
SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair
2015 - 2016 Regular

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Consultant: Lynn Lorber
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Subject: After school programs

SUMMARY

This bill makes numerous revisions to the 21st Century High School After School Safety and Enrichment for Teens program, the After School Education and Safety program, and the 21st Century Community Learning Centers (CCLC) program.

BACKGROUND

- 1) Establishes the After School Education and Safety (ASES) program consisting of before and after school components, serving students in grades K-9, each of which must include an educational and literacy element and an educational enrichment element. (Education Code § 8482)
- 2) Establishes the federally funded 21st Century Community Learning Centers (21st Century) contained within the federal No Child Left Behind Act of 2001 to complement the ASES program. Existing law specifies that the requirements of the ASES program apply to the 21st CCLC program with specified exceptions. (EC § 8484.7)
- 3) Establishes the federally funded 21st Century High School After School Safety and Enrichment for Teens (ASSETs) Program to create incentives for establishing locally driven after school enrichment programs between schools and local community organizations serving students from grades 9 through 12. (EC § 8421)

ANALYSIS

ASES

- 1) Modifies the existing authority of the California Department of Education (CDE) to terminate grant allocations by adding noncompliance with audit resolutions as criteria by which grants may be terminated, and modifies the existing authority of the CDE to withhold grant allocations to mirror the criteria by which grants may be terminated.
- 2) Modifies the existing authority for a grantee to request approval from the CDE to transfer program services to another schoolsite if there is a significant barrier to student participation in a program at the school of attendance as follows:

- a) Adds the requirement that the schoolsite to which the program will be transferred to satisfy either of the following requirements:
 - i. The schoolsite shall receive students from, and have been awarded a grant of the same type as the transferring school.
 - ii. The schoolsite shall not have a 10-percent lower percentage of students eligible for free or reduced-price meals than the transferring school. If the proposed schoolsite is not yet open, feeder school free or reduced-price meal data, as determined by the California Department of Education (CDE), shall be considered in evaluating the proposed transfer.
 - b) Prohibits the schoolsite from increasing the funding at the proposed schoolsite above the maximum after school grant amount.
 - c) Modifies the definition of “significant barrier to student participation” by adding “A local educational agency opens a new schoolsite and either merges the program of an existing schoolsite with the new schoolsite or splits the program of the existing schoolsite with the new schoolsite so that the existing schoolsite is subject to a grant reduction.”
- 3) Modifies the existing authority for the CDE to approve a request by the grantee, if a program is temporarily prevented from operating its entire program due to natural disaster, civil unrest, or imminent danger to students or staff, for students attendance credit equal to the average annual attendance that the grantee would have received if it had been able to operate its entire program during that time period (rather than allowing the CDE to recommend and the State Board of Education (SBE) approve).
 - 4) Deletes the existing requirement that the CDE, to the extent possible, to award grants in an equitable distribution of applicants in northern, southern, and central California, and in urban, suburban, and rural areas of California.
 - 5) Authorizes the fiscal agent to be changed upon approval of the CDE if the new fiscal agent is a local educational agency or public agency partner.
 - 6) Authorizes the grades to be served by the program at participating schools to be determined by local needs.

21st Century

- 7) Regarding the requirement for at least 40% of the total awarded to be for programs serving students in elementary and middle school, and at least 50% total awarded to be for high schools:
 - a) Requires the CDE to allocate funds to each geographic region by the regional percentage of statewide students who are eligible for free or

reduced-price meals reported to the California Department of Education (CDE) for the immediately preceding fiscal year.

- b) Requires each region's percentage to be determined by dividing the region's number of students eligible for free or reduced-price meals by the statewide number of students eligible for free or reduced-price meals.
- 8) Requires the CDE, to the extent possible, to award grants in an equitable distribution to applicants in northern, southern, and central California, and in urban and rural areas of the state.

ASSETs

- 9) Authorizes the CDE to withhold or terminate grant allocation of any site or program that does not comply with audit resolutions, fiscal reporting, attendance reporting, or outcomes reporting requirements required by the CDE.
- 10) Authorizes the CDE to approve a request by the grantee for student attendance credits equal to the average annual attendance that the grantee would have received if it had been able to operate its entire program during that time period, if a program grantee is temporarily prevented from operating its entire program due to natural disaster, civil unrest, or imminent danger to students or staff.
- 11) Authorizes a grantee to request approval from the CDE to transfer program services to another schoolsite within the same local educational agency if there is a significant barrier to student participation in a program at the school of attendance. This bill requires the schoolsite to which the program will be transferred to satisfy either of the following requirements:
- a) The schoolsite shall receive students from, and have been awarded a grant of the same type as the transferring school.
 - b) The schoolsite shall not have a 10-percent lower percentage of students eligible for free or reduced-price meals than the transferring school. If the proposed schoolsite is not yet open, feeder school free or reduced-price meal data, as determined by the CDE, shall be considered in evaluating the proposed transfer.
- 12) Prohibits the schoolsite from increasing the funding at the proposed schoolsite above the maximum after school grant amount.
- 13) Requires an applicant that requests approval to transfer program services to describe the manner in which the applicant intends to provide safe, supervised transportation; ensure communication among teachers in the regular school program, staff in the before school and after school components of the program, and parents of students; and coordinate the educational and literacy component of the before and after school components of the program with the regular school programs of participating students.

- 14) Defines a "significant barrier to student participation" in the before or after school component of a program to mean any of the following:
 - a) Fewer than 20 students participating in the component of the program.
 - b) Extreme transportation constraints, including, but not limited to, desegregation bussing, bussing for magnet or open enrollment schools, or student dependence on public transportation.
- 15) A local educational agency opens a new schoolsite and either merges the program of an existing schoolsite with the new schoolsite or splits the program of the existing schoolsite with the new schoolsite so that the existing schoolsite is subject to a grant reduction.
- 16) Provides that every student attending a school operating a program is eligible to participate in the program, subject to program capacity.
- 17) Deletes reference to "suburban" with regard to the equitable geographic distribution of funds.

ASES and ASSETs

- 18) Authorizes a grantee who receives funds as part of a partnership or consortium to restructure the partnership or consortium if all of the following conditions are met:
 - a) All partners or consortium members agree to the restructure.
 - b) The new consortia or partnership structure, or structures, complies with specified existing administrative and application requirements.
 - c) There is no change in the school, or schools, served by the restructured partnership or consortium.
 - d) The California Department of Education (CDE) agrees to the restructure.
 - e) For the ASES program, authorizes the restructure to occur only at the time of grant renewal.
- 19) Modifies provisions regarding family fees to specifically authorize a program to charge family fees, and require a program to waive or reduce the cost of the fees for students who are eligible for free or reduced-price meals (existing law specifies that programs are not required to charge family fees or to conduct individual eligibility determinations based on need or income).

ASSETs and 21st Century

- 20) Establishes the following definitions:
- a) “Central California” means California County Superintendents Educational Services Association (CCSESA) regions five to eight.
 - b) “Northern California” means CCSESA regions one to four.
 - c) “Southern California” means CCSESA regions 9 to 11.
 - d) “Urban and rural areas” as defined by the United States Census Bureau.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Children in rural communities are met with challenges that hinder their ability to grow socially and academically. In a community that faces these types of challenges, an after-school program is oftentimes their only opportunity to better serve their children. However, due to little resources, rural communities have a shortage of programs that would provide for after-school academic assistance and extracurricular activities. Currently, the geographic funding distribution formula does not meet the state and federal requirement that governs the 21st Century Community Learning Centers and Afterschool Safety and Enrichment for Teens funds. The purpose of this measure is to ensure a fair distribution of funding among urban and rural communities.”
- 2) ***Recent report.*** In January 2014, the California Department of Education (CDE) released the report *A Vision for Expanded Learning in California*, which identified four initiatives: system of support, grant administration and policy, communication and information systems, and expanded learning/K-12 integration. Workgroups were subsequently formed for most of the initiatives, including the Defining Equity Committee. That committee released a report in November 2015, containing recommendations, several of which are implemented by this bill.
[http://www.caexpandedlearning.com/uploads/2/7/3/3/27335217/defining_equity_recommendations_nov_2015_.pdf]
- 3) ***Geographical distribution of funds.*** This bill requires the CDE, to the extent possible, to award 21st Century grants in an equitable distribution to applicants in northern, southern, and central California, and in urban and rural areas of the state. Existing law requires the CDE, to the extent possible, to award After School Safety and Enrichment for Teens grants in an equitable distribution to applicants in northern, southern, and central California, and in urban, suburban, and rural areas of the state (this bill deletes reference to “suburban”). This proposal was a recommendation of the Defining Equity Committee. According to the CDE, the federal government requires a state educational agency to distribute funds equitably among geographic areas within the state, including urban and rural communities.

This bill establishes definitions of geographic areas of the state using California County Superintendents Educational Services Association (CCSESA) regions.

The link to a map of the California County Superintendents Educational Services Association (CCSESA) regions is as follows:

[<http://ccsesa.org/members/region-map/>]

This bill requires the California Department of Education (CDE) to allocate funds, regarding the requirement for at least 40% of the total awarded to be for programs serving students in elementary and middle school, and at least 50% total awarded to be for high schools, to each geographic region by the regional percentage of statewide students who are eligible for free or reduced-price meals reported to the CDE for the immediately preceding fiscal year. This bill requires each region's percentage to be determined by dividing the region's number of students eligible for free or reduced-price meals by the statewide number of students eligible for free or reduced-price meals.

SB 1221 (Hancock, Ch. 370, 2014) included provisions to assist small/rural programs, such as establishing a new minimum grant for After School Education and Safety (ASES), and authorizing transportation funding for ASES programs in an extreme rural census tract.

- 4) **Flexibility.** The bill provides more flexibility to After School Safety and Enrichment for Teens (ASSETs) and ASES grant recipients by allowing programs to change schoolsites within a local educational agency and allowing the restructuring of partnerships. Existing law allows a program to change site due to extreme transportation problems or if participation decreases to fewer than 20 students. This bill will allow a program to change location if a school closes or restructures. According to CDE, grantees sometimes need to change partnerships due to administrative problems, splits in the partnership or due to fraudulent activities. For ASES programs, the bill also authorizes the grade levels to be served to be determined according to local needs.
- 5) **Family fees.** This bill modifies ASES and ASSETs provisions regarding family fees to specifically authorize a program to charge family fees, and require a program to waive or reduce the cost of the fees for students who are eligible for free or reduced-price meals (existing law specifies that programs are not required to charge family fees or to conduct individual eligibility determinations based on need or income).
- 6) **Fiscal oversight.** This bill conforms ASSETs provisions with existing ASES provisions that allow the CDE to terminate grant allocations of any site or program that does not comply with program requirements, including audit resolutions, fiscal reporting, attendance reporting, or outcome reporting as required by the CDE. The bill also adds the authority for CDE to withhold funds to both programs.
- 7) **Attendance Credit.** Currently, program sites that are affected by natural disaster, civil unrest or are in imminent danger can receive attendance credit

through approval by the State Board of Education (SBE). According to the CDE, the SBE questions this role and prefers to be removed from this process. This bill authorizes the California Department of Education (CDE) to approve a request by an After School Education and Safety (ASES) or After School Safety and Enrichment for Teens (ASSETs) grantee for student attendance credits equal to the average annual attendance that the grantee would have received if it had been able to operate during those times of crises.

- 8) **ASES and 21st Century.** Generally, provisions related to ASES also apply to 21st Century, as many provisions for 21st Century are modeled on those for ASES. The only section in this bill that does not apply to 21st Century is § 8483.7.
- 9) **Technical amendments.** The following technical **amendments are recommended by staff:**
- a) Reinsert amendments to § 8483, relating to ASES, that were included in the introduced version of this bill but were inadvertently excluded from subsequent versions of the bill:
- (a)(2) It is the intent of the Legislature that elementary school **and middle school or junior high school** pupils participate in the full day of the program every day during which pupils ~~participate and that pupils in middle school or junior high school attend a minimum of nine hours a week and three days a week to accomplish program goals~~ **participate except as allowed by the early release policy pursuant to paragraph (1) and section 8483.76(f)(2).**
- b) In § 8426.5, relating to ASSETs, modify provisions regarding the definition of a significant barrier to student participation:
- (b)(3) A local educational agency opens a new schoolsite and either merges ~~the program of an existing schoolsite with~~ **into** the new schoolsite or splits ~~the program of the existing schoolsite~~ **student** with the new schoolsite so that the existing schoolsite **after school program** is subject to a grant reduction pursuant to subdivision (d) of Section 8426.
- c) In § 8482.8, relating to ASES, modify provisions regarding the definition of a significant barrier to student participation:
- (b)(3) A local educational agency opens a new schoolsite and either merges ~~the program of an existing schoolsite with~~ **into** the new schoolsite or splits ~~the program of an existing schoolsite~~ **students** with the new schoolsite so that the existing schoolsite **before or after school component** is subject to a grant reduction pursuant to subparagraph (A) of paragraph (1) of subdivision (a) of Section 8483.7
- d) In § 8482.8, relating to ASES, clarify language regarding transferring program services to another schoolsite, and modify language regarding merging or splitting of schoolsites:

(a)(1)(A) The schoolsite shall agree to receive pupils from, and have an existing grant of the same type as, the transferring school of attendance with the pupil participation barrier.

(B) The schoolsite shall not have a 10-percent lower percentage-of pupils eligible for free or reduced-price meals than the transferring school of attendance with the pupil participation barrier. If the proposed schoolsite is not yet open, feeder school free or reduced-price meal data, as determined by the department, shall be considered in evaluating the proposed transfer.

- e) In § 8426(a)(4), relating to ASSETs, align to provisions for ASES program that authorize the restructure of a partnership or consortium to occur only at the time of grant renewal.
- 10) **Fiscal impact.** According to the Assembly Appropriations Committee analysis, this bill would have minor/absorbable costs to the California Department of Education (CDE) to update the Request for Application for new grant awards, calculate funding for each region, and provide program assistance and guidance to the field. Changes to the distribution of funds based on geographical regions may result in different funding amounts for certain grantees than they had received in prior years. CDE notes, however, that the changes proposed by this bill will be implemented with a new round of grant funding. The bill also does not result in overall increases to the program.
- 11) **Related legislation.** AB 1567 (Campos) provides homeless students and students who are in foster care with priority for enrolling in before and after school programs and prohibits a program that charges family fees from charging a fee to a family of a homeless or foster care student. AB 1567 is pending on the Assembly Floor.

SB 645 (Hancock) authorized an After School Education and Safety program to suspend operation for up to five days in a fiscal year beginning January 1, 2016. SB 645 was held in the Assembly Appropriations Committee.

SUPPORT

California State PTA
Los Angeles County Office of Education
Superintendent of Public Instruction Tom Torlakson

OPPOSITION

None received.

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