

AMENDED IN ASSEMBLY MARCH 29, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1567**

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**Introduced by Assembly Member Campos**

January 4, 2016

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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

AB 1567, as amended, Campos. After school programs: enrollment: ~~fees. fees: homeless youth: snacks or meals.~~

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, ~~2nd priority enrollment to pupils in CalWORKs assistance units, as described, and pupils who are in foster care, and~~ ~~3rd~~ 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~~ determinations 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. youth 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.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

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

- 1     SECTION 1. The Legislature finds and declares all of the
- 2     following:
- 3     (a) The After School Education and Safety (ASES) Program
- 4     offers quality after school learning and development opportunities
- 5     that can make a difference for all of the children they serve, but
- 6     especially for low-income children.
- 7     (b) There is strong evidence that access to after school and
- 8     summer programs increases the likelihood that a child will succeed
- 9     in school and graduate from high school.
- 10    (c) Research shows that children, especially girls, benefit from
- 11    improved health and academic outcomes when they participate in
- 12    after school programs.
- 13    (d) The most significant academic gains for children enrolled
- 14    in the ASES Program occur among those who face the most
- 15    challenges.
- 16    (e) Due to significant underfunding of the ASES Program, more
- 17    than half of the program site coordinators recently reported that
- 18    they could not enroll all interested children and had resorted to
- 19    the use of a waiting list.

1 (f) *The federal McKinney-Vento Homeless Assistance Act (42*  
2 *U.S.C. Sec. 11301 et seq.) ensures the educational rights and*  
3 *protections of homeless children, defined by the act as individuals*  
4 *who lack a fixed, regular, and adequate nighttime residence.*

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

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

14 ~~SECTION 1.~~

15 *SEC. 2.* Section 8482.6 of the Education Code is amended to  
16 read:

17 8482.6. Every pupil attending a school operating a program  
18 pursuant to this article is eligible to participate in the program,  
19 subject to program capacity. A program established pursuant to  
20 this article is not required to charge family fees or conduct  
21 individual eligibility ~~determination~~ *determinations* based on need  
22 or income. If a program established pursuant to this article does  
23 charge family fees, the program shall not charge a fee to a family  
24 for a child who is identified as a homeless youth, as defined by  
25 the federal McKinney-Vento Homeless Assistance Act (42 U.S.C.  
26 Sec. 11301 et seq.), or is a member of a CalWORKs assistance  
27 unit, as described in subdivision (a) of Section 11265.45 of the  
28 ~~Welfare and Institutions Code: 11434a~~, or for a child who is in  
29 foster care.

30 ~~SEC. 2.~~

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

33 8483. (a) (1) Every after school component of a program  
34 established pursuant to this article shall commence immediately  
35 upon the conclusion of the regular schoolday, and operate a  
36 minimum of 15 hours per week, and at least until 6 p.m. on every  
37 regular schoolday. Every after school component of the program  
38 shall establish a policy regarding reasonable early daily release of  
39 pupils from the program. For those programs or schoolsites  
40 operating in a community where the early release policy does not

1 meet the unique needs of that community or school, or both,  
2 documented evidence may be submitted to the department for an  
3 exception and a request for approval of an alternative plan.

4 (2) It is the intent of the Legislature that elementary school  
5 pupils participate in the full day of the program every day during  
6 which pupils participate and that pupils in middle school or junior  
7 high school attend a minimum of nine hours a week and three days  
8 a week to accomplish program goals.

9 (3) In order to develop an age-appropriate after school program  
10 for pupils in middle school or junior high school, programs  
11 established pursuant to this article may implement a flexible  
12 attendance schedule for those pupils.

13 (b) The administrators of a program established pursuant to this  
14 article have the option of operating during any combination of  
15 summer, intersession, or vacation periods for a minimum of three  
16 hours per day for the regular school year pursuant to Section  
17 8483.7.

18 (c) Priority for enrollment of pupils in an after school program  
19 shall be as follows:

20 (1) First priority shall go to pupils who are identified as  
21 homeless youth, as defined by the federal McKinney-Vento  
22 Homeless Assistance Act (42 U.S.C. Sec. ~~11301 et seq.~~ *11434a*),  
23 *at the time that they apply for enrollment or at any time during*  
24 *the school year, and to pupils who are in foster care.*

25 ~~(2) Second priority shall go to pupils who are members of a~~  
26 ~~CalWORKs assistance unit, as described in subdivision (a) of~~  
27 ~~Section 11265.45 of the Welfare and Institutions Code.~~

28 ~~(3)~~

29 (2) For programs serving middle and junior high school pupils,  
30 ~~third~~ *second* priority shall go to pupils who attend daily.

31 (d) *A program shall inform the parent or caregiver of a pupil*  
32 *of the right of homeless children and foster children to receive*  
33 *priority enrollment and how to request priority enrollment.*

34 (e) *For purposes of identifying a pupil who is eligible for priority*  
35 *enrollment on the basis of being homeless, the administrators of*  
36 *a program may verify the homeless status of a pupil through the*  
37 *school district liaison designated for homeless children, provided*  
38 *that the school district has a waiver on file allowing for the release*  
39 *of this information. If that information is not available through*  
40 *the school district, the program shall allow the parent or caregiver*

1 of the pupil who is enrolling in the program or requesting  
2 placement on a program waiting list to verify the homeless status  
3 of the pupil.

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

10 ~~SEC. 3.~~

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

13 8483.95. It is the intent of the Legislature that a program  
14 established pursuant to this article shall not use its ~~program funding~~  
15 ~~for food, other than food-related curriculum, unless it applies for,~~  
16 ~~and is rejected from receiving, federal money for purposes of~~  
17 ~~providing food to pupils in the program.~~ *core operating funds for*  
18 *mandatory snacks or meals, but shall instead seek to qualify*  
19 *program sites as approved distribution sites for federally funded*  
20 *after school snacks or meals provided for by the National School*  
21 *Lunch Program, the Summer Food Service Program, or the Child*  
22 *and Adult Care Food Program.*

23 ~~SEC. 4.~~

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