Introduced by Assembly Member Campos

January 4, 2016

An act to amend Sections 8482.6 and 8483 of, and to add Section 8483.95 to, the Education Code, relating to after school programs.

LEGISLATIVE COUNSEL’S DIGEST


The After School Education and Safety Program Act of 2002, enacted by initiative statute, establishes the After School Education and Safety Program to serve pupils in kindergarten and grades 1 to 9, inclusive, at participating public elementary, middle, junior high, and charter schools. The act gives priority enrollment in after school programs to pupils in middle school or junior high school who attend daily. This bill would instead give first priority enrollment to homeless youth, as defined, and pupils in CalWORKs assistance units, as described, and pupils who are in foster care, and 2nd priority enrollment, for programs serving middle and junior high school pupils, to pupils who attend the program daily. The bill would require an after school 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. The bill would authorize the administrators of a program to verify the homeless status of a pupil through the school district liaison designated for homeless children, as specified, and, if that information is not available through the school district, would require the program to allow the
parent or caregiver of a pupil to verify the pupil’s homeless status. The bill would authorize the administrators of a program to verify that a pupil is in foster care through the school district, if that information is available, or through the foster parent of the pupil.

The act provides that an after school and before school program is not required to charge family fees or conduct individual eligibility determination based on need or income.

This bill would prohibit a program that charges family fees from charging a fee to a family for a child who is a homeless youth or who is a member of a CalWORKs assistance unit, or for a child who is in foster care.

The act authorizes the Legislature to amend certain of its provisions to further its purposes by majority vote of each house.

The bill would set forth a legislative finding and declaration that it furthers the purposes of the act.


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

SECTION 1. The Legislature finds and declares all of the following:

(a) The After School Education and Safety (ASES) Program offers quality after school learning and development opportunities that can make a difference for all of the children they serve, but especially for low-income children.

(b) There is strong evidence that access to after school and summer programs increases the likelihood that a child will succeed in school and graduate from high school.

(c) Research shows that children, especially girls, benefit from improved health and academic outcomes when they participate in after school programs.

(d) The most significant academic gains for children enrolled in the ASES Program occur among those who face the most challenges.

(e) Due to significant underfunding of the ASES Program, more than half of the program site coordinators recently reported that they could not enroll all interested children and had resorted to the use of a waiting list.
(f) The federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.) ensures the educational rights and protections of homeless children, defined by the act as individuals who lack a fixed, regular, and adequate nighttime residence.

(g) Until the ASES Program is funded for every child seeking to be enrolled, children who are homeless might not benefit from the program without priority access and waivers of fees.

(h) In order to ensure that participating children receive adequate nutrition and to reduce the cost-per-child expenses of ASES programs, it is important to encourage collaboration between local educational agencies and other community-based organizations sponsoring federally funded after school snack and meal programs.

SECTION 1.

SEC. 2. Section 8482.6 of the Education Code 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 determinations based on need or income. If a program established pursuant to this article does charge family fees, the program shall not charge a fee to a family for a child who is identified as a homeless youth, as defined by the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.), or is a member of a CalWORKs assistance unit, as described in subdivision (a) of Section 11265.45 of the Welfare and Institutions Code, or for a child who is in foster care.

SEC. 3. Section 8483 of the Education Code is amended to read:

8483. (a) (1) Every after school component of a program established pursuant to this article shall commence 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. Every after school component of the program shall establish a policy regarding reasonable early daily release of pupils from the program. 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,
documented evidence may be submitted to the department for an
exception and a request for approval of an alternative plan.
(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.
(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.
(b) The administrators of a program established pursuant to this
article have the option of operating during any combination of
summer, intersession, or vacation periods for a minimum of three
hours per day for the regular school year pursuant to Section
8483.7.
(c) Priority for enrollment of pupils in an after school program
shall be as follows:
(1) First priority shall go to pupils who are identified as
homeless youth, as defined by the federal McKinney-Vento
Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq., 11434a),
at the time that they apply for enrollment or at any time during
the school year, and to pupils who are in foster care.
(2) Second priority shall go to pupils who are members of a
CalWORKs assistance unit, as described in subdivision (a) of
Section 11265.45 of the Welfare and Institutions Code.
(3)
(d) A program shall 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.
(e) For purposes of identifying a pupil who is eligible for priority
enrollment on the basis of being homeless, the administrators of
a program may verify the homeless status of a pupil 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. If that information is not available through
the school district, the program shall allow the parent or caregiver
of the pupil who is enrolling in the program or requesting placement on a program waiting list to verify the homeless status of the pupil.

(f) For purposes of identifying a pupil who is eligible for priority enrollment on the basis of being in foster care, the administrators of a program may verify that a pupil is in foster care through the school district, if that information is available, or through the foster parent of the pupil who is enrolling in the program or requesting placement on a program waiting list.

SEC. 3.
SEC. 4. Section 8483.95 is added to the Education Code, to read:

8483.95. It is the intent of the Legislature that a program established pursuant to this article shall not use its program funding for food, other than food-related curriculum, unless it applies for, and is rejected from receiving, federal money for purposes of providing food to pupils in the program: core operating funds for mandatory snacks or meals, but shall 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.

SEC. 4.
SEC. 5. The Legislature finds and declares that this act furthers the purpose of the After School Education and Safety Program Act of 2002.