
SENATE COMMITTEE ON EDUCATION

Senator Benjamin Allen, Chair

2017 - 2018 Regular

Bill No: AB 2622 **Hearing Date:** June 6, 2018
Author: Dahle
Version: April 18, 2018
Urgency: No **Fiscal:** Yes
Consultant: Brandon Darnell

Subject: After School Education and Safety Program.

SUMMARY

This bill: (1) limits the ability of the California Department of Education (CDE) to reduce or terminate grants for After School Safety and Education (ASES) programs that are located in an area that has a population density of less than 11 persons per square mile (very low-density areas) in certain instances; (2) exempts very low-density area ASES programs from certain requirements in order to transfer funds among schools; and (3) authorizes very low density area ASES programs to close at 5 p.m.

BACKGROUND

Existing law:

- 1) Establishes the ASES program, passed by voters as Proposition 49 in 2002, Proposition 49. The ASES program funds the establishment of local before and after school education and enrichment programs, which are created through partnerships between schools and local community resources, to provide literacy, academic enrichment and safe constructive alternatives for students in kindergarten and grades 1 to 9, inclusive, at participating public elementary, middle, junior high, and charter schools. (Education Code §§ 8482, 8482.3)
- 2) Requires priority funding for ASES programs to be given to schools where a minimum of 50 percent of the pupils in elementary schools and 50 percent of the pupils in middle and junior high schools are eligible for free or reduced-cost meals. (EC § 8482.5)
- 3) Specifies that every pupil attending a school operating an ASES program is eligible to participate in the program, subject to program capacity, and authorizes ASES programs to charge family fees but to waive those fees students who are eligible for free or reduced-price meals. (EC § 8482.6)
- 4) Authorizes a grantee, if there is a significant barrier to participation in an ASES program at the school of attendance, to request approval from the CDE to transfer program services to another schoolsite within the same local educational agency. The schoolsite to which the program will be transferred must satisfy either of the following requirements:
 - a) The schoolsite agrees to receive pupils from, and have an existing grant of the same type as, the transferring school.

- b) The schoolsite does not have a 10-percent lower percentage of pupils 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 department, will be considered in evaluating the proposed transfer. (EC § 8482.8)
- 5) Requires an applicant that requests approval to transfer program services to describe how 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 pupils; and coordinate the educational and literacy component of the before and after school components of the program with the regular school programs of participating pupils. (EC § 8482.8)
- 6) Specifies that for the After School Safety and Education (ASES) program, a significant barrier to pupil participation in the before or after school component means any of the following:
 - a) Fewer than 20 pupils 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 pupil dependence on public transportation.
 - c) An Local Education Agency opens a new schoolsite and either merges an existing schoolsite into the new schoolsite or splits an existing schoolsite's students with the new schoolsite so that the existing schoolsite before or after school component of the program is subject to a grant reduction. (EC § 8482.8)
- 7) Requires that every after school component of an ASES program to begin immediately upon the conclusion of the regular schoolday, and operate a minimum of 15 hours per week, and at least until 6 p.m. on every regular schoolday, and to establish a policy regarding reasonable early daily release of pupils from the program. (EC § 8483)
- 8) For those programs or schoolsites operating in a community where the early release policy does not meet the unique needs of that community or school, or both authorizes documented evidence to be submitted to the California Department of Education (CDE) for an exception and a request for approval of an alternative plan. (EC § 8483)
- 9) Specifies that each school that establishes an ASES program is eligible to receive a three-year after-school grant that shall be awarded in three one-year increments and is subject to semiannual attendance reporting and requirements once every three years. (EC § 8483.7)
- 10) Requires the CDE to provide technical support for development of a program improvement plan for grantees under the following conditions:

- a) If actual pupil attendance falls below 75 percent of the target attendance level in any year of the grant.
 - b) If the grantee fails, in any year of the grant, to demonstrate specified measurable outcomes. (EC § 8483.7)
- 11) Requires the California Department of Education (CDE) to adjust the grant level of any school within the program that is under its targeted attendance level by more than 15 percent in each of two consecutive years. (EC § 8483.7)
 - 12) Requires the CDE, in any year after the initial grant year, if the actual attendance level of a school within the program falls below 75 percent of the target attendance level, to perform a review of the program and adjust the grant level as the department deems appropriate. (EC § 8483.7)
 - 13) Authorizes the CDE, after it has provided the required technical assistance, to at any time terminate the grant of a school in a program that fails for three consecutive years to meet either of the following requirements:
 - a) Demonstrate measurable program outcomes.
 - b) Attain 75 percent of its proposed attendance level after having had its program reviewed and grant level adjusted by the CDE.
 - 14) Authorizes a grantee, with CDE's approval, to allocate up to 125 percent of the maximum grant amount for an individual school, so long as the maximum grant amount for all school programs administered by the program grantee is not exceeded only if it has an established waiting list for enrollment and if it transfers from another school program that has met a minimum of 70 percent of its attendance goal.
 - 15) Requires the CDE, if a program participant receives state funds to operate an After School Safety and Education (ASES) program that are in an amount in excess of the amount warranted, due to the program serving fewer pupils than planned, raising an inadequate amount of matching funds, or for any other reason, to reduce any subsequent allocations by an amount equal to that overpayment. (EC 8483.8)
 - 16) Authorizing an additional funding of a maximum of \$15,000 per site to be provided for transportation if an ASES program is operated at a schoolsite located in an area that has a population density of less than 11 persons per square mile, provided that sufficient evidence is provided to the CDE of the need for the transportation funds for the ASES program. (EC §§ 8484.65 and 8483.7)

ANALYSIS

This bill: (1) limits the ability of the CDE to reduce or terminate grants for ASES programs that are located in an area that has a population density of less than 11 persons per square mile (very low-density areas) in certain instances; (2) exempts very low-density area ASES programs from certain requirements in order to transfer funds

among schools; and (3) authorizes very low density area After School Safety and Education (ASES) programs to close at 5 p.m. Specifically, this bill:

- 1) Authorizes a program that operates at a schoolsite located in an area that has a population density of less than 11 persons per square mile to end operating hours not earlier than 5 p.m.
- 2) Specifies that both of the following potential reductions to grant amounts by the California Department of Education (CDE) do not apply to a program that operates at a schoolsite located in an area that has a population density of less than 11 persons per square mile:
 - a) An adjustment to the grant level of any school within the program that is under its targeted attendance level by more than 15 percent in each of two consecutive years.
 - b) An adjustment to the grant level, as deemed appropriate after a review of the program, in any year after the initial grant year, if the actual attendance level of a school within the program falls below 75 percent of the target attendance level.
- 3) For programs that operate at a schoolsite located in an area that has a population density of less than 11 persons per square mile:
 - a) Notwithstanding the CDE's authority to at any time terminate the grant of a school in a program that fails for three consecutive years to demonstrate measurable program outcomes or attain 75 percent of its proposed attendance level.
 - b) Instead only authorizes the CDE to reduce the grant of a school if it fails for three consecutive years to demonstrate measurable program outcomes, and only down to the minimum total after school grant amount.
- 4) Exempts a program that operates at a schoolsite located in an area that has a population density of less than 11 persons per square mile that wants to allocate, still with CDE's approval, up to 125 percent of the maximum total grant amount for an individual school, from both of the following requirements:
 - a) The program grantee has an established waiting list.
 - b) The transfer may only be from another school program that has met a minimum of 70 percent of its attendance goal.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "With fluctuating ADA at sites and the often transient population that desire to live in Frontier areas of the state, it is difficult to operate these programs with the financial piece being unstable and a moving target. The ability for a site to operate is imperative to help those

students with both their academic support and the ability to offer quality enrichment opportunities to those that are enrolled and attending the program.

Frontier ASES sites and LEAs must have the flexibility to utilize the funds that have been granted to serve students by moving resources as needed on an immediate basis. They would need to supply justification to CDE. In many instances one family might move into a frontier area and this could establish the need for an additional staff member, more supplies, and resources for the site.

Many times frontier sites are located remotely, with little to no cell phone reception/service, limited sheriff coverage, long bus rides or walking home in often dark and inclement weather. Due to funding and the availability of staff, many times there is also only one staff person on site. Reducing frontier programs of the requirement of staying open an extra hour per day will help with safety as well as funding restraints.”

- 2) ***Small number of After School Safety and Education (ASES) programs impacted.*** According to California Department of Education, ASES programs are currently operating at 4,000 school sites serving over 400,000 students daily with approximately 650,000 students participating annually. Due to the low-density requirements of this bill, it is not expected to impact a significant number of programs.
- 3) ***Importance of after-school programs for rural communities.*** According to the Afterschool Alliance, America Special Report “The Growing Importance of Afterschool in Rural Communities”, after school and summer learning programs are essential to rural communities. After school providers have reported that the largest challenge they face is funding and eight out of ten parents support public funding for after school and summer learning programs. Over 70 percent of parents in rural communities reported that after-school and summer learning helps their children develop social skills and reduce the likelihood of their youth engaging in risky behaviors. These programs also support working families in rural communities by giving parents peace of mind while they are at work.
- 4) ***Maintain accountability but provide flexibility.*** This bill aims to provide ASES programs located in low-density areas more flexibility regarding attendance minimums in order to preserve their limited funding levels, as these sites can have their attendance percentage impacted significantly by minimal turnover. However, eliminating all attendance requirements could result in continued funding for very low attended programs. ***Staff recommends that the bill be amended*** to establish separate attendance percentage requirements for these programs, rather than eliminate the attendance requirements completely, as shown below:

On page 5, lines 8 to 18:

“(C) (i) Except as provided in clause (ii), the department shall adjust the grant level of any school within the program that is under its targeted attendance level by more than 15 percent in each of two consecutive years.

(ii) For programs that are located in an area that has a population density of less than 11 persons per square mile, the department shall adjust the grant level of any school within the program that is under its targeted attendance level by more than 35 percent in each of two consecutive years.

(D) (i) Except as provided in clause (ii), in any year after the initial grant year, if the actual attendance level of a school within the program falls below 75 percent of the target attendance level, the department shall perform a review of the program and adjust the grant level as the department deems appropriate.

(ii) For programs that are located in an area that has a population density of less than 11 persons per square mile, in any year after the initial grant year, if the actual attendance level of a school within the program falls below 55 percent of the target attendance level, the department shall perform a review of the program and adjust the grant level as the department deems appropriate.

~~(E) Subparagraphs (C) and (D) do not apply to a program that operates at a schoolsite located in an area that has a population density of less than 11 persons per square mile.~~

On page 5, lines 38 to 40, inclusive, and on page 6, lines 1 to 6, inclusive:

(II) (i) Except as provided in clause (ii), attain 75 percent of its proposed attendance level after having had its program reviewed and grant level adjusted by the department.

(ii) For programs that are located in an area that has a population density of less than 11 persons per square mile, attain 55 percent of its proposed attendance level after having had its program reviewed and grant level adjusted by the department.

~~(ii) Notwithstanding clause (i), the department may reduce the grant of a program that operates at a schoolsite located in an area that has a population density of less than 11 persons per square mile, if it fails for three consecutive years to demonstrate measurable program outcomes pursuant to Section 8484, only to the level described in paragraph (4).~~

- 5) **Previous legislation.** SB 78 (Leyva, 2017) would have required the Department of Finance to adjust the total After School Education and Safety (ASES) program funding level to reflect an increase in the daily per-pupil rate of 50 percent of each increase to the minimum wage implemented during the 2018-19 fiscal year and every fiscal year thereafter. SB 78 passed the Senate but was not heard in the Assembly, at the request of the author.

SB 645 (Hancock, 2016) would have authorized an ASES Program to suspend operation for up to five days in a fiscal year beginning January 1, 2016. SB 645 was held on the Suspense File in the Assembly Committee on Appropriations.

AB 1426 (Cooper, 2016), an urgency measure, would have increased the per-student daily and weekly rates for the ASES program, and eliminated the requirement for the after school component of the program to operate at least

until 6 p.m. on regular schooldays. AB 1426 was held on the Suspense File in the Senate Committee on Appropriations.

AB 2663 (Cooper, 2016) would have continuously appropriated \$73.3 million for the After School Education and Safety (ASES) beginning with the 2016-17 fiscal year and adjusted the appropriation annually thereafter based on the California Consumer Price Index. AB 2663 was held on the Suspense File in the Assembly Committee on Appropriations.

SB 1221 (Hancock, Ch. 370, Stats. 2014) modified eligibility, types of grants, the amount of grants, and outcome measures of the ASES, the 21st Century Community Learning Centers, and the 21st Century After School Safety and Enrichment for Teens programs.

SB 429 (DeSaulnier, Ch. 626, Stats. 2011), authorized an ASES program provider to use supplemental grant funds to operate a six-hour program and establishes other parameters for programs operating summer, intersession or vacation programs, including by authorizing a program to be conducted at an offsite location or at an alternate schoolsite and authorizing a supplemental grantee to open eligibility to every pupil attending a school in the district with priority for pupils enrolled in the school that receive a grant.

SUPPORT

Lassen County Office of Education
Modoc County Office of Education
Siskiyou County Office of Education
Tehama County Office of Education
Trinity County Office of Education

OPPOSITION

None received

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