

AMENDED IN SENATE JUNE 22, 2016

AMENDED IN ASSEMBLY MAY 27, 2016

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~~ *amend, repeal, and add* Sections ~~8482.6 and 8483~~ 8482.6, 8483, and 8483.1 of, and to add Section 8483.95 to, the Education Code, relating to *before and* after school programs.

LEGISLATIVE COUNSEL'S DIGEST

AB 1567, as amended, Campos. ~~After~~ *Before and after* school programs: enrollment: fees: homeless *and foster* 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 *and before school programs* to pupils in middle school or junior high school who attend daily.

This ~~bill~~ *bill, beginning July 1, 2017*, would instead give first priority enrollment to pupils who are identified by the program as homeless youth, as defined, and pupils who are identified by the program as being 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~~ *bill, beginning July 1, 2017*, would require an after school program *or a before 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~~ *bill, beginning July 1, 2017*, would require the administrators of a program to allow self-certification of the pupil as a homeless youth or a foster youth, and would authorize administrators to obtain this information through the school district liaison designated for homeless children, as specified.

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

This ~~bill~~ *bill, beginning July 1, 2017*, would prohibit a program that charges family fees from charging a fee to a family for a child if the program knows that the child is a homeless youth or for a child who the program knows 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

1 they could not enroll all interested children and had resorted to the  
2 use of a waiting list.

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

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

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

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

18 8482.6. (a) Every pupil attending a school operating a program  
19 pursuant to this article is eligible to participate in the program,  
20 subject to program capacity. A program established pursuant to  
21 this article is not required to charge family fees or conduct  
22 individual eligibility determinations based on need or income. ~~If~~  
23 ~~a program established pursuant to this article does charge family~~  
24 ~~fees, the program shall not charge a fee to a family for a child if~~  
25 ~~the program knows that the child is a homeless youth, as defined~~  
26 ~~by the federal McKinney-Vento Homeless Assistance Act (42~~  
27 ~~U.S.C. Sec. 11434a), or for a child who the program knows is in~~  
28 ~~foster care.~~

29 (b) *This section shall remain in effect only until July 1, 2017,*  
30 *and as of that date is repealed, unless a later enacted statute, that*  
31 *is enacted before July 1, 2017, deletes or extends that date.*

32 SEC. 3. Section 8482.6 is added to the Education Code, to  
33 read:

34 8482.6. (a) *Every pupil attending a school operating a*  
35 *program pursuant to this article is eligible to participate in the*  
36 *program, subject to program capacity. A program established*  
37 *pursuant to this article is not required to charge family fees or*  
38 *conduct individual eligibility determinations based on need or*  
39 *income. If a program established pursuant to this article does*  
40 *charge family fees, the program shall not charge a fee to a family*

1 for a child if the program knows that the child is a homeless youth,  
2 as defined by the federal McKinney-Vento Homeless Assistance  
3 Act (42 U.S.C. Sec. 11434a), or for a child who the program knows  
4 is in foster care.

5 (b) This section shall become operative on July 1, 2017.

6 ~~SEC. 3.~~

7 SEC. 4. Section 8483 of the Education Code is amended to  
8 read:

9 8483. (a) (1) Every after school component of a program  
10 established pursuant to this article shall commence immediately  
11 upon the conclusion of the regular schoolday, and operate a  
12 minimum of 15 hours per week, and at least until 6 p.m. on every  
13 regular schoolday. Every after school component of the program  
14 shall establish a policy regarding reasonable early daily release of  
15 pupils from the program. For those programs or schoolsites  
16 operating in a community where the early release policy does not  
17 meet the unique needs of that community or school, or both,  
18 documented evidence may be submitted to the department for an  
19 exception and a request for approval of an alternative plan.

20 (2) It is the intent of the Legislature that elementary school  
21 pupils participate in the full day of the program every day during  
22 which pupils participate and that pupils in middle school or junior  
23 high school attend a minimum of nine hours a week and three days  
24 a week to accomplish program goals.

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

31 (b) The administrators of a program established pursuant to this  
32 article have the option of operating during any combination of  
33 summer, intersession, or vacation periods for a minimum of three  
34 hours per day for the regular school year pursuant to Section  
35 8483.7.

36 ~~(e) (1) Priority for enrollment of pupils in an after school~~  
37 ~~program shall be as follows:~~

38 ~~(A) First priority shall go to pupils who are identified by the~~  
39 ~~program as homeless youth, as defined by the federal~~  
40 ~~McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec.~~

1 11434a), at the time that they apply for enrollment or at any time  
2 during the school year, and to pupils who are identified by the  
3 program as being in foster care.

4 (B) For programs serving middle and junior high school pupils,  
5 second priority shall go to pupils who attend daily.

6 ~~(2) Nothing in this subdivision shall be construed to require a~~  
7 ~~program to verify, or a school district to disclose to an after school~~  
8 ~~program, that a pupil applying for or participating in the program~~  
9 ~~is a homeless youth or a foster youth.~~

10 ~~(3) Nothing in this subdivision shall be construed to require or~~  
11 ~~authorize the disenrollment of a current participant in order to~~  
12 ~~secure the enrollment of a pupil who has priority for enrollment.~~

13 ~~(d) A program shall inform the parent or caregiver of a pupil of~~  
14 ~~the right of homeless children and foster children to receive priority~~  
15 ~~enrollment and how to request priority enrollment.~~

16 ~~(e) For purposes of identifying a pupil who is eligible for priority~~  
17 ~~enrollment pursuant to subdivision (e), the administrators of a~~  
18 ~~program shall allow self-certification of the pupil as a homeless~~  
19 ~~youth or a foster youth. Administrators of a program may also~~  
20 ~~obtain this information through the school district liaison~~  
21 ~~designated for homeless children, provided that the school district~~  
22 ~~has a waiver on file allowing for the release of this information.~~

23 ~~(c) This section shall remain in effect only until July 1, 2017,~~  
24 ~~and as of that date is repealed, unless a later enacted statute, that~~  
25 ~~is enacted before July 1, 2017, deletes or extends that date.~~

26 *SEC. 5. Section 8483 is added to the Education Code, to read:*

27 *8483. (a) (1) Every after school component of a program*  
28 *established pursuant to this article shall commence immediately*  
29 *upon the conclusion of the regular schoolday, and operate a*  
30 *minimum of 15 hours per week, and at least until 6 p.m. on every*  
31 *regular schoolday. Every after school component of the program*  
32 *shall establish a policy regarding reasonable early daily release*  
33 *of pupils from the program. For those programs or schoolsites*  
34 *operating in a community where the early release policy does not*  
35 *meet the unique needs of that community or school, or both,*  
36 *documented evidence may be submitted to the department for an*  
37 *exception and a request for approval of an alternative plan.*

38 *(2) It is the intent of the Legislature that elementary school*  
39 *pupils participate in the full day of the program every day during*  
40 *which the pupils participate and that pupils in middle school or*

1 *junior high school attend a minimum of nine hours a week and*  
2 *three days a week to accomplish program goals.*

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

7 *(b) The administrators of a program established pursuant to*  
8 *this article have the option of operating during any combination*  
9 *of summer, intersession, or vacation periods for a minimum of*  
10 *three hours per day for the regular school year pursuant to Section*  
11 *8483.7.*

12 *(c) (1) Priority for enrollment of pupils in an after school*  
13 *program shall be as follows:*

14 *(A) First priority shall go to pupils who are identified by the*  
15 *program as homeless youth, as defined by the federal*  
16 *McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11434a),*  
17 *at the time that they apply for enrollment or at any time during*  
18 *the school year, and to pupils who are identified by the program*  
19 *as being in foster care.*

20 *(B) For programs serving middle and junior high school pupils,*  
21 *second priority shall go to pupils who attend daily.*

22 *(2) Nothing in this subdivision shall be construed to require a*  
23 *program to verify, or a school district to disclose to an after school*  
24 *program, that a pupil applying for or participating in the program*  
25 *is a homeless youth or a foster youth.*

26 *(3) Nothing in this subdivision shall be construed to require or*  
27 *authorize the disenrollment of a current participant in order to*  
28 *secure the enrollment of a pupil who has priority for enrollment.*

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

32 *(e) For purposes of identifying a pupil who is eligible for priority*  
33 *enrollment pursuant to subdivision (c), the administrators of a*  
34 *program shall allow self-certification of the pupil as a homeless*  
35 *youth or a foster youth. Administrators of a program may also*  
36 *obtain this information through the school district liaison*  
37 *designated for homeless children if the school district has a waiver*  
38 *on file allowing for the release of this information.*

39 *(f) This section shall become operative on July 1, 2017.*

1     *SEC. 6. Section 8483.1 of the Education Code is amended to*  
2 *read:*

3     8483.1. (a) (1) Every before school program component  
4 established pursuant to this article shall in no instance operate for  
5 less than one and one-half hours per regular schoolday. Every  
6 program shall establish a policy regarding reasonable late daily  
7 arrival of pupils to the program.

8     (2) (A) It is the intent of the Legislature that elementary school  
9 pupils participate in the full day of the program every day during  
10 which pupils participate and that pupils in middle school or junior  
11 high school attend a minimum of six hours a week or three days  
12 a week to accomplish program goals, except when arriving late in  
13 accordance with the late arrival policy described in paragraph (1)  
14 or as reasonably necessary.

15     (B) A pupil who attends less than one-half of the daily program  
16 hours shall not be counted for the purposes of attendance.

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

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

28     (c) Every before school program component established pursuant  
29 to this article shall offer a breakfast meal as described by Section  
30 49553 for all program participants.

31     (d) *This section shall remain in effect only until July 1, 2017,*  
32 *and as of that date is repealed, unless a later enacted statute, that*  
33 *is enacted before July 1, 2017, deletes or extends that date.*

34     *SEC. 7. Section 8483.1 is added to the Education Code, to*  
35 *read:*

36     8483.1. (a) (1) *Every before school program component*  
37 *established pursuant to this article shall in no instance operate*  
38 *for less than one and one-half hours per regular schoolday. Every*  
39 *program shall establish a policy regarding reasonable late daily*  
40 *arrival of pupils to the program.*

- 1     (2) (A) *It is the intent of the Legislature that elementary school*  
2 *pupils participate in the full day of the program every day during*  
3 *which pupils participate and that pupils in middle school or junior*  
4 *high school attend a minimum of six hours a week or three days*  
5 *a week to accomplish program goals, except when arriving late*  
6 *in accordance with the late arrival policy described in paragraph*  
7 *(1) or as reasonably necessary.*
- 8     (B) *A pupil who attends less than one-half of the daily program*  
9 *hours shall not be counted for the purposes of attendance.*
- 10    (3) *In order to develop an age-appropriate before school*  
11 *program for pupils in middle school or junior high school,*  
12 *programs established pursuant to this article may implement a*  
13 *flexible attendance schedule for those pupils.*
- 14    (b) *The administrators of a before school program established*  
15 *pursuant to this article shall have the option of operating during*  
16 *any combination of summer, intersession, or vacation periods for*  
17 *a minimum of two hours per day for the regular school year*  
18 *pursuant to Section 8483.75.*
- 19    (c) *Every before school program component established*  
20 *pursuant to this article shall offer a breakfast meal as described*  
21 *by Section 49553 for all program participants.*
- 22    (d) (1) *Priority for enrollment of pupils in a before school*  
23 *program shall be as follows:*
- 24    (A) *First priority shall go to pupils who are identified by the*  
25 *program as homeless youth, as defined by the federal*  
26 *McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11434a),*  
27 *at the time that they apply for enrollment or at any time during*  
28 *the school year, and to pupils who are identified by the program*  
29 *as being in foster care.*
- 30    (B) *For programs serving middle and junior high school pupils,*  
31 *second priority shall go to pupils who attend daily.*
- 32    (2) *Nothing in this subdivision shall be construed to require a*  
33 *program to verify, or a school district to disclose to a before school*  
34 *program, that a pupil applying for or participating in the program*  
35 *is a homeless youth or foster youth.*
- 36    (3) *Nothing in this subdivision shall be construed to require or*  
37 *authorize the disenrollment of a current participant in order to*  
38 *secure the enrollment of a pupil who has priority for enrollment.*

1 (e) A program shall inform the parent or caregiver of a pupil  
2 of the right of homeless children and foster children to receive  
3 priority enrollment and how to request priority enrollment.

4 (f) For purposes of identifying a pupil who is eligible for priority  
5 enrollment pursuant to subdivision (d), the administrators of a  
6 program shall allow self-certification of the pupil as a homeless  
7 youth or a foster youth. Administrators of a program may also  
8 obtain this information through the school district liaison  
9 designated for homeless children if the school district has a waiver  
10 on file allowing for the release of this information.

11 (g) This section shall become operative on July 1, 2017.

12 ~~SEC. 4.~~

13 SEC. 8. Section 8483.95 is added to the Education Code, to  
14 read:

15 8483.95. It is the intent of the Legislature that a program  
16 established pursuant to this article shall not use its core operating  
17 funds for mandatory snacks or meals, but shall instead seek to  
18 qualify program sites as approved distribution sites for federally  
19 funded after school snacks or meals provided for by the National  
20 School Lunch Program, the Summer Food Service Program, or  
21 the Child and Adult Care Food Program.

22 ~~SEC. 5.~~

23 SEC. 9. The Legislature finds and declares that this act furthers  
24 the purpose of the After School Education and Safety Program  
25 Act of 2002.