

AMENDED IN ASSEMBLY MARCH 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2615

Introduced by Assembly Member Wood

February 19, 2016

An act to amend ~~Section 8483~~ Sections 8423, 84726, 8483.3, 8483.7, and 8484 of the Education Code, relating to after school programs.

LEGISLATIVE COUNSEL'S DIGEST

AB 2615, as amended, Wood. After school programs.

Existing law establishes the 21st Century High School After School Safety and Enrichment for Teens (High School ASSETs) program, under the administration of the State Department of Education, and requires a high school after school program, established as specified, to consist of an academic assistance element and an enrichment element that include certain things. Existing law requires applicants for grants to ensure that certain requirements are fulfilled. Existing law requires, to the extent possible, the selection of applicants by the department to result in an equitable distribution of grant awards to applicants in northern, southern, and central California and in urban, suburban, and rural areas of the state.

This bill would define “urban and rural areas” and “northern, southern, and central California” for purposes of that provision requiring, to the extent possible, equitable distribution of grant awards across the state. The bill would authorize the department to withhold or terminate the grant allocation of any site or program that does not comply with specified reporting requirements.

Existing law 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 states that 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 9 hours a week and 3 days a week to accomplish program goals.~~ *schools, as specified. Existing law requires, to the extent possible, the selection of applicants by the department to result in an equitable distribution of grant awards to applicants in northern, southern, and central California and in urban, suburban, and rural areas of California. Existing law authorizes the department to terminate the grant of any site or program that does not comply with specified reporting requirements.*

~~This bill would instead state that it is the intent of the Legislature that elementary school and middle school or junior high school pupils participate in the full day of the program every day during which the pupils participate.~~

This bill would also authorize the department to withhold the grant allocation of any site or program that does not comply with these reporting requirements and would add audit resolutions to the list of these reporting requirements. The bill would define “urban and rural areas” and “northern, southern, and central California” for purposes of the provision requiring, to the extent possible, equitable distribution of grant awards across California.

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

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

- 1 SECTION 1. Section 8423 of the Education Code is amended
- 2 to read:
- 3 8423. (a) (1) The department shall select grantees to
- 4 participate in the 21st Century High School After School Safety
- 5 and Enrichment for Teens program from among applicants that
- 6 apply on forms and in a manner prescribed by the department. To
- 7 the extent possible, the selection of applicants by the department
- 8 shall result in an equitable distribution of grant awards to applicants
- 9 in northern, southern, and central California, and in urban,
- 10 suburban, and rural areas of the state.
- 11 (2) For purposes of paragraph (1), the following terms shall
- 12 have the following meanings:

1 (A) “Central California” means California County
2 Superintendents Educational Services Association regions five to
3 eight, inclusive.

4 (B) “Northern California” means California County
5 Superintendents Educational Services Association regions one to
6 four, inclusive.

7 (C) “Southern California” means California County
8 Superintendents Educational Services Association regions 9 to 11,
9 inclusive.

10 (D) “Urban and rural areas” shall be as defined by the United
11 States Census Bureau.

12 (b) The department shall consider the following criteria in
13 awarding grants:

14 (1) Strength of the educational element and coordination with
15 state academic standards, preparation for the high school exit
16 examination, and other academic interventions.

17 (2) Strength of the enrichment element.

18 (3) Evidence of community collaboration, including
19 demonstrated support of the principal and staff from participating
20 schools.

21 (4) A description of the manner in which programs will provide
22 a safe physical and emotional environment and opportunities for
23 relationship building, and promote active pupil engagement.

24 (5) A description of the manner in which the program design
25 will be periodically reexamined in order to maintain strong pupil
26 interest.

27 (6) A description of plans to attract pupils, particularly pupils
28 considered at risk or in need of academic support, on a regular
29 basis.

30 (c) The application shall certify all of the following:

31 (1) Completion of an assessment of pupils’ preferences for
32 program activities.

33 (2) Access to, and availability of, computers and technology.

34 (3) Inclusion of a nutritional snack, meal, or both, and a physical
35 activity element.

36 (4) That the program will meet all of the evaluation
37 requirements.

38 (5) Fiscal accountability.

39 (6) Collection and use of pupil social, behavioral, or skill
40 development data collection to support quality program

1 improvement processes. These pupil data outcomes may relate to
2 specific social-emotional competencies, including, but not
3 necessarily limited to, social skills, self-control, academic mindset,
4 perseverance, conflict resolution, and school-connectedness.

5 *SEC. 2. Section 8426 of the Education Code is amended to*
6 *read:*

7 8426. (a) (1) A grantee that establishes a program pursuant
8 to this chapter is eligible to receive a five-year grant of up to two
9 hundred fifty thousand dollars (\$250,000) per year per site in a
10 program, subject to semiannual attendance reporting. Funding for
11 a grant shall be allocated in annual increments for a period of not
12 more than five years, contingent upon the availability and
13 appropriation of federal funds by the Legislature for those grants.

14 (2) The department shall notify new grantees of their award
15 status and dollar amount of the award, if any, in writing on or
16 before May 15 of each year in which new grants are awarded. The
17 grantee shall notify the department in writing of its acceptance of
18 the grant.

19 (3) A first-year grant award shall be made no later than 60 days
20 after enactment of the annual Budget Act and any authorizing
21 legislation. A grant award for the second and subsequent fiscal
22 years shall be made no later than 30 days after enactment of the
23 annual Budget Act and any authorizing legislation.

24 (b) The department shall allocate 25 percent of the grant amount
25 each year no later than 30 days after the grant award acceptance
26 letter is received by the department.

27 (c) (1) Not more than 15 percent of each annual grant amount
28 may be used by a grantee for administrative costs. For purposes
29 of this article, administrative costs shall include indirect costs.
30 Indirect costs shall not exceed the lesser of the following:

31 (A) The grantee's indirect cost rate, as approved by the
32 department for the appropriate fiscal year.

33 (B) Five percent of the state program funding received pursuant
34 to this article.

35 (2) In addition to the funding allowed for administrative costs
36 pursuant to paragraph (1), up to 15 percent of the first year's annual
37 grant award for each after school grant recipient may be used for
38 startup costs.

1 (3) Funding made available pursuant to this subdivision shall
2 not result in an increase in the total funding of a grantee above the
3 approved grant amount.

4 (d) Grantees are subject to semiannual attendance reporting
5 during each year of the grant.

6 (1) The department shall provide technical support for
7 development of a program improvement plan for grantees under
8 either of the following conditions:

9 (A) If actual pupil attendance falls below 75 percent of the
10 proposed levels in any year of the grant.

11 (B) If the grantee fails, in any year of the grant, to demonstrate
12 measurable outcomes pursuant to Section 8427.

13 (2) If the actual pupil attendance falls below 75 percent of the
14 proposed attendance level at the end of the second year of the
15 grant, the department may reduce funding for the grantee.

16 (3) The department shall adjust the grant level of any school in
17 the program that is under its proposed attendance level by more
18 than 15 percent in each of two consecutive years.

19 (4) In any year, after the first grant-year period, that the actual
20 attendance level of a school within the program falls below 75
21 percent of the proposed attendance level, the department shall
22 perform a review of the program and may adjust the grant level
23 as the department deems appropriate.

24 (e) Notwithstanding any other provision of this section or any
25 other law, the department may at any time terminate the grant of
26 a school in a public school program that fails in three consecutive
27 years to meet either of the following requirements:

28 (1) Demonstrate program outcomes pursuant to Section 8427.

29 (2) Attain 75 percent of its proposed attendance levels after
30 having its program reviews and grant level adjusted by the
31 department.

32 (f) The department shall create a process to allow a grantee to
33 voluntarily lower its annual grant amount if one or more sites are
34 unable to meet the proposed pupil attendance levels by the end of
35 the second year of the grant.

36 (g) (1) The administrator of a program may supplement, but
37 not supplant, existing funding for after school programs with grant
38 funds awarded pursuant to this article.

39 (2) In addition to administrative costs, a program participant
40 may expend up to the greater of 6 percent of its state funding or

1 seven thousand five hundred dollars (\$7,500) to collect outcome
2 data for evaluation and for reports to the department.

3 (3) All state funding awarded to a program pursuant to this
4 article that remains after subtracting the administrative costs,
5 startup costs, and outcome data costs authorized by subdivisions
6 (c) and (d) shall be allocated to the program site for direct services
7 to pupils.

8 (h) When determining grant award amounts after each grant
9 year, the department may consider whether a program is operating
10 consistent with the terms of its application, including whether the
11 number of pupils served on a regular basis is consistent with the
12 number estimated, and may consider the strength of any
13 justifications or future plans offered by the program to address
14 inconsistencies with the terms of the application. If the department
15 finds that a program is not operating consistent with the terms of
16 its application, the department may take appropriate action,
17 including denying grant awards or reducing the level of grant
18 funding.

19 (i) *The department may withhold or terminate the grant*
20 *allocation of any site or program that does not comply with audit*
21 *resolutions, fiscal reporting, attendance reporting, or outcomes*
22 *reporting requirements required by the department.*

23 SEC. 3. *Section 8483.3 of the Education Code, as amended by*
24 *Section 14 of Chapter 370 of the Statutes of 2014, is amended to*
25 *read:*

26 8483.3. (a) The department shall select applicants to participate
27 in the program established pursuant to this article from among
28 applicants that apply on forms and in a manner prescribed by the
29 department. It is the intent of the Legislature that the manner
30 prescribed by the department, to the extent possible, allow for short
31 and concise applicant responses. ~~To the extent possible, the~~
32 ~~selection of applicants by the department shall result in an equitable~~
33 ~~distribution of grant awards pursuant to Section 8483.7 to~~
34 ~~applicants in northern, southern, and central California, and in~~
35 ~~urban, suburban, and rural areas of California.~~

36 (b) The department shall consider the following in selecting
37 schools to participate in the program established pursuant to this
38 article:

39 (1) Percentage of pupils eligible for free and reduced-price
40 lunch.

(2) Other indicators of need for the program, including, but not limited to, socioeconomic status of the neighborhoods in which participating pupils reside, the percentage of English language learners at the school, and the availability of programs in the community in which participating pupils reside.

(c) The application shall certify all of the following:

(1) Inclusion of an educational element.

(2) Inclusion of an enrichment element. These opportunities may include arts, career technical education, recreation, technology, and other activities to support positive youth development.

(3) That the program will provide a safe physical and emotional environment, opportunities for relationship building, and promote active pupil engagement.

(4) Staff training and development will be provided.

(5) Integration with the regular schoolday and other expanded learning opportunities.

(6) Community collaboration, including, but not limited to, demonstrated support of the schoolsite principal and staff.

(7) Opportunities for physical activity.

(8) Inclusion of a nutritional snack, meal, or both.

(9) Fiscal accountability.

(10) Availability of required local matching funds.

(11) That the program will meet all of the evaluation requirements.

(12) Collection and use of pupil social, behavioral, or skill development data collection to support quality program improvement processes. These pupil data outcomes may relate to specific social-emotional competencies, including, but not necessarily limited to, social skills, self-control, academic mindset, perseverance, conflict resolution, and school-connectedness.

(d) Subdivision (b) does not apply to an applicant school that meets the priority criteria described in subdivision (a) of Section 8482.5.

SEC. 4. Section 8483.7 of the Education Code is amended to read:

8483.7. (a) (1) (A) Each school that establishes a program pursuant to this article is eligible to receive a three-year after school grant, that shall be awarded in three one-year increments and is subject to semiannual attendance reporting and requirements as described in Section 8482.3 once every three years.

1 (i) The department shall provide technical support for
2 development of a program improvement plan for grantees under
3 the following conditions:

4 (I) If actual pupil attendance falls below 75 percent of the target
5 attendance level in any year of the grant.

6 (II) If the grantee fails, in any year of the grant, to demonstrate
7 measurable outcomes pursuant to Section 8484.

8 (ii) The department shall adjust the grant level of any school
9 within the program that is under its targeted attendance level by
10 more than 15 percent in each of two consecutive years.

11 (iii) In any year after the initial grant year, if the actual
12 attendance level of a school within the program falls below 75
13 percent of the target attendance level, the department shall perform
14 a review of the program and adjust the grant level as the department
15 deems appropriate.

16 (iv) The department shall create a process to allow a grantee to
17 voluntarily lower its annual grant amount if one or more sites are
18 unable to meet the proposed pupil attendance levels by the end of
19 the second year of the grant.

20 (v) A grantee who has had its grant amount reduced may
21 subsequently request an increase in funding up to the maximum
22 grant amounts provided under this subdivision.

23 (vi) The department may *withhold or* terminate the grant
24 *allocation* of any site or program that does not comply with *audit*
25 *resolutions*, fiscal reporting, attendance reporting, or outcomes
26 reporting requirements ~~established by the department and pursuant~~
27 ~~to Section 8484. The department may withhold the grant allocation~~
28 ~~for a program or site if the prior grant year's fiscal or attendance~~
29 ~~reporting remains outstanding, until the reports have been filed~~
30 ~~with the~~ *required by the department*.

31 (vii) Notwithstanding any other provision of this subdivision
32 or any other law, after the technical assistance required under
33 clause (i) has been provided, the department may at any time
34 terminate the grant of a school in a program that fails for three
35 consecutive years to meet either of the following requirements:

36 (I) Demonstrate measurable program outcomes pursuant to
37 Section 8484.

38 (II) Attain 75 percent of its proposed attendance level after
39 having had its program reviewed and grant level adjusted by the
40 department.

1 (B) After school grants may be awarded to applicants that have
2 demonstrated readiness to begin operation of a program or to
3 expand existing programs.

4 (C) The maximum total after school grant amount awarded
5 annually pursuant to this paragraph shall be one hundred twelve
6 thousand five hundred dollars (\$112,500) for each regular school
7 year for each elementary school and one hundred fifty thousand
8 dollars (\$150,000) for each regular school year for each middle or
9 junior high school. The Superintendent shall determine the total
10 annual after school grant amount for which a site is eligible based
11 on a formula of seven dollars and fifty cents (\$7.50) per pupil per
12 day of pupil attendance that the program plans to serve, with a
13 maximum total grant of thirty-seven dollars and fifty cents (\$37.50)
14 per projected pupil per week, and a formula of seven dollars and
15 fifty cents (\$7.50) per projected pupil per day of staff development,
16 with a maximum of three staff development days per year. A
17 program may provide the three days of staff development during
18 regular program hours using funds from the total grant award.

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

23 (A) For elementary schools, multiply one hundred thirteen
24 dollars (\$113) by the number of pupils enrolled at the schoolsite
25 for the normal schoolday program that exceeds 600.

26 (B) For middle schools, multiply one hundred thirteen dollars
27 (\$113) by the number of pupils enrolled at the schoolsite for the
28 normal schoolday program that exceeds 900.

29 (3) The maximum total grant amounts set forth in subparagraph
30 (C) of paragraph (1) may be increased from any funds made
31 available for this purpose in the annual Budget Act for participating
32 schools that have pupils on waiting lists for the program. Grants
33 may be increased by the lesser of an amount that is either 25
34 percent of the current maximum total grant amount or equal to the
35 proportion of pupils unserved by the program as measured by
36 documented waiting lists as of January 1 of the previous grant
37 year, compared to the actual after school enrollment on the same
38 date. The amount of the required cash or in-kind matching funds
39 shall be increased accordingly. First priority for an increased
40 maximum grant pursuant to this paragraph shall be given to schools

1 that qualify for funding pursuant to subdivision (b) of Section
2 8482.55. Second priority shall be given to schools that receive
3 funding priority pursuant to subdivision (f) of Section 8482.55.

4 (4) The minimum total after school grant amount for each
5 schoolsite that may be awarded pursuant to this section shall be
6 computed by multiplying the applicable rate per pupil per day of
7 pupil attendance by 20 pupils being served for 180 regular
8 schooldays.

9 (5) A school that establishes a program pursuant to this section
10 is eligible to receive a summer grant to operate the program in
11 excess of 180 regular schooldays or during any combination of
12 summer, intersession, or vacation periods for a maximum of the
13 lesser of the following amounts:

14 (A) Seven dollars and fifty cents (\$7.50) per day per pupil.

15 (B) Thirty percent of the total grant amount awarded to the
16 school per school year pursuant to subparagraph (C) of paragraph
17 (1).

18 (C) Notwithstanding subparagraphs (A) and (B), the maximum
19 total summer grant that may be awarded annually pursuant to this
20 paragraph shall be thirty-three thousand seven hundred fifty dollars
21 (\$33,750) for each regular school year for each elementary school
22 and forty-five thousand dollars (\$45,000) for each regular school
23 year for each middle or junior high school.

24 (6) Additional funding may be made available for transportation
25 in programs that meet the requirements of Section 8484.65, in an
26 amount not to exceed fifteen thousand dollars (\$15,000) per site,
27 per school year, as funds are available, in accordance with the local
28 community after school program needs as determined by the
29 department. Programs shall submit to the department for
30 consideration evidence of the need for after school transportation
31 funds specific to after school programs pursuant to this article.
32 Funding under this paragraph may be used to supplement, but not
33 supplant, local transportation services.

34 (7) Each program shall provide an amount of cash or in-kind
35 local funds equal to not less than one-third of the total grant from
36 the school district, governmental agencies, community
37 organizations, or the private sector. Facilities or space usage may
38 fulfill not more than 25 percent of the required local contribution.

39 (8) (A) A grantee may allocate, with departmental approval,
40 up to 125 percent of the maximum total grant amount for an

1 individual school, so long as the maximum total grant amount for
2 all school programs administered by the program grantee is not
3 exceeded.

4 (B) A program grantee that transfers funds for purposes of
5 administering a program pursuant to subparagraph (A) shall have
6 an established waiting list for enrollment, and may transfer only
7 from another school program that has met a minimum of 70 percent
8 of its attendance goal.

9 (b) The administrator of a program established pursuant to this
10 article may supplement, but not supplant, existing funding for after
11 school programs with grant funds awarded pursuant to this article.
12 State categorical funds for remedial education activities shall not
13 be used to make the required contribution of local funds for those
14 after school programs.

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

20 (d) For each year of the grant, the department shall award the
21 total grant amount for that year not later than 30 days after the date
22 the grantee accepts the grant.

23 (e) The department may adjust the amount of a direct grant,
24 awarded to a new applicant pursuant to this section, on the basis
25 of the program start date, as determined by the department.

26 *SEC. 5. Section 8484 of the Education Code is amended to*
27 *read:*

28 8484. (a) As required by the department, programs established
29 pursuant to this article shall submit annual outcome-based data for
30 evaluation. The department may consider these outcomes when
31 determining eligibility for grant renewal.

32 (1) To demonstrate program effectiveness, grantees shall submit,
33 using the unique statewide pupil identifiers, for participating pupils
34 who are unduplicated pupils, both of the following:

35 (A) Schoolday attendance on an annual basis.

36 (B) Program attendance on a semiannual basis.

37 (2) Programs shall submit evidence of a data-driven program
38 quality improvement process that is based on the department's
39 guidance on program quality standards developed pursuant to
40 paragraph (3).

1 (3) The department may develop additional measures for this
2 ~~subdivision~~ *subdivision*, including, but not limited to, program
3 quality standards. Additions shall be developed in consultation
4 with the evaluation committee of the advisory committee.

5 (4) Programs shall submit information adopted through the
6 process outlined in subdivision (c).

7 (b) (1) If a program consistently fails to demonstrate measurable
8 program outcomes for three consecutive years, the department
9 may terminate the program as described in subdivision (a) of
10 Section 8483.7. The department shall consider multiple outcomes
11 and not rely on one outcome in isolation.

12 (2) For purposes of this section, “consistently fails to
13 demonstrate measurable program outcomes” means failure to meet
14 program effectiveness requirements pursuant to the criteria in
15 paragraphs (1) and (2) of subdivision (a).

16 (3) Measurable program outcomes may be demonstrated by,
17 but are not limited to, comparing pupils participating in the
18 program to nonparticipating pupils at the same schoolsite.

19 (c) The department shall develop standardized procedures and
20 tools to collect the indicators in paragraphs (1) and (2) of
21 subdivision (a). The department shall consult with the evaluation
22 committee of the Advisory Committee on Before and After School
23 Programs pursuant to Section 8484.9.

24 (d) (1) *To the extent possible, the selection of applicants by the*
25 *department pursuant to this article shall result in an equitable*
26 *distribution of grant awards to applicants in northern, southern,*
27 *and central California, and in urban, suburban, and rural areas*
28 *of the state.*

29 (2) *For purposes of paragraph (1), the following terms shall*
30 *have the following meanings:*

31 (A) *“Central California” means California County*
32 *Superintendents Educational Services Association regions five to*
33 *eight, inclusive.*

34 (B) *“Northern California” means California County*
35 *Superintendents Educational Services Association regions one to*
36 *four, inclusive.*

37 (C) *“Southern California” means California County*
38 *Superintendents Educational Services Association regions 9 to 11,*
39 *inclusive.*

1 (D) “Urban and rural areas” shall be as defined by the United
2 States Census Bureau.

3 SECTION 1. ~~Section 8483 of the Education Code is amended~~
4 ~~to read:~~

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

16 (2) ~~It is the intent of the Legislature that elementary school and~~
17 ~~middle school or junior high school pupils participate in the full~~
18 ~~day of the program every day during which pupils participate.~~

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

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