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# SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair  
2015 - 2016 Regular

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**Bill No:** AB 1567  
**Author:** Campos  
**Version:** May 27, 2016  
**Urgency:** No  
**Consultant:** Olgalilia Ramirez  
**Hearing Date:** June 15, 2016  
**Fiscal:** Yes

**Subject:** After school programs: enrollment: fees: homeless youth: snacks or meals

## SUMMARY

This bill provides priority enrollment for homeless and foster care youth priority after school programs and prohibits a before and after program from charging family fees for a child that the program knows to be a homeless or foster care youth.

## 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) Specifies that every student attending a school operating ASES program is eligible to participate in the program, subject to capacity. A program is not required to charge family fees or conduct eligibility determinations based on need. (EC § 8482.6)
- 3) The federal McKinney-Vento Homeless Children and Youths Program requires state educational agencies to ensure that homeless children and youth have equal access to the same free public education as is provided to other children and youth. States are required to review and undertake steps to revise any laws, regulations, practices, or policies that may act as barriers to the enrollment, attendance, or success in school of homeless children and youth. (United States Code, Title 42, § 11431, et seq.)
- 4) The McKinney-Vento Act requires each local educational agency to designate a staff person as a liaison for homeless children and youth, and carry out specific duties, such as ensuring immediate enrollment, access to educational opportunities offered to other students, and providing notice of the rights of homeless youth. (USC, Title 42, § 11432(g)(1)(j)(ii))

## ANALYSIS

This bill provides priority enrollment for homeless and foster care youth priority after school programs and prohibits a before and after program from charging family fees for a child that the program knows to be a homeless or foster care youth. Specifically it:

- 1) Prohibits a before and after school program from charging family fees if the program knows that the child is a homeless youth, as defined in the federal McKinney-Vento Homeless Assistance Act (USC, Title 42, § 11434(a)) or knows that the child is in foster care.
- 2) Modifies priority for enrollment of students in after school programs as follows:
  - a) Provides first priority to students who are identified by the program as homeless youth, as defined by federal law, and to students who are identified by the program as being in foster care.
  - b) For programs serving middle or junior high school students, second priority shall go to students in middle or junior high school who attend daily. Current law establishes priority enrollment solely for students in middle or junior high school.
- 3) Prohibits anything in the bill's provisions from being construed to:
  - a) Require a program to verify, or a school to disclose to an after school program, that a pupil applying for or participating in the program is a homeless youth or a foster youth.
  - b) Require or authorize the disenrollment of a current participant in order to secure the enrollment of a pupil who has priority for enrollment.
- 4) Requires a program to inform the parent or caregiver of a pupil of the right of homeless children and foster children to receive priority enrollment and how to request priority enrollment.
- 5) Requires program administrators to allow a student to self-certify as a homeless youth or foster care youth, for purposes of identifying a student who is eligible for priority enrollment. Specifies that administrators of a program may also obtain this information through the school district liaison designated for homeless children, provided that the school district has a waiver on file allowing for the release of this information.
- 6) Expresses the intent of the Legislature that an After School Education and Safety program not use its core operating funds for mandatory snacks or meals, but instead seek to qualify program sites as approved distribution sites for federally funded after school snacks or meals provided for by the National School Lunch Program, the Summer Food Service Program, or the Child and Adult Care Food Program.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the United States Department of Education, 4 percent of California's students (284,086) were known to have experienced homelessness at some point during the 2013-2014 school year. According to the author, California's after school programs offer quality learning and development opportunities that can make a difference for all the children they serve but

especially for low-income children. The author asserts that some of the poorest and most vulnerable children do not have access to the programs because they are unable to secure a spot on the waiting list or to pay the minimal fee required by some programs. This bill seeks to ensure that state funded afterschool programs are available to the neediest of children by giving priority access and waiving fees for homeless or foster care youth.

- 2) ***After School Education and Safety (ASES) program.*** The ASES Program is the result of the 2002 voter-approved initiative, Proposition 49. The program funds the establishment of local before and after school education and enrichment programs. These programs are created through partnerships between schools and local community resources to provide literacy, academic enrichment and safe constructive alternatives for students in kindergarten through ninth grade (K-9). A nutritious snack is provided daily to students participating in the program. The snack provided must meet specified state or federal standards. The current funding level for the ASES program is \$550 million. This bill provides priority for enrollment in before and after school programs to homeless youth, as defined by the federal McKinney-Vento Homeless Assistance Act, and to foster care students. Staff notes, that state subsidized child care programs also extend priority to homeless families and children who have been neglected or abused.

As mentioned, the ASES program consisting of before and after school components. As currently drafted, it appears that this bill's provisions solely apply to after school and not the before school component of the ASES program. For consistency purposes, **staff recommends** that the bill be amended to include the before school component.

Additionally to prevent disruption to program activity mid-year and consistent with the author's request, **staff recommends** an amendment making the provisions of this bill effective at the beginning of the 2017-18 school year, rather than January 1, 2017.

- 3) ***Family fees.*** As written, this bill prohibits a before and after school program from charging family fees for services provided to a homeless or foster care youth. The bill allows families to self-certify that a student is homeless or is a foster care student and authorizes an ASES program to obtain this information through the school district liaison designated for homeless children.

Current law does not require ASES programs to charge family fees or to conduct individual eligibility determinations based on need or income. It appears that ASES programs have the ability to charge family fees; however, it is unlikely that many programs charge fees, or reap significant fees, as ASES programs serve schools where a minimum of 50% of the students are eligible for free- or reduced-price meals, and funding priority is given to programs serving the highest percentages of students who are eligible for free and reduced-price meals. Given the current nature of the program and its focus on low income families these provisions are consistent with the program's operations and policies.

**SUPPORT**

California Catholic Conference, Inc.  
Junior Leagues of California State Public Affairs Committee  
National Association of Social Workers

**OPPOSITION**

None received.

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