

*Senate Budget and Fiscal Review—Nancy Skinner, Chair*

**SUBCOMMITTEE NO. 1**

**Agenda**

**Senator John Laird, Chair**  
**Senator Dave Min**  
**Senator Rosilicie Ochoa Bogh**



**Tuesday, February 8, 2022**  
**9:00 a.m.**  
**State Capitol - Room 3191**

Consultant: Yong Salas

<b>6100 Department of Education.....</b>	<b>2</b>
Issue 1: Expanded Learning Opportunities Program.....	2
Issue 2: Special Education Funding Proposals .....	5
Issue 3: Funding for County Offices of Education and Excess Property Tax .....	11

**Public Comment**

*Pursuant to the Americans with Disabilities Act, individuals who, because of a disability, need special assistance to attend or participate in a Senate Committee hearing, or in connection with other Senate services, may request assistance at the Senate Rules Committee, 1020 N Street, Suite 255 or by calling (916) 651-1505. Requests should be made one week in advance whenever possible.*

---

**6100 DEPARTMENT OF EDUCATION****Issue 1: Expanded Learning Opportunities Program****Panel.**

- Álvaro Meza, Assistant Superintendent/Chief Business Official, Gilroy Unified School District
- Amanda Reedy, Program Administrator, Gilroy Unified School District
- Lina Grant, Department of Finance
- Michael Alferes, Legislative Analyst's Office
- Michael Funk, California Department of Education

**Background.**

**After School Education and Safety Program.** Proposition 49 of 2002 established the After School Education and Safety (ASES) Program, and supported local after school education and enrichment programs with a continuous appropriation of up to \$550 million each year for ASES, which would depend on the growth in the General Fund outside of Proposition 98. No more than 1.5 percent of these funds is available to the Department of Education for technical assistance, evaluation, and training services. These programs are created through partnerships between schools and the local community to provide resources to support literacy, academic enrichment, and activities for students in kindergarten through ninth grade. ASES programs must include an educational and literacy element that provides tutoring or homework assistance, as well as an educational enrichment element.

The ASES program supports over 4,000 elementary and middle schools offering afterschool and summer programs to more than 400,000 students daily. The ASES program had a guaranteed funding level of \$550 million annually through Proposition 49. The 2017-18 budget included an additional \$50 million in ongoing funding for the ASES program, bringing total guaranteed ongoing funding levels to \$600 million which is then distributed on a per-pupil basis to schools with at least 50 percent of elementary, middle, or junior high school students who are eligible for free or reduced cost meals.

**21<sup>st</sup> Century Community Learning Centers (CCLC).** The 21<sup>st</sup> CCLC is a federal program that supports community learning centers providing academic enrichment opportunities during non-school hours for children, particularly students who attend high-poverty and low-performing schools.

The No Child Left Behind Act of 2001 was signed into law in January 2002, authorizing the California Department of Education to administer California's 21<sup>st</sup> CCLC Program. This state-administered, federally funded program provides five-year grant funding to establish or expand before-and after-school programs that provide transitional kindergarten through twelfth-grade students with academic enrichment opportunities and supportive services to help the students meet state and local standards in core content areas.

---

Community learning centers must offer families of these students literacy and related educational development. Centers – which can be located in elementary or secondary schools or other similarly accessible facilities – provide a range of services to support student learning and development, including tutoring and mentoring, homework help, academic enrichment, and community service opportunities, as well as music, arts, sports and cultural activities.

In California, this funding is broken into two: 21<sup>st</sup> CCLC serves students in transitional kindergarten through ninth grade. After School Safety and Enrichment for Teens (ASSETs) serves students in high school.

**Expanded Learning Opportunities Grant.** The 2021 Budget included \$4.6 billion in Expanded Learning Opportunities Grants that was provided to local educational agencies proportionate to each agency's share of the Local Control Funding Formula allocation. These funds are for local educational agencies to provide supplemental instruction and support to students. Specified uses included extended instructional learning time, accelerated learning strategies, summer school, tutoring or one-on-one support, professional development, and social-emotional wellbeing supports, among others.

**Expanded Learning Opportunities Program.** In addition to the Expanded Learning Opportunities Grant, the 2021 Budget established the Expanded Learning Opportunities Program to provide students access to after school and intersessional expanded learning opportunities for nine hours of developmentally appropriate academics and enrichment activities per instructional day and for six weeks each summer. Classroom-based local educational agencies are allocated funds based on their enrollment of unduplicated pupils (low-income, foster youth, and English learners) in grades TK through sixth grade.

For the 2021-22 fiscal year, local educational agencies with unduplicated enrollment at 80 percent or more of total enrollment receive a higher rate. The budget provided \$754 million in one-time Proposition 98 funding and, combined with funds allocated in the budget act, a total of \$1.75 billion was provided for this program in the 2021-22 fiscal year. Subject to future appropriations, the program is intended to grow to provide funding of \$2,500 per unduplicated pupil, and reach a total scale of \$5 billion in annual funding. In the 2021- 22 school year, local educational agencies must offer specified expanded learning to all pupils in grades TK through sixth on school days and for at least 30 non-school days during intersessional periods, and provide access to these services to at least fifty percent of unduplicated enrollment in the specified grade span.

Beginning with the 2022-23 fiscal year, local educational agencies with an unduplicated pupil percentage of 80 percent or above must offer expanded learning opportunity program services to all of its students and provide access to services to any student in kindergarten through sixth grade whose parent or guardian requests it. Local educational agencies with an unduplicated pupil percentage below 80 percent are required to offer it to all of its K-6 unduplicated students and provide program access to at least 50 percent of its unduplicated population. Funds provided to local educational agencies for the Expanded Learning Opportunities Program in the 2021-22 fiscal year must be used to develop an expanded learning opportunity program or provide services in accordance with program requirements, and may also be used in the 2022-23 fiscal year.

Local educational agencies are allowed to incorporate all three programs and funding streams – ASES, 21<sup>st</sup> CCLCs, and the Expanded Learning Opportunities Program – into one comprehensive program for its communities. For example, unduplicated students who are counted towards ASES program funding are allowed to be counted towards the expanded learning program requirements, and funds provided through the expanded learning opportunities program are allowed to be used for the local match in ASES. However, ASES and 21<sup>st</sup> CCLC are funded at the school site level, while the expanded learning opportunity program funds are allocated to local educational agencies.

However, participation in ASES or 21<sup>st</sup> CCLC is contingent upon eligibility and available funding – according to the California Department of Education, 4,231 schools participate in ASES, 399 schools participate in 21<sup>st</sup> Century Elementary/Middle program, and 322 schools participate in 21<sup>st</sup> CCLC ASSETs. 374 sites are dual-funded, and receive both ASES and 21<sup>st</sup> CCLC funding.

### **Governor's Budget Proposal.**

The proposed budget includes an additional \$3.4 billion ongoing Proposition 98 General Fund for the Expanded Learning Opportunities Program, increasing per pupil funding for the program to \$2,500 for local educational agencies with an unduplicated pupil percentage equal to or greater than 75 percent, and an estimated \$2,027 for those that are below 75 percent. Additionally, it would extend the grace period for which local educational agencies would be required to implement the program from 2022-23 to 2023-24. The proposal also defines prorated penalties for local educational agencies that fail to offer or provide access to expanded learning opportunity programs by based on the number of students not offered or provided access, or failure to maintain the required number of days or hours.

The Budget also proposes \$937 million one-time Proposition 98 General Fund to support Expanded Learning Opportunities Program infrastructure, with a focus on integrating arts and music programming into the enrichment options for students.

Finally, the Budget continues one-time reimbursement rate increases (at a cost of \$148.7 million ongoing Proposition 98 General Fund) from the 2021 Budget Act for the After School Education and Safety and 21<sup>st</sup> Century Community Learning Centers programs.

### **Suggested Questions.**

- DOF: How did the Administration determine that the threshold for local educational agencies to offer expanded learning opportunity programs to all of its pupils be expanded to a 75 percent unduplicated pupil percentage, and not another percentage?
- DOF/LAO/CDE: Do we know how many school districts do not currently have any ASES or 21<sup>st</sup> Century CLC programs? What kind of resources or support are provided for those districts who do not have ASES/21<sup>st</sup> Century CLC in place?
- DOF/CDE: Could you please describe the alignment between the three programs?

- Gilroy Unified: What types of systemic improvements to the expanded learning framework would you recommend to help you and other school districts be successful?

**Staff Recommendation.** Hold open.

## **Issue 2: Special Education Funding Proposals**

### **Panel.**

- Liz Mai, Department of Finance
- Amy Li, Legislative Analyst's Office
- Heather Calomese, California Department of Education

### **Background.**

Children with developmental delays or physical impairments may need intervention or supports of some form and are eligible to receive supportive services through a variety of programs. Once a child enters the public school system, typically at age five, the school district of residence provides both education services and eligible special education supports and services for identified disabilities that would otherwise hinder a child from receiving a “free and appropriate public education.” For infants, toddlers, and preschool aged children (generally ages zero to five), families may need to navigate a variety of programs to meet the educational and developmental needs of their children. Once a child enters the public school system, the child is eligible to receive services through age 21.

“Special education” describes the specialized supports and services that schools provide for students with disabilities under the provisions of the federal Individuals with Disabilities Education Act (IDEA). Federal special education laws originally enacted in 1975 and reauthorized as IDEA in 2004, require states to provide early intervention services for infants and toddlers and schools to provide “specially designed instruction, and related services, at no cost to parents, to meet the unique needs of a child with a disability.” The law requires the provision of these special supports and services to students with exceptional needs from age 0 to age 22, or until they graduate from high school with a diploma.

Children with disabilities who are younger than age five and are not yet in school settings receive supports and services in different ways. For infants and toddlers (ages zero to three years old), an individualized family service plan is created and services are generally provided by regional centers. These centers are non-profit agencies overseen by the Department of Developmental Services. However, a small percentage of infants and toddlers with special needs are served by school districts. A small number of school districts that had historically served these children were grandfathered into the current system and currently serve approximately 5,000 children. In addition, schools serve a small number of infants and toddlers (approximately 1,000) who have only a hearing, visual, or orthopedic (HVO) impairment. The state's federal IDEA plan required HVO-related services to be provided by the schools if an HVO impairment is the child's only disability. Once a child reaches age three, the responsibility for serving children with disabilities

