

Assembly Bill No. 6

CHAPTER 545

An act to amend Sections 8482.8 and 8483.7 of, to amend the heading of Article 22.5 (commencing with Section 8482) of Chapter 2 of Part 6 of, to add Sections 8483.1, 8483.2, 8483.5, and 8483.75 to, and to repeal and amend Sections 8482, 8482.3, 8482.6, 8483, 8483.4, 8483.8, 8484, and 8484.3 of, the Education Code, relating to before and after instructional day school programs.

[Approved by Governor October 5, 2001. Filed with
Secretary of State October 7, 2001.]

LEGISLATIVE COUNSEL'S DIGEST

AB 6, Cardenas. Before and after school programs.

Existing law establishes the After School Learning and Safe Neighborhoods Partnership Program to create incentives for establishing local after school enrichment programs and establishes maximum grant amounts for participating schools.

This bill would permit schools to establish before and after school programs under these provisions, would establish maximum grants for before and after school programs, and would revise related funding priorities.

Existing law, notwithstanding any other provision of law or regulation, permits a participating program operated by a city, county, or nonprofit organization to operate for up to 20 hours per week without obtaining a license or special permit otherwise required under prescribed provisions of law.

This bill would increase the authorization to 30 hours per week.

The people of the State of California do enact as follows:

SECTION 1. This act shall be known, and may be cited, as the Before and After School Learning and Safe Neighborhoods Partnerships Program Act.

SEC. 2. The heading for Article 22.5 (commencing with Section 8482) of Chapter 2 of Part 6 of the Education Code is amended to read:

Article 22.5. Before and After School Learning and Safe Neighborhoods Partnerships Program

SEC. 3. Section 8482 of the Education Code, as added by Chapter 318 of the Statutes of 1998, is repealed.

SEC. 4. Section 8482 of the Education Code, as added by Chapter 319 of the Statutes of 1998, is repealed.

SEC. 5. Section 8482 of the Education Code, as added by Chapter 320 of the Statutes of 1998, is amended to read:

8482. There is hereby established the Before and After School Learning and Safe Neighborhoods Partnerships Program. The purpose of this program is to create incentives for establishing locally driven before and after school enrichment programs that partner schools and communities to provide academic and literacy support and safe, constructive alternatives for youth.

SEC. 6. Section 8482.3 of the Education Code, as added by Chapter 318 of the Statutes of 1998, is repealed.

SEC. 7. Section 8482.3 of the Education Code, as added by Chapter 319 of the Statutes of 1998, is repealed.

SEC. 8. Section 8482.3 of the Education Code, as amended by Chapter 78 of the Statutes of 1999, is amended to read:

8482.3. (a) The Before and After School Learning and Safe Neighborhoods Partnerships Program shall be established to serve pupils in kindergarten and grades 1 to 9, inclusive, at participating elementary, middle, junior high, and charter schoolsites.

(b) A program may operate a before school component of a program, an after school component, or both the before and after school components of a program, on one or multiple schoolsites. If a program operates at multiple schoolsites, only one application shall be required for its establishment.

(c) Each component of a program established pursuant to this article shall consist of the following two components:

(1) An educational and literacy component whereby tutoring or homework assistance is provided in one or more of the following areas: language arts, mathematics, history and social science, or science.

(2) A component whereby educational enrichment, which may include, but need not be limited to, recreation and prevention activities, is provided.

(d) Applicants for programs established pursuant to this article may include any of the following:

(1) A local education agency, including a charter school.

(2) A city, county, or nonprofit organization in partnership with, and with the approval of, a local education agency or agencies.



(e) Applicants for grants pursuant to this article shall ensure that each of the following requirements is fulfilled, if applicable:

(1) The application documents the commitments of each partner to operate a program on that schoolsite or schoolsites.

(2) The application has been approved by the school district and the principal of each schoolsite.

(3) Each partner in the application agrees to share responsibility for the quality of the program.

(4) The application designates the public agency or local education agency partner to act as the fiscal agent. For purposes of this section, “public agency” means only a county board of supervisors or, where the city is incorporated or has a charter, a city council.

(5) Applicants agree to follow all fiscal reporting and auditing standards required by the State Department of Education.

SEC. 9. Section 8482.6 of the Education Code, as added by Chapter 318 of the Statutes of 1998, is repealed.

SEC. 10. Section 8482.6 of the Education Code, as added by Chapter 319 of the Statutes of 1998, is repealed.

SEC. 11. Section 8482.6 of the Education Code, as added by Chapter 320 of the Statutes of 1998, is amended to read:

8482.6. Every pupil attending a school operating a program pursuant to this article is eligible to participate in the program, subject to program capacity. A program established pursuant to this article is not required to charge family fees or conduct individual eligibility determination based on need or income.

SEC. 12. Section 8482.8 of the Education Code is amended to read:

8482.8. (a) If there is a significant barrier to pupil participation in a program established pursuant to this article at the school of attendance for either the before school or the after school component, an applicant may request approval from the Superintendent of Public Instruction, prior to or during the grant application process, to provide services at another schoolsite for that component. An applicant that requests approval shall address the manner in which the applicant intends to provide safe, supervised transportation between schoolsites; 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 align the educational and literacy component of the before and after school components of the program with participating pupils’ regular school programs.

(b) For purposes of this article, a significant barrier to pupil participation in the before or after school component of a program established pursuant to this chapter means either of the following:



(1) Fewer than 20 pupils participating in the component of the program.

(2) Extreme transportation constraints, including, but not limited to, desegregation bussing, bussing for magnet or open enrollment schools, or pupil dependence on public transportation.

SEC. 13. Section 8483 of the Education Code, as added by Chapter 318 of the Statutes of 1998, is repealed.

SEC. 14. Section 8483 of the Education Code, as added by Chapter 319 of the Statutes of 1998, is repealed.

SEC. 15. Section 8483 of the Education Code, as amended by Chapter 872 of the Statutes of 1999, is amended to read:

8483. (a) (1) Every after school component of a program established pursuant to this article shall operate a minimum of three hours a day and shall operate at least until 6 p.m. on every regular schoolday. Every after school component of the program shall establish a policy regarding reasonable early daily release of pupils from the program.

(2) It is the intent of the Legislature that elementary 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, except when released early in accordance with the early release policy described in paragraph (1) or as reasonably necessary.

(3) In order to develop an age appropriate after school program for pupils in middle school or junior high school, programs established pursuant to this article may implement a flexible attendance schedule for those pupils. Priority for enrollment of pupils in middle school or junior high school shall be given to pupils who attend daily.

(b) The administrators of a program established pursuant to this article shall have the option of operating during any combination of summer, intersession, or vacation periods for a minimum of three hours per day at the approved rate for the regular school year pursuant to Section 8483.7.

SEC. 16. Section 8483.1 is added to the Education Code, to read:

8483.1. (a) (1) Every before school program component established pursuant to this article shall commence operation at or before 6 a.m. on every regular schoolday or two hours before the commencement of the regular schoolday. A program may operate less than two hours per regular schoolday, but in no instance shall a program operate for less than one and one-half hours per regular schoolday. Every program shall establish a policy regarding reasonable late daily arrival of pupils to the program.



(2) It is the intent of the Legislature that elementary 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 six hours a week and three days a week to accomplish program goals, except when arriving late in accordance with the late arrival policy described in paragraph (1) or as reasonably necessary. In no event shall a pupil participate less than one and one-half hours per day to be eligible for funding.

(3) In order to develop an age appropriate before school program for pupils in middle school or junior high school, programs established pursuant to this article may implement a flexible attendance schedule for those pupils. Priority for enrollment of pupils in middle school or junior high school shall be given to pupils who attend daily.

(b) The administrators of a before school program established pursuant to this article shall have the option of operating during any combination of summer, intersession, or vacation periods for a minimum of two hours per day at the approved rate for the regular school year pursuant to Section 8483.75.

SEC. 17. Section 8483.2 is added to the Education Code, to read:

8483.2. Notwithstanding any other provision of this article, any program electing to operate both a before and after school component for the same pupils during summer, intersession, or vacation periods must operate these programs a minimum of five hours per day to receive the approved rates for the regular school year pursuant to both Sections 8483.7 and 8483.75.

SEC. 18. Section 8483.4 of the Education Code, as added by Chapter 318 of the Statutes of 1998, is repealed.

SEC. 19. Section 8483.4 of the Education Code, as added by Chapter 319 of the Statutes of 1998, is repealed.

SEC. 20. Section 8483.4 of the Education Code, as added by Chapter 320 of the Statutes of 1998, is amended to read:

8483.4. The administrator of every program established pursuant to this article shall establish minimum qualifications for each staff position that, at a minimum, ensure that all staff members who directly supervise pupils meet the minimum qualifications for an instructional aide, pursuant to the policies of the school district. Selection of the program site supervisors shall be subject to the approval of the schoolsite principal. The administrator shall also ensure that the program maintains a pupil-to-staff member ratio of no more than 20 to 1. All program staff and volunteers shall be subject to the health screening and fingerprint clearance requirements in current law and district policy for school personnel and volunteers in the school district.

SEC. 21. Section 8483.5 is added to the Education Code, to read:



8483.5. It is the intent of the Legislature that a minimum of eighty-five million dollars (\$85,000,000) be appropriated for the program established pursuant to this article, through the annual Budget Act. Of the funds appropriated for the program, current grant recipients have priority for receiving continued funding for the same purposes for which they previously received an award.

SEC. 22. Section 8483.7 of the Education Code is amended to read:

8483.7. (a) (1) (A) Every school that establishes a program pursuant to this article is eligible to receive a three-year renewable incentive grant, that shall be awarded in three one-year increments and is subject to annual reporting and recertification as required by the State Department of Education, for either of the following, as selected by the school:

(i) Up to five dollars (\$5) per day per pupil, if the program serves pupils in elementary, middle, or junior high school.

(ii) Five dollars (\$5) per pupil for each three hours of pupil attendance, with a maximum total reimbursement of twenty-five dollars (\$25) per pupil per week, if the program serves pupils in middle or junior high school. To receive reimbursement pursuant to this subparagraph, the program administrator shall apply to and receive approval annually from the Superintendent of Public Instruction. Approval by the Superintendent of Public Instruction shall be based on program results.

(B) The maximum total grant amount awarded annually pursuant to this paragraph shall be seventy-five thousand dollars (\$75,000) for each regular school year for each elementary school and one hundred thousand dollars (\$100,000) for each regular school year for each middle or junior high school.

(2) For large schools, the maximum total grant amounts described in paragraph (1) may be increased based on the following formulas, up to a maximum amount of twice the respective limits specified in paragraph (1):

(A) For elementary schools, multiply seventy-five dollars (\$75) by the number of pupils enrolled at the schoolsite for the normal schoolday program that exceeds 600.

(B) For middle schools, multiply seventy-five dollars (\$75) by the number of pupils enrolled at the schoolsite for the normal schoolday program that exceeds 900.

(3) The maximum total grant amounts set forth in subparagraph (B) of paragraph (1) and in paragraph (2) may be increased from any funds made available for this purpose in the annual Budget Act for participating schools that have pupils on waiting lists for the program. Grants may be increased by the lesser of an amount that is either 25 percent of the current maximum total grant amount or equal to the



proportion of pupils unserved by the program as measured by documented waiting lists as of January 1, 2001, compared to the actual after school enrollment on the same date. Matching fund requirements shall be increased accordingly.

(4) A school that establishes a program pursuant to this article is eligible to receive a supplemental grant to operate the program during any combination of summer, intersession, or vacation periods for a maximum of the lesser of the following amounts:

(A) Five dollars (\$5) per day per pupil.

(B) Thirty percent of the total grant amount awarded to the school per school year pursuant to this subdivision.

(5) Each program shall provide at least 50 percent cash or in-kind local matching funds from the school district, governmental agencies, community organizations, or the private sector for each dollar received in grant funds. Neither facilities nor space usage may fulfill the match requirement.

(b) The administrator of a program established pursuant to this article may supplement, but not supplant existing funding for after school programs with grant funds awarded pursuant to this article. State categorical funds for remedial education activities shall not be eligible as matching funds for those after school programs.

(c) Up to 15 percent of the initial year's grant amount for each grant recipient may be utilized for startup costs. Under no circumstance shall funding for startup costs result in an increase in the grant recipient's total funding above the approved grant amount.

SEC. 23. Section 8483.75 is added to the Education Code, to read:

8483.75. (a) (1) (A) Every school that establishes a before school program component pursuant to Section 8483.1 of this article is eligible to receive a three year renewable incentive grant, that shall be awarded in three one-year increments and is subject to annual reporting and recertification as required by the State Department of Education, for either of the following, as selected by the school:

(i) Up to three dollars and thirty-three cents (\$3.33) per day per pupil for a two hour program, if the program serves pupils in elementary, middle, or junior high school. Per pupil reimbursement rates shall be reduced on a prorated basis for those programs which operate for less than two hours per regular schoolday. The rate shall be determined by multiplying 3.33 by the fraction represented by dividing the minutes of operation per day by 120.

(ii) Three dollars and thirty-three cents (\$3.33) per pupil for each two hours of pupil attendance, with a maximum total reimbursement of sixteen dollars and sixty-five cents (\$16.65) per pupil per week, if the program serves pupils in middle or junior high school. To receive



reimbursement pursuant to this subparagraph, the program administrator shall apply to and receive approval annually from the Superintendent of Public Instruction. Approval by the Superintendent of Public Instruction shall be based on program results.

(B) The maximum total grant amount awarded annually pursuant to this paragraph shall be twenty-five thousand dollars (\$25,000) for each regular school year for each elementary school and thirty-three thousand dollars (\$33,000) for each regular school year for each middle or junior high school.

(2) For large schools, the maximum total grant amounts described in paragraph (1) may be increased based on the following formulas, up to a maximum amount of twice the respective limits specified in paragraph (1):

(A) For elementary schools, multiply fifty dollars (\$50) by the number of pupils enrolled at the schoolsite for the normal schoolday program that exceeds 600.

(B) For middle schools, multiply fifty dollars (\$50) by the number of pupils enrolled at the schoolsite for the normal schoolday program that exceeds 900.

(3) A school that establishes a program pursuant to this article is eligible to receive a supplemental grant to operate the program during any combination of summer, intersession, or vacation periods for a maximum of the lesser of the following amounts:

(A) Three dollars and thirty-three cents (\$3.33) per day per pupil.

(B) Thirty percent of the total grant amount awarded to the school per school year pursuant to this subdivision.

(4) Each program shall provide at least 50 percent cash or in-kind local matching funds from the school district, governmental agencies, community organizations, or the private sector for each dollar received in grant funds. Neither facilities nor space usage may fulfill the match requirement.

(b) The administrator of a program established pursuant to this article may supplement, but not supplant existing funding for before school programs with grant funds awarded pursuant to this article. State categorical funds for remedial education activities shall not be eligible as matching funds for those before school programs.

(c) Up to 15 percent of the initial year's grant amount for each grant recipient may be utilized for startup costs. Under no circumstance shall funding for startup costs result in an increase in the grant recipient's total funding above the approved grant amount.

SEC. 24. Section 8483.8 of the Education Code, as added by Chapter 318 of the Statutes of 1998, is repealed.



SEC. 25. Section 8483.8 of the Education Code, as added by Chapter 319 of the Statutes of 1998, is repealed.

SEC. 26. Section 8483.8 of the Education Code, as added by Chapter 320 of the Statutes of 1998, is amended to read:

8483.8. In any fiscal year, if a program participant receives state funds to operate a program pursuant to this article that are in an amount in excess of the amount warranted, due to the program serving fewer pupils than planned, to raising an inadequate amount of matching funds, or for any other reason, the State Department of Education shall reduce any subsequent allocations by an amount equal to that overpayment. If the program participant discontinues participation in the program and no allocations are made after the determination that an overpayment has been made, the State Department of Education shall take the following action:

(a) In the case of local education agencies, the State Department of Education shall bill the agencies for the amount of the overpayment. If payment is not received within three months of the billing invoice date, an amount equal to the amount of the overpayment shall be withheld from the next principal apportionment to the agency.

(b) In the case of entities other than local education agencies, the State Department of Education shall bill the entities for the amount of the overpayment, and pursue appropriate legal remedies if not paid.

SEC. 27. Section 8484 of the Education Code, as added by Chapter 318 of the Statutes of 1998, is repealed.

SEC. 28. Section 8484 of the Education Code, as added by Chapter 319 of the Statutes of 1998, is repealed.

SEC. 29. Section 8484 of the Education Code, as added by Chapter 320 of the Statutes of 1998, is amended to read:

8484. As required by the State Department of Education, programs established pursuant to this article shall submit annual outcome based data for evaluation, including measures for academic performance, attendance, and positive behavioral changes. The State Department of Education may consider these outcomes when determining eligibility for grant renewal.

SEC. 30. Section 8484.3 of the Education Code, as added by Chapter 318 of the Statutes of 1998, is repealed.

SEC. 31. Section 8484.3 of the Education Code, as added by Chapter 319 of the Statutes of 1998, is repealed.

SEC. 32. Section 8484.3 of the Education Code, as added by Chapter 320 of the Statutes of 1998, is amended to read:

8484.3. (a) Programs established pursuant to this article shall not be required to comply with the requirements of other provisions of this



chapter or requirements set forth in Chapter 19 of Division 1 of Title 5 of the California Code of Regulations.

(b) Notwithstanding any other provision of law or regulation, a program operated by a city, county, or nonprofit organization pursuant to this article may operate for up to 30 hours per week without obtaining a license or special permit under Chapter 3.4 (commencing with Section 1596.70) or Chapter 3.5 (commencing with Section 1596.90) of Division 2 of the Health and Safety Code.

