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DEFINITIONS OF THE 5 PARTICIPATION CONDITIONS:

A nonminor dependent shall meet the eligibility standard for extended foster care by participating in one or more of the following five conditions. Each of these conditions may be, but does not have to be, combined with one or more of the other four conditions to satisfy participation requirements. The nonminor's plan of participation shall be described in his or her Transitional Independent Living Case Plan which provides the basis for the six month certification of eligibility made by the placing agency's case worker to the eligibility worker and the court. The nonminor shall be deemed continuously participating in his or her 6 month Transitional Independent Living Case Plan during periods of transition from one activity to another. During the six month certification period, the nonminor shall report to his or her worker any changes in the participation plan and work together collaboratively to ensure ongoing eligibility as the nonminor assumes increasing levels of responsibility and independence.

(1) Completing secondary education or a program leading to an equivalent credential.

In order to satisfy the criteria of completing secondary education or a program leading to an equivalent credential the non-minor dependent must be enrolled in at least one course. Enrollment can be in a public high school, charter high school, an alternative high school, a nonpublic school, adult education classes, or any other course of study leading towards completion of a high school diploma, General Equivalency Degree, High School Proficiency Certificate, or High School Completion Certification. Enrollment is deemed continuous during any summer or other scheduled break in the school program.

A non-minor dependent who is participating in special education activities as described in his/her Individualized Education Plan is deemed to be in compliance with this participation condition.

Verification of enrollment can be satisfied by requesting that the participant provide proof of enrollment that indicates both the credit and non-credit courses that the student is enrolled in. Acceptable documentation could include, but is not limited to, an unofficial transcript, an electronic copy of the student's current course schedule, or a letter from the institution or other similar documentation.

See Attachment A Examples of How A Youth Meets Requirement for Completing High School or Secondary Education

(2) Enrolled in an institution which provides postsecondary or vocational education.

In order to satisfy the criteria of enrollment in an institution which provides post-secondary or vocational education a non-minor dependent must be enrolled in at least one course. Enrollment in any for-credit courses along with any non-credit courses at the institution(s)

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shall be included as qualifying under this requirement. Further, satisfaction of the enrollment requirement does not require formal admission to an institution and includes situations where a student is enrolled in individual courses without being enrolled in the institution. Courses taken at any institution which is licensed to operate in the State of California, or taken at a comparable institution located or licensed to operate in another state, shall count towards the participation requirement.

This provision also applies to participants on a summer or other break from school or who are awaiting admissions determinations or pending enrollment in courses. Additionally, if a student drops courses mid-term (whether considered voluntary or involuntary), this shall not result in automatic disqualification from extended foster care benefits.

Verification of enrollment at a post secondary or vocational institution can be made by requesting that the participant provide proof of enrollment that indicates the credit and non-credit courses that the student is enrolled in. Acceptable documentation could include, but is not limited to, an unofficial transcript, an electronic copy of the student's current course schedule, or a letter from the institution or other similar documentation.

See Attachment B for Further Examples of How A Youth Meets the Postsecondary Education/Training Requirements.

(3) Participating in a program or activity designed to promote, or remove barriers to employment.

A program or activity designed to promote, or remove barriers to employment is an individualized program based on a youth centered assessment of skills and needs. These activities could be self-directed, completed in conjunction with the youth's caregiver or social worker, or part of an organized program.

A nonminor dependent shall be deemed participating in a program or activity designed to promote, or remove barriers to employment as long as the youth is participating in regular meetings with his/her social worker to develop and implement his or Transitional Independent Living Case Plan. For nonminors who are re-entering foster care after a period of trial independence, the initial meeting with the social worker to select the participation activity satisfies the requirement of removing barriers to employment.

See Attachment C for Examples of Programs and Activities Designed to Promote or Remove Barriers to Employment .

(4) Employed for at least 80 hours per month.

In order to satisfy the criteria of employed for at least 80 hours a month a non-minor dependent must be engaged in full or part time employment activities which includes, but is

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not limited to, paid or unpaid employment, volunteer activities, paid or unpaid internships, apprenticeships, Ticket to Work (for individuals receiving Supplemental Security Income), vocational rehabilitation, or work study programs. The nonminor dependent can be engaged in a combination of paid and unpaid employment activities at one or more places of employment in order to meet the 80 hours a month requirement. As long as the nonminor dependent is scheduled to work at least 80 hours a month, he/she shall be deemed to meet this participation condition even if the nonminor dependent does not actually work that number of hours due to holidays, illness, excused absences or other circumstances beyond the nonminor's control.

Any earned income shall be disregarded for purposes of eligibility determination as specified in the nonminor dependent's Transitional Independent Living Case Plan.

Verification of employment for at least 80 hours per month may include, but not be limited to, providing a copy the nonminor dependent's work schedule, pay stubs, a statement of hiring from the employer, or a statement of acceptance from the apprenticeship or internship program. Verification should be obtained in the manner that respects the nonminor dependent's privacy and the confidentiality of their foster care status by enabling the nonminor dependent to utilize whatever verification the employer or internship commonly provides and without asking the nonminor to obtain any special documentation that may impinge on his/her privacy.

(5) Incapable of doing any of the activities described in subparagraphs (1) to (4), inclusive, due to a medical condition, and that incapability is supported by regularly updated information in the case plan of the nonminor.

In order to satisfy the eligibility criteria set forth in subparagraph (b)(5) of Section 11403, two determinations must be made. First, a nonminor dependent must have a "medical condition." Second, the medical condition must render the minor incapable of doing any of the activities described in subparagraphs (1) to (4).

A "medical condition" is a physical or mental state that limits a nonminor dependent's ability to participate in any of the activities described in subparagraphs (1) through (4), as verified by a healthcare practitioner. A healthcare practitioner is defined as any individual provider who is licensed or otherwise authorized by the state, county or city in which the provider is located to provide services related to physical or mental health. If a nonminor dependent does not undertake remedial measures to treat a verified medical condition, he or she will still be deemed to have a qualifying medical condition under this subparagraph.

A nonminor dependent is deemed "incapable of doing any of the activities described in subparagraphs (1) to (4)" if he or she cannot consistently meet the criteria of subparagraphs (1) to (4).

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Verification that a nonminor cannot consistently meet the full requirements of subparagraphs (1) to (4) can be satisfied by written documentation by a healthcare practitioner which explains that one of the reasons that the nonminor is unable to meet the criteria of subparagraphs (1) to (4) is because he or she has a “medical condition” as defined in this subsection.

A nonminor dependent who is eligible for a disability program including, but not limited to, Supplemental Security Income, Social Security Disabled Adult Child benefits, State Disability Insurance, or Regional Center Services is deemed to have a medical condition that renders him/her incapable of doing one of the other activities. The nonminor dependent is deemed eligible for extended benefits under this section upon a verification of eligibility for a disability program and need not obtain additional written verification. Verification of disability benefits status may include an award letter, notice of action or copy of the check or benefit identification card.

The social worker for the nonminor dependent is responsible for obtaining one of the following: (1) the written verification from a healthcare practitioner stating that the nonminor dependent has a medical condition and that he or she cannot consistently meet the full requirements of subparagraphs (1) to (4) or (2) the verification of the nonminor dependent’s disability benefits status.

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Attachment A

A Examples of How A Youth Meets Requirement for Completing High School or Secondary Education

In order to be considered participating in a program that is leading towards completion of a high school or secondary education, the youth can be doing one of the following (including but not limited to):

1. Independent study
2. Nonpublic School
3. Public High School
4. Home Schooling
5. Private High School
6. Alternative High School
7. Special Education Classes

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Attachment B

Further Examples of How A Youth Meets the Postsecondary Education/ Training Requirements

Eligible Courses

Non-credit courses which count towards the participation requirement include, but are not limited to, the following classifications of courses:

- Basic Skills
- Developmental or Remedial Education
- ESL courses
- College and Career Planning or College Success Skills Courses
- Workforce Preparation Courses
- Education Programs for Persons with Substantial Disabilities
- Home Economics Careers and Technology
- Not-for-credit Vocational Programs
- Courses taken through University of California Extension or Cal State Open University

Eligible Institutions

Eligible Institutions include, but are not limited to:

- All three public postsecondary systems (Community College, California State University and University of California);
- Schools approved by the Bureau for Private Postsecondary Education;
- Schools accredited through the Western Association of Schools and Colleges;
- Schools approved or accredited through a similar body in another state;
- Courses taken through correspondence or on-line studies that are affiliated with a licensed institution count towards the participation requirement.

Impact of Dropping Courses

Additionally, if a student drops courses mid-term (whether considered voluntary or involuntary), this shall not result in automatic disqualification from AB12 benefits. The court must review the circumstances surrounding the student's decision and allow the student the opportunity to reenroll for the following term and/or engage in activities meant to remove barriers to reengagement with the educational institution while maintaining benefits. There are many factors that may result in a student not successfully enrolling in courses or failing to complete courses in which they enrolled. Circumstances that would be considered as extenuating factors could include, but are not limited to:

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- a. The required courses were full or unavailable at the time that the student was able to register.
- b. The student has learning disabilities or mental health issues (diagnosed or undiagnosed) that prevented the student from successfully completing the coursework.
- c. A personal or family emergency, such as the loss of housing, family illness, difficulties with roommates, or intervention by the young person's family of origin interfered with the student's ability to complete coursework.
- d. A lack of affordable childcare interfered with the student's ability to attend classes or complete coursework.
- e. The courses in which the student enrolled were inappropriate for their skill level and the student must first take remedial classes or access tutoring services in order to successfully complete college level coursework.
- f. A delay in financial assistance or other financial hardship presented a barrier to completing coursework.

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Attachment C

Examples of Programs and Activities Designed to Promote or Remove Barriers to Employment

The program or activities designed to remove barriers to employment that the youth participates in may include, but not be limited, to:

- job skill classes;
- distance learning;
- on-line tutorials;
- job shadowing;
- mentoring;
- volunteering;
- internship and apprenticeship;
- resume/interview skills;
- career exploration;
- dress/hygiene/health care management;
- counseling/therapy;
- social skills;
- anger management;
- substance abuse treatment;
- mental health treatment,
- domestic violence/date violence programs,
- teen parent issues,
- navigating public transportation,
- registering with the OneStop,
- budget and money management,
- participating in monthly meetings with the youth's social worker or case manager to develop and work towards implementing the TILP,
- driver's education,
- enrolled in ILP or participating in ILP,
- Workforce Investment Act case management,
- Other such activities designed to promote or remove barriers to employment.

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Attachment D Examples of Resources and Work Programs

1. Job Corps
2. VISTA
3. Workforce Investment Boards
4. One Stops
5. Ticket to Work