technology, the Chancellor's Office shall provide twice the allotted time to ensure all speakers receive the same opportunity to address the committee.

Break (5-10 minutes)



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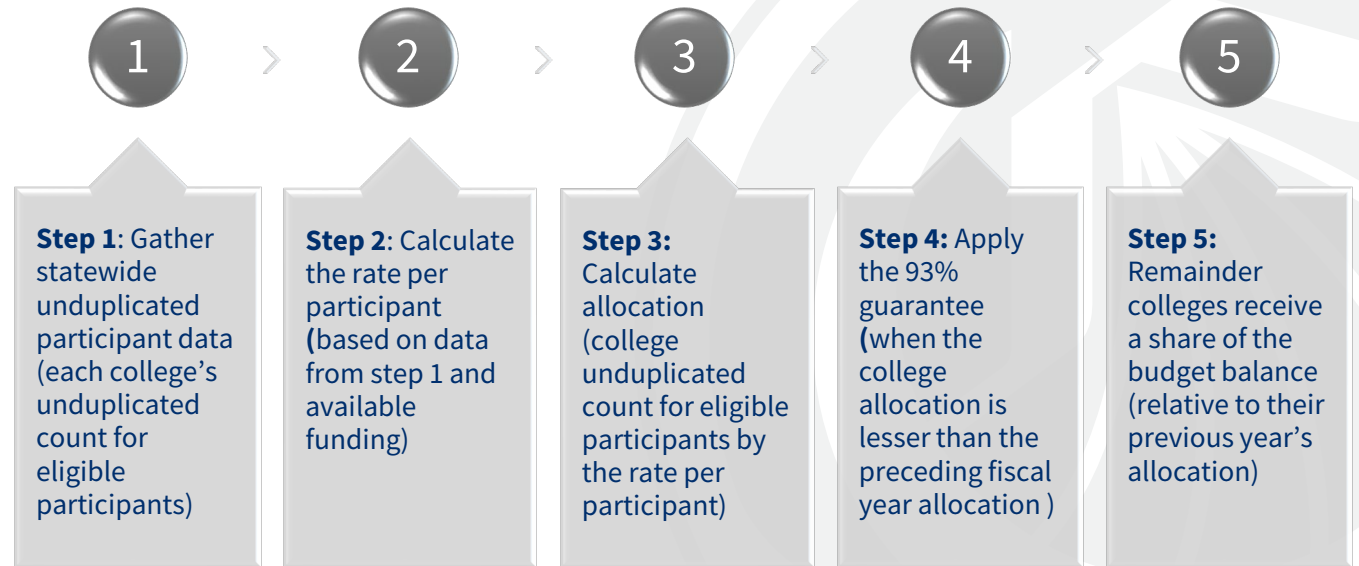
3. Action

a. Review of alternative funding formulas



Current Formula

- Prior-prior year number of unduplicated FKCE participants (Applicant and Approved Resource Parents)
- 93% guarantee
- No base funding



Agency/Internal Taskforce Review of Current Formula

- Insufficient budget to fund 53 colleges
- Does not allow for equitable funding for colleges in rural areas or counties with smaller populations (fixed operating costs, no base funding for staff salaries)
- Not enough data points considered
- 93% Guarantee limits growth among colleges with higher participant count
- Guarantee impacts consistency of participant rate



Allocations range statewide



Goal #1: Recommend a funding formula grounded in equitable access to and efficient delivery of services.

Concerns w/Current Formula	Agency recommendations
Insufficient budget to fund 53 colleges. Smaller programs are discontinued each year.	Streamline number of programs by regional needs and available funding to create program stability. Determine regions to ensure statewide coverage.
Does not allow for equitable funding for colleges in rural areas or counties with smaller populations	Determine base funding amount to account for fixed operating costs, i.e., full time staff salary.
Not enough data points considered	Additional data available for Children in Care and Resource Families w/Placements. Include a training hours funding incentive.
93% Guarantee limits growth among colleges with higher FKCE participant count	Remove guarantee and use base funding instead.
Guarantee impacts consistency of FKCE participant rate (cost efficiency)	Remove guarantee. Remove participant rate and use additional data points instead.

Proposed funding formula components

Funding:

- From guarantee to base funding
- Training Hours incentive
- Data points:
 - Children in Care by county
 - Resource Families w/Placements by county
 - FKCE participants: Applicant and approved Resource Parents served by college program (current)

Additional data points considerations

Component	Pros	Cons
Children in Care by county	Provides an indicator of need for Resource Parents and training	May not be the best indicator of need by county due to possibility of children being placed out of county
Resource Families w/Placements by county	Provides an indicator of the need for Annual/specialized training	Does not account for applicants and need for Pre-Approval training



Proposed Allocation Formula: Option 1

Base Funding

- Each college receives \$150k to provide a base amount that can fund 1 Full time employee.

Training Hours
Incentive

- For example, Colleges that offer pre-approval training receive an additional \$50k of base funding.

FKCE Participants

- After the base allocation and pre-approval incentive is allocated, 50% of remaining funding is allocated based on the number of FKCE participants

Children in Care

- And 50% of the remaining funding is allocated based on the number of children in care



Proposed Allocation Formula: Option 2

Base Funding

- Each college receives \$150k to provide a base amount that can fund 1 FTE.

Training Hours Incentive

- For example, Colleges that offer pre-approval training receive an additional \$50k of base funding.

FKCE Participants

- After the base allocation and pre-approval incentive is allocated, 50% of remaining funding is allocated based on the number of FKCE participants

Families with Placements

- And 50% of the remaining funding is allocated based on the number of families with placements

Proposed Allocation Formula: Option 3

Base Funding

- Each college receives \$150k to provide a base amount that can fund 1 FTE.

Training Hours Incentive

- For example, Colleges that offer pre-approval training receive an additional \$50k of base funding.

FKCE Participants

- After the base allocation and pre-approval incentive is allocated, 50% of remaining funding is allocated based on the number of FKCE participants

Children in Care

- And 25% of the remaining funding is allocated based on the number of children in care

Families with Placements

- And 25% of the remaining funding is allocated based on the number of families with placements

Public Comment

Members of the public may provide comment on the Review of alternative funding formulas for the next 20 minutes:

- A time limit of up to two (2) minutes per speaker shall be observed. A time limit per topic will also be provided.
- During the meeting, use the Raise Hand feature on the zoom platform (If joining by phone, dial *9) and a Chancellor's Office employee will grant you the ability to present your verbal comment at that time.
- For members of the public utilizing a translator or other translating technology, the Chancellor's Office shall provide twice the allotted time to ensure all speakers receive the same opportunity to address the committee.



4. Public Forum

Members of the public may provide comment on a topic not on the agenda and within the jurisdiction of the committee for the next 20 minutes:

- A time limit of up to two (2) minutes per speaker shall be observed. A time limit per topic will also be provided.
- During the meeting, use the Raise Hand feature on the zoom platform (If joining by phone, dial *9) and a Chancellor's Office employee will grant you the ability to present your verbal comment at that time.
- For members of the public utilizing a translator or other translating technology, the Chancellor's Office shall provide twice the allotted time to ensure all speakers receive the same opportunity to address the committee.

5. Adjournment

Next meeting date: Tuesday, November 8, 2022

