

AMENDED IN ASSEMBLY APRIL 13, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2663

Introduced by Assembly Member Cooper

(Principal coauthors: Senators Hancock and Vidak)

(Coauthors: Assembly Members *Campos, Chiu, Daly, Dodd, Maienschein, and Salas*)

(Coauthor: Senator Nguyen)

February 19, 2016

An act to add Section 8483.73 to the Education Code, relating to after school programs, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2663, as amended, Cooper. After school programs: grant amounts.

Existing law, 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 existing act provides that each school establishing a program pursuant to the act is eligible to receive a renewable 3-year grant for before or after school programs, as provided, and a grant for operating a program beyond 180 regular schooldays or during summer, weekend, intersession, or vacation periods, as provided, and specifies the maximum grant amount and related amounts for each of these grants. The existing act provides a formula for determining an amount to be continuously appropriated from the General Fund to the State Department of Education for purposes of the program and authorizes the Legislature to appropriate additional funds for purposes of the program.

For the 2016–17 fiscal year, and for each fiscal year thereafter, this bill would ~~continuously~~ *continuously* appropriate \$73,260,000 more to the State Department of Education for purposes of the program. The bill would, commencing with the 2017–18 fiscal year, require the Department of Finance to annually adjust that amount using a specified calculation, provided that adjustment does not result in a reduction. *The bill would require the State Department of Education to adjust the maximum grant amounts and related amounts in accordance with the amount provided in the Budget Act for the 2016–17 fiscal year.* The bill would, ~~also~~ commencing with the 2017–18 fiscal year, require the State Department of Education to annually adjust ~~the maximum grant amounts and those related~~ *those* amounts to reflect the percentage change in the California Consumer Price Index, provided that adjustment does not result in a reduction. The bill also would provide that funds appropriated by the bill would be applied toward the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.

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

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

- 1 SECTION 1. (a) The Legislature finds and declares all of the
- 2 following:
- 3 (1) The After School Education and Safety Program (ASES)
- 4 serves more than 400,000 low-income pupils in over 4,000
- 5 high-quality elementary and middle school programs statewide.
- 6 (2) After school programs are essential to closing the
- 7 achievement and opportunity gaps for underserved pupils.
- 8 (3) ASES programs receive a daily rate of \$7.50 per pupil for
- 9 three or more hours each day of academic and enrichment activities,
- 10 a rate that experts say is woefully inadequate to run a high-quality
- 11 program.
- 12 (4) The daily rate has not been changed since 2006, despite a
- 13 decade of substantial increases to the costs of operating these
- 14 programs.
- 15 (5) The most significant program cost increases were the two
- 16 statutory minimum wage increases, the first on July 1, 2014, and
- 17 the second on January 1, 2016.

1 (6) As costs significantly outpace funding, ASES programs have
2 been stretched to the breaking point.

3 (7) The ASES daily rate must be increased by fifty cents for
4 each one dollar increase to the minimum wage. The minimum
5 wage increase in effect as of January 1, 2016, would translate to
6 an increase in the daily rate from \$7.50 to \$8.50, a 13.33 percent
7 increase.

8 (b) It is therefore the intent of the Legislature to augment the
9 ASES budget in an amount sufficient to match the increased costs
10 of the current minimum wage.

11 (c) It is further the intent of the Legislature to ensure the
12 continuation and stability of high-quality ASES programs by
13 adopting a statute that requires the Department of Finance to
14 provide a cost-of-living adjustment to ASES programs in any year
15 in which there is an increase in the consumer price index.

16 SEC. 2. Section 8483.73 is added to the Education Code, to
17 read:

18 8483.73. (a) For the 2016–17 fiscal year, and for each fiscal
19 year thereafter, seventy-three million two hundred sixty thousand
20 dollars (\$73,260,000) is hereby continuously appropriated from
21 the General Fund to the department for purposes of the program
22 established pursuant to this article. Commencing with the 2017–18
23 fiscal year, and each fiscal year thereafter, the Department of
24 Finance shall adjust this amount by adding the product of six
25 hundred twenty-three million two hundred sixty thousand dollars
26 (\$623,260,000) multiplied by the percentage change in the
27 California Consumer Price Index from the 2016–17 fiscal year,
28 provided that adjustment does not result in a reduction in any fiscal
29 year.

30 (b) *The department shall adjust the dollar amounts specified in*
31 *Sections 8482.55, 8483.7, 8483.75, and 8483.76 in accordance*
32 *with the amount provided in the Budget Act for the 2016–17 fiscal*
33 *year. Commencing with the 2017–18 fiscal year, and each fiscal*
34 *year thereafter, the department shall ~~annually~~ adjust the dollar*
35 *amounts specified in Sections 8482.55, 8483.7, 8483.75, and*
36 *8483.76 by an amount necessary to reflect the percentage change*
37 *in the California Consumer Price Index from the 2016–17 fiscal*
38 *year, provided that adjustment does not result in a reduction in any*
39 *fiscal year.*

1 (c) For purposes of making the computations required by Section
2 8 of Article XVI of the California Constitution, the appropriations
3 made by subdivision (a) shall be deemed to be “General Fund
4 revenues appropriated for school districts,” as defined in
5 subdivision (c) of Section 41202, for the fiscal year in which they
6 were appropriated, and included within the “total allocations to
7 school districts and community college districts from General Fund
8 proceeds of taxes appropriated pursuant to Article XIII B,” as
9 defined in subdivision (e) of Section 41202, for the fiscal year in
10 which they were appropriated.

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