

AMENDED IN ASSEMBLY JULY 7, 2015

AMENDED IN SENATE JUNE 2, 2015

AMENDED IN SENATE APRIL 6, 2015

**SENATE BILL**

**No. 645**

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**Introduced by Senator Hancock**

February 27, 2015

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An act to ~~add Section 8483.73 to~~, *amend Sections 8482.3, 8482.8, 8483, and 8483.1 of the Education Code*, relating to after school programs.

LEGISLATIVE COUNSEL'S DIGEST

SB 645, as amended, Hancock. After school ~~programs: grant amounts:~~ *programs.*

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 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. The act specifies the maximum grant amount and related amounts for each of these grants, 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.

~~This bill would, to the extent funding is provided in the annual Budget Act, require the department to proportionately adjust the maximum grant amounts and those related amounts to reflect that appropriation.~~

*This bill would, commencing January 1, 2016, and until July 1, 2017, authorize a program to suspend its operation for up to 5 schooldays in a fiscal year and, if this results in an adjustment of the grant provided to the participating school, would authorize the department to approve a request from the program grantee for an exemption from this adjustment. The bill would require that cost savings that result from a suspension be used solely by the entity that is providing direct services to pupils. The bill would also authorize the program to determine the specific grades to serve in accordance with local needs.*

*Existing law expresses the intent of the Legislature that, for the before and after school components of the program, participating middle school and junior high school pupils should attend a minimum number of hours, days, or both, as specified, while elementary school pupils should participate in the full day of these components of the program for each day in which they participate, except as provided.*

*This bill would instead express the intent of the Legislature that each attending pupil participate in the full day of the before or after school components of the program for each day in which the pupil attends the program, except as provided.*

*The After School Education and Safety Program Act of 2002 authorizes the Legislature to amend certain of its provisions to further its purposes by majority vote of each house.*

*This bill would set forth a legislative finding and declaration that this bill furthers the purposes of that 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.** *Section 8482.3 of the Education Code is amended*
- 2     *to read:*
- 3     8482.3. (a) The After School Education and Safety Program
- 4     shall be established to serve pupils in kindergarten and grades 1
- 5     to 9, inclusive, at participating public elementary, middle, junior
- 6     high, and charter schools. *The specific grades to be served by a*
- 7     *program at participating schools may be determined in accordance*
- 8     *with local needs.*

1 (b) A program may operate a before school component of a  
2 program, an after school component, or both the before and after  
3 school components of a program, on one or multiple schoolsites.  
4 If a program operates at multiple schoolsites, only one application  
5 shall be required for its establishment.

6 (c) (1) Each component of a program established pursuant to  
7 this article shall consist of the following two elements:

8 (A) An educational and literacy element in which tutoring or  
9 homework assistance is provided in one or more of the following  
10 areas: language arts, mathematics, history and social science,  
11 computer training, or science.

12 (B) An educational enrichment element that may include, but  
13 need not be limited to, fine arts, career technical education,  
14 recreation, physical fitness, and prevention activities.

15 (2) Notwithstanding any other provision of this article, the  
16 majority of the time spent by a pupil who is in kindergarten or any  
17 of grades 1 to 9, inclusive, and who is participating in a career  
18 technical education element of a program established pursuant to  
19 this article shall be at a site that complies with Section 8484.6.

20 (d) (1) Applicants shall agree that snacks made available  
21 through a program shall conform to the nutrition standards in  
22 Article 2.5 (commencing with Section 49430) of Chapter 9 of Part  
23 27 of Division 4 of Title 2.

24 (2) Applicants shall agree that meals made available through a  
25 program shall conform to the nutrition standards of the United  
26 States Department of Agriculture's at-risk afterschool meal  
27 component of the Child and Adult Care Food Program (42 U.S.C.  
28 Sec. 1766).

29 (e) Applicants for programs established pursuant to this article  
30 may include any of the following:

31 (1) A local educational agency, including, but not limited to, a  
32 charter school, the California School for the Deaf (northern  
33 California), the California School for the Deaf (southern  
34 California), and the California School for the Blind.

35 (2) A city, county, or nonprofit organization in partnership with,  
36 and with the approval of, a local educational agency or agencies.

37 (f) Applicants for grants pursuant to this article shall ensure that  
38 each of the following requirements is fulfilled, if applicable:

39 (1) The application documents the commitments of each partner  
40 to operate a program on that site or sites.

- 1 (2) The application has been approved by the school district, or
- 2 the charter school governing body, and the principal of each
- 3 participating school for each schoolsite or other site.
- 4 (3) Each partner in the application agrees to share responsibility
- 5 for the quality of the program.
- 6 (4) The application designates the public agency or local
- 7 educational agency partner to act as the fiscal agent. For purposes
- 8 of this section, “public agency” means only a county board of
- 9 supervisors or if the city is incorporated or has a charter, a city
- 10 council.
- 11 (5) Applicants agree to follow all fiscal reporting and auditing
- 12 standards required by the department.
- 13 (6) Applicants agree to incorporate into the program both of the
- 14 elements required pursuant to subdivision (c).
- 15 (7) Applicants agree to provide information to the department
- 16 for the purpose of program evaluation pursuant to Section 8483.55.
- 17 (8) Applicants shall certify that program evaluations will be
- 18 based upon Section 8484 and upon any requirements recommended
- 19 by the Advisory Committee on Before and After School Programs
- 20 and adopted by the state board, in compliance with subdivision
- 21 (g) of Section 8482.4.
- 22 (9) The application states the targeted number of pupils to be
- 23 served by the program.
- 24 (10) Applicants agree to provide the following information on
- 25 participating pupils to the department:
- 26 (A) Schoolday attendance rates.
- 27 (B) Program attendance.
- 28 (g) (1) Grantees shall review their after school program plans
- 29 every three years, including, but not limited to, all of the following:
- 30 (A) Program goals. A grantee may specify any new program
- 31 goals that will apply to the following three years during the grant
- 32 renewal process.
- 33 (B) Program content, including the elements identified in
- 34 subdivision (c).
- 35 (C) Outcome measures selected from those identified in
- 36 subdivision (a) of Section 8484 that the grantee will use for the
- 37 next three years.
- 38 (D) Any other information requested by the department.

1 (E) If the program goals or outcome measures change as a result  
2 of this review, the grantee shall notify the department in a manner  
3 prescribed by the department.

4 (F) The grantee shall maintain documentation of the after school  
5 program plan for a minimum of five years.

6 (2) The department shall monitor this review as part of its onsite  
7 monitoring process.

8 *SEC. 2. Section 8482.8 of the Education Code is amended to*  
9 *read:*

10 8482.8. (a) If there is a significant barrier to pupil participation  
11 in a program established pursuant to this article at the school of  
12 attendance for either the before school or the after school  
13 component, an applicant may request approval from the  
14 Superintendent, before or during the grant application process, to  
15 provide services at another schoolsite for that component. An  
16 applicant that requests approval shall describe the manner in which  
17 the applicant intends to provide safe, supervised transportation  
18 between schoolsites; ensure communication among teachers in the  
19 regular school program, staff in the before school and after school  
20 components of the program, and parents of pupils; and coordinate  
21 the educational and literacy component of the before and after  
22 school components of the program with the regular school  
23 programs of participating pupils.

24 (b) For purposes of this article, a significant barrier to pupil  
25 participation in the before school or the after school component  
26 of a program established pursuant to this chapter means either of  
27 the following:

28 (1) Fewer than 20 pupils participating in the component of the  
29 program.

30 (2) Extreme transportation constraints, including, but not limited  
31 to, desegregation bussing, bussing for magnet or open enrollment  
32 schools, or pupil dependence on public transportation.

33 (c) In addition to the authority to transfer funds among school  
34 programs pursuant to Sections 8483.7 and 8483.75, and in addition  
35 to the flexibility provided by subdivisions (a) and (b), a program  
36 grantee that is temporarily prevented from operating a program  
37 established pursuant to this article at the program site due to natural  
38 disaster, civil unrest, or imminent danger to pupils or staff may  
39 shift program funds to the sites of other programs established

1 pursuant to this article to meet attendance targets during that time  
2 period.

3 (d) If a program grantee is temporarily prevented from operating  
4 its entire program due to natural disaster, civil unrest, or imminent  
5 danger to pupils or staff, the department may recommend, and the  
6 state board may approve, a request by the grantee for payment  
7 equal to the amount of funding the grantee would have received  
8 if it had been able to operate its entire program during that time  
9 period.

10 (e) Upon the request of a program grantee, the state board may  
11 approve other unforeseen events as qualifying a program grantee  
12 to use the authority provided by subdivisions (c) and (d).

13 (f) (1) *The Legislature finds and declares that the cost of*  
14 *operating a program is exceeding the grant amount provided under*  
15 *this article.*

16 (2) *Commencing January 1, 2016, a program established*  
17 *pursuant to this article may suspend its operation for no more than*  
18 *five schooldays in a fiscal year. If the suspension results in a grant*  
19 *adjustment pursuant to clause (ii) or (iii) of subparagraph (A) of*  
20 *paragraph (1) of subdivision (a) of Section 8483.7, the department*  
21 *may approve a request from the program grantee for an exemption*  
22 *from the adjustment. Cost savings that result from a suspension*  
23 *of a program in accordance with this subdivision shall be used*  
24 *solely by the entity that is providing direct services to pupils.*

25 (3) *This subdivision shall remain in effect only until July 1,*  
26 *2017, unless a later enacted statute, that is enacted before July 1,*  
27 *2017, deletes or extends that date.*

28 SEC. 3. *Section 8483 of the Education Code is amended to*  
29 *read:*

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

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

7 (3) In order to develop an age-appropriate after school program  
8 for pupils in middle school or junior high school, programs  
9 established pursuant to this article may implement a flexible  
10 attendance schedule for those pupils. Priority for enrollment of  
11 pupils in middle school or junior high school shall be given to  
12 pupils who attend daily.

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 *SEC. 4. Section 8483.1 of the Education Code is amended to*  
19 *read:*

20 8483.1. (a) (1) Every before school program component  
21 established pursuant to this article shall in no instance operate for  
22 less than one and one-half hours per regular schoolday. Every  
23 program shall establish a policy regarding reasonable late daily  
24 arrival of pupils to the program.

25 (2) (A) It is the intent of the Legislature that ~~elementary school~~  
26 ~~pupils each attending pupil~~ participate in the full day of the  
27 program ~~every for each day during in which pupils participate and~~  
28 ~~that pupils in middle school or junior high school attend a minimum~~  
29 ~~of six hours a week or three days a week to accomplish program~~  
30 ~~goals, the pupil attends the program, except when arriving late in~~  
31 accordance with the late arrival policy described in paragraph (1)  
32 or as reasonably necessary.

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

35 (3) In order to develop an age-appropriate before school program  
36 for pupils in middle school or junior high school, programs  
37 established pursuant to this article may implement a flexible  
38 attendance schedule for those pupils. Priority for enrollment of  
39 pupils in middle school or junior high school shall be given to  
40 pupils who attend daily.

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

6 (c) Every before school program component established pursuant  
 7 to this article shall offer a breakfast meal as described by Section  
 8 49553 for all program participants.

9 *SEC. 5. The Legislature finds and declares that this act furthers*  
 10 *the purposes of the After School Education and Safety Program*  
 11 *Act of 2002.*

12 ~~SECTION 1. Section 8483.73 is added to the Education Code,~~  
 13 ~~to read:~~

14 ~~8483.73. To the extent funding is provided in the annual Budget~~  
 15 ~~Act, the department shall proportionately adjust the dollar amounts~~  
 16 ~~for grant amounts and per pupil per day formulas specified in~~  
 17 ~~Sections 8482.55, 8483.7, 8483.75, and 8483.76 by an amount~~  
 18 ~~necessary to reflect that appropriation.~~