

AMENDED IN SENATE AUGUST 15, 2016

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**

---

---

**Introduced by Assembly Member Campos**

January 4, 2016

---

---

An act to amend, repeal, and add Sections 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. 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, 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, 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, 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 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, 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.

1 (e) Due to significant underfunding of the ASES Program, more  
2 than half of the program site coordinators recently reported that  
3 they could not enroll all interested children and had resorted to the  
4 use of a waiting list.

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

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

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

18 SEC. 2. Section 8482.6 of the Education Code is amended to  
19 read:

20 8482.6. (a) Every pupil attending a school operating a program  
21 pursuant to this article is eligible to participate in the program,  
22 subject to program capacity. A program established pursuant to  
23 this article is not required to charge family fees or conduct  
24 individual eligibility determinations based on need or income.

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26 and as of that date is repealed, unless a later enacted statute, that  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

28 SEC. 3. Section 8482.6 is added to the Education Code, to  
29 read:

30 8482.6. (a) Every pupil attending a school operating a program  
31 pursuant to this article is eligible to participate in the program,  
32 subject to program capacity. A program established pursuant to  
33 this article is not required to charge family fees or conduct  
34 individual eligibility determinations based on need or income. If  
35 a program established pursuant to this article does charge family  
36 fees, the program shall not charge a fee to a family for a child if  
37 the program knows that the child is a homeless youth, as defined  
38 by the federal McKinney-Vento Homeless Assistance Act (42  
39 U.S.C. Sec. 11434a), or for a child who the program knows is in  
40 foster care.

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

2 SEC. 4. Section 8483 of the Education Code is amended to  
3 read:

4 8483. (a) (1) Every after school component of a program  
5 established pursuant to this article shall commence immediately  
6 upon the conclusion of the regular schoolday, and operate a  
7 minimum of 15 hours per week, and at least until 6 p.m. on every  
8 regular schoolday. Every after school component of the program  
9 shall establish a policy regarding reasonable early daily release of  
10 pupils from the program. For those programs or schoolsites  
11 operating in a community where the early release policy does not  
12 meet the unique needs of that community or school, or both,  
13 documented evidence may be submitted to the department for an  
14 exception and a request for approval of an alternative plan.

15 (2) It is the intent of the Legislature that elementary school  
16 pupils participate in the full day of the program every day during  
17 which pupils participate and that pupils in middle school or junior  
18 high school attend a minimum of nine hours a week and three days  
19 a week to accomplish program goals.

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

26 (b) The administrators of a program established pursuant to this  
27 article have the option of operating during any combination of  
28 summer, intersession, or vacation periods for a minimum of three  
29 hours per day for the regular school year pursuant to Section  
30 8483.7.

31 (c) 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. 5. Section 8483 is added to the Education Code, to read:

35 8483. (a) (1) Every after school component of a program  
36 established pursuant to this article shall commence immediately  
37 upon the conclusion of the regular schoolday, and operate a  
38 minimum of 15 hours per week, and at least until 6 p.m. on every  
39 regular schoolday. Every after school component of the program  
40 shall establish a policy regarding reasonable early daily release of

1 pupils from the program. For those programs or schoolsites  
2 operating in a community where the early release policy does not  
3 meet the unique needs of that community or school, or both,  
4 documented evidence may be submitted to the department for an  
5 exception and a request for approval of an alternative plan.

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

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

15 (b) The administrators of a program established pursuant to this  
16 article have the option of operating during any combination of  
17 summer, intersession, or vacation periods for a minimum of three  
18 hours per day for the regular school year pursuant to Section  
19 8483.7.

20 (c) (1) Priority for enrollment of pupils in an after school  
21 program shall be as follows:

22 (A) First priority shall go to pupils who are identified by the  
23 program as homeless youth, as defined by the federal  
24 McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec.  
25 11434a), at the time that they apply for enrollment or at any time  
26 during the school year, and to pupils who are identified by the  
27 program as being in foster care.

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

30 (2) Nothing in this subdivision shall be construed to require a  
31 program to verify, or a school district to disclose to an after school  
32 program, that a pupil applying for or participating in the program  
33 is a homeless youth or a foster youth.

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

37 (d) A program shall inform the parent or caregiver of a pupil of  
38 the right of homeless children and foster children to receive priority  
39 enrollment and how to request priority enrollment.

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

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

9 SEC. 6. Section 8483.1 of the Education Code is amended to  
10 read:

11 8483.1. (a) (1) Every before school program component  
12 established pursuant to this article shall in no instance operate for  
13 less than one and one-half hours per regular schoolday. Every  
14 program shall establish a policy regarding reasonable late daily  
15 arrival of pupils to the program.

16 (2) (A) It is the intent of the Legislature that elementary school  
17 pupils participate in the full day of the program every day during  
18 which pupils participate and that pupils in middle school or junior  
19 high school attend a minimum of six hours a week or three days  
20 a week to accomplish program goals, except when arriving late in  
21 accordance with the late arrival policy described in paragraph (1)  
22 or as reasonably necessary.

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

25 (3) In order to develop an age-appropriate before 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 before school program established  
32 pursuant to this article shall have the option of operating during  
33 any combination of summer, intersession, or vacation periods for  
34 a minimum of two hours per day for the regular school year  
35 pursuant to Section 8483.75.

36 (c) Every before school program component established pursuant  
37 to this article shall offer a breakfast meal as described by Section  
38 49553 for all program participants.

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

4 SEC. 7. Section 8483.1 is added to the Education Code, to  
5 read:

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

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

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

20 (3) In order to develop an age-appropriate before school program  
21 for pupils in middle school or junior high school, programs  
22 established pursuant to this article may implement a flexible  
23 attendance schedule for those pupils.

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

29 (c) Every before school program component established pursuant  
30 to this article shall offer a breakfast meal as described by Section  
31 49553 for all program participants.

32 (d) (1) Priority for enrollment of pupils in a before school  
33 program shall be as follows:

34 (A) First priority shall go to pupils who are identified by the  
35 program as homeless youth, as defined by the federal  
36 McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec.  
37 11434a), at the time that they apply for enrollment or at any time  
38 during the school year, and to pupils who are identified by the  
39 program as being in foster care.

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

3 (2) Nothing in this subdivision shall be construed to require a  
4 program to verify, or a school district to disclose to a before school  
5 program, that a pupil applying for or participating in the program  
6 is a homeless youth or foster youth.

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

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

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

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

21 SEC. 8. Section 8483.95 is added to the Education Code, to  
22 read:

23 8483.95. It is the intent of the Legislature that a program  
24 established pursuant to this article shall not use its core operating  
25 funds for mandatory snacks or meals, but shall instead seek to  
26 qualify program sites as approved distribution sites for federally  
27 funded after school snacks or meals provided for by the National  
28 School Lunch Program, the Summer Food Service Program, *the*  
29 *School Breakfast Program*, or the Child and Adult Care Food  
30 Program.

31 SEC. 9. The Legislature finds and declares that this act furthers  
32 the purpose of the After School Education and Safety Program  
33 Act of 2002.