

AMENDED IN SENATE AUGUST 28, 1997  
AMENDED IN SENATE AUGUST 11, 1997  
AMENDED IN SENATE JULY 15, 1997  
AMENDED IN SENATE JULY 3, 1997  
AMENDED IN ASSEMBLY JUNE 2, 1997  
AMENDED IN ASSEMBLY APRIL 2, 1997  
CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

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**ASSEMBLY BILL**

**No. 326**

**Introduced by Assembly Members Ortiz, Ducheny, Kuehl,  
and Mazzoni**

(Coauthors: Senators Alpert, Hughes, Karnette, Lee,  
Polanco, Sher, and Watson)

February 14, 1997

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An act to ~~add~~ *amend* Section 8481 ~~to~~ of the Education Code, and to ~~add~~ Section 11325.1 to the ~~Welfare and Institutions Code~~, relating to human services, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 326, as amended, Ortiz. ~~School-based literacy and enrichment programs for school-age children before and after school child care programs.~~

*Existing law requires the Superintendent of Public Instruction, subject to an appropriation in the annual Budget Act, to allocate funding for the establishment of school-based*

*before and after school programs with a strong literacy component. Existing law authorizes a before and after school program, whether public, private, or school district operated, in collaboration with other local governmental agencies, to apply to the State Department of Education for funding for this purpose. In addition to meeting other program criteria, funded programs are required to demonstrate experience in implementing quality before or after school child development programs, inclusion of a strong literacy component, and a working collaboration with specified entities. Preference is required to be given to programs that currently employ recipients of CalWORKs who are parents of children enrolled in the applicant programs or that have a demonstrated commitment to providing employment opportunities for those recipients of CalWORKs. Funding is renewable and contingent on, among other things, a favorable evaluation.*

*This bill would specify the evaluation outcomes and measures of those outcomes. The bill would require the Superintendent of Public Instruction to allocate specified funds appropriated in the Budget Act of 1997 to before and after school programs for the purpose of initiating school-based before and after school programs with a strong literacy component.*

*This bill would declare that it is to take effect immediately as an urgency statute.*

~~Existing law requires the Superintendent of Public Instruction to enter into local contractual agreements for the delivery of extended day care services and authorizes the superintendent to enter into agreements with any public or private entity or agency for the furnishing of property, facilities, personnel, supplies, equipment, and administrative services for this purpose. Existing law requires the State Department of Education to administer the federal Child Care and Development Block Grant Act of 1990, established by the Omnibus Budget Reconciliation Act of 1990 (P.L. 101-508).~~

~~Existing law provides for the Greater Avenues for Independence (GAIN) program, under which specified Aid to Families with Dependent Children (AFDC) program~~



~~recipients are required to participate in employment and training services, in accordance with approved county plans.~~

~~This bill would require the Superintendent of Public Instruction to allocate funding for the establishment of school-based before and after school programs with literacy and enrichment components. The bill would require that the funds to be allocated for purposes of these programs include expansion funds received in the federal Child Care and Development Block Grant and other available child care funding sources that are not allocated or encumbered for expenditure for existing child care services. The bill would require that \$6,000,000 of the funds appropriated in a specified item of the Budget Act be allocated to new contractors for the provision of these school-based before and after school programs. The bill would require at least 6 programs to be funded in the 1997-98 fiscal year with preference given to programs that employ GAIN recipients. Programs would be encouraged to employ teens who are in families that receive AFDC benefits. A program funded pursuant to this bill would be required to meet specified criteria.~~

~~Vote: majority 2/3. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.~~

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

1 ~~SECTION 1. It is the intent of the Legislature to~~  
2 *SECTION 1. Section 8481 of the Education Code, as*  
3 *added by Chapter 270 of the Statutes of 1997, is amended*  
4 *to read:*  
5 8481. (a) Subject to appropriation in the annual  
6 Budget Act, for the purpose of the program in this article,  
7 the Superintendent of Public Instruction may allocate  
8 funds for the establishment of school-based schoolage  
9 before and after school programs that include homework  
10 and tutoring assistance, improve literacy skills, and  
11 provide recreational activities, as well as facilitate the  
12 transition from welfare to work by providing child care  
13 for schoolage children and potential employment for  
14 welfare recipients who are parents of children enrolled in  
15 schoolage child care programs.



1 (b) A before and after school program, whether  
2 public, private, or school district operated, in  
3 collaboration with other local governmental agencies,  
4 may apply to the State Department of Education for  
5 funding under this article. A before and after school  
6 program that receives funding pursuant to this article  
7 may participate in any other grant programs that fund  
8 literacy and technology activities.

9 (c) In order to achieve the goals of assisting children  
10 in learning, providing parents with employment and  
11 parenting skills, providing a safe environment for  
12 children, and helping prevent crime in neighborhoods, a  
13 program funded under this article shall be a collaborative  
14 effort with a school district, and may also include  
15 collaboration with any combination of the following:  
16 other school districts, community college districts,  
17 counties, cities, community-based organizations,  
18 not-for-profit organizations, the local agency that  
19 provides the Even Start Family and Head Start literacy  
20 programs or their equivalent programs, and the private  
21 sector.

22 (d) In selecting programs for funding under this  
23 article, the department shall use the standards set forth  
24 in Section 8463 and all of the following criteria:

25 (1) Programs shall have demonstrated experience in  
26 implementing quality before or ~~after-school~~ *after school*  
27 child development programs.

28 (2) Programs shall demonstrate the inclusion of a  
29 strong literacy component.

30 (3) Programs shall demonstrate a working  
31 collaboration with entities listed in subdivision ~~(d)~~ (c),  
32 including Even Start Family and Head Start literacy  
33 program providers, to the extent that these programs  
34 exist in the service area.

35 (e) Notwithstanding Section 8468, in allocating funds  
36 pursuant to this article, preference shall be given to  
37 programs that currently employ recipients of aid under  
38 Chapter 2 (commencing with Section 11200) of Part 3 of  
39 Division 9 of the Welfare and Institutions Code, or any  
40 successor program, who are parents of children enrolled



1 in the applicant programs or that have a demonstrated  
2 commitment to providing employment opportunities for  
3 those recipients of aid, or both.

4 (f) Funding received by a before and after school  
5 program pursuant to this article may be renewed and is  
6 contingent upon the following:

7 (1) Compliance with the requirement of subdivision  
8 ~~(d)~~ (c), the criteria set forth in subdivision ~~(e)~~ (d), and  
9 the priorities set forth in subdivision ~~(f)~~ (e).

10 (2) A favorable evaluation completed by the State  
11 Department of Education pursuant to Section 8498.8 or  
12 an evaluation that meets the standards of the  
13 department. *Outcomes shall include academic*  
14 *achievement determined by measurements such as test*  
15 *scores, grades, school attendance, and number of*  
16 *disciplinary actions.*

17 (3) Programs shall demonstrate that they are  
18 receiving locally generated resources from other than  
19 federal and state sources, which may include in-kind  
20 contributions.

21 (g) (1) A program established under this section may  
22 employ parents of schoolage children who are  
23 participating in the program established pursuant to  
24 Article 3.2 (commencing with Section 11320) of Chapter  
25 2 of Part 3 of Division 9 of the Welfare and Institutions  
26 Code, or any successor program, and may employ those  
27 parents in the schools attended by their own children.  
28 Parents employed pursuant to this subdivision may also  
29 participate in training programs at least six hours per  
30 week, in order to help them understand child  
31 development, learn parenting skills, and obtain skills for  
32 employment in either an educational or child care  
33 setting. Employment in the program may fulfill a  
34 participant's employment requirements under Article  
35 3.2 (commencing with Section 11320) of Chapter 2 of Part  
36 3 of Division 9 of the Welfare and Institutions Code.

37 (2) A program shall also be encouraged to hire older  
38 siblings of children in the program whose families receive  
39 aid under Chapter 2 (commencing with Section 11200) of  
40 Part 3 of Division 9 of the Welfare and Institutions Code,



1 or any successor program, to work in either the program's  
2 literacy or recreation components. It is the intent of this  
3 subdivision that hiring teenagers from families that  
4 receive aid under this Chapter 2 (commencing with  
5 Section 11200) of Part 3 of Division 9 of the Welfare and  
6 Institutions Code, or any successor program, will provide  
7 an additional source of income for these families.

8 (3) All program participants shall be assessed before  
9 they work with children to determine their skills and  
10 literacy development and a criminal background check  
11 on each participant shall be completed before that  
12 participant begins to work with children. Participants  
13 shall be supervised by qualified staff.

14 (4) (A) Notwithstanding any other provision of law,  
15 but subject to subparagraph (B), programs operating  
16 under this article that use recipients of aid under Article  
17 3.2 (commencing with Section 11320) of Chapter 2 of Part  
18 3 of Division 9 of the Welfare and Institutions Code, or any  
19 successor program, may count those recipients as staff  
20 members for purposes of determining compliance with  
21 staffing ratio requirements.

22 (B) Teenage siblings used by programs operating  
23 under this article may not be included in computing  
24 compliance with staffing ratio requirements.

25 (5) Notwithstanding any other provisions of law,  
26 programs operating under this section may extend their  
27 hours of operation beyond 20 hours per week.

28 (h) A program established pursuant to this section  
29 shall assist the children of recipients of aid under Article  
30 3.2 (commencing with Section 11320) of Chapter 2 of Part  
31 3 of Division 9 of the Welfare and Institutions Code, or any  
32 successor program, and other children to complete  
33 homework, improve literacy skills, that shall include, but  
34 not be limited to, reading, writing, mathematical, and  
35 computer skills, and participate in recreational activities.

36 (i) Programs funded under this section shall provide  
37 training on how to work with children on reading,  
38 writing, listening, and speaking. This training shall be  
39 provided in collaboration with an Even Start Family or



1 Head Start literacy program, or their equivalent  
2 programs.

3 (j) (1) Notwithstanding Sections 8468 and 8473,  
4 priority for funding shall be given to schoolsites where a  
5 minimum of 70 percent of the children are eligible for, or  
6 are recipients of, either aid under Chapter 2  
7 (commencing with Section 11200) of Part 3 of Division 9  
8 of the Welfare and Institutions Code or free or  
9 reduced-cost meals through the school lunch program.

10 (2) Priority for enrollment in programs funded under  
11 this section shall be given in accordance with Section  
12 8468.5.

13 (k) Programs funded under this section shall be  
14 encouraged to take advantage of free snack programs  
15 administered by the United States Department of  
16 Agriculture.

17 (l) It is the intent of this article, by providing a safe,  
18 supervised ~~—after-school~~ *after school* environment for  
19 children, including those teens employed by a program,  
20 to reduce criminal activity among juveniles, and to  
21 strengthen parent-child relationships and communities  
22 by involving parents in their children's schoolwork and  
23 schools.

24 (m) Notwithstanding Section 8360.1 or any other  
25 provision of law, college courses in recreation, art,  
26 mathematics, and physical and social development that  
27 would enhance the education of schoolage children may  
28 be considered to meet course requirements in child  
29 development.

30 *SEC. 2. From the funds appropriated in Schedule*  
31 *(b)(8) of Item 6110-196-0001 of the Budget Act of 1997,*  
32 *the State Department of Education shall allocate three*  
33 *million five hundred thousand dollars (\$3,500,000) to*  
34 *before and after school programs for the purpose of*  
35 *initiating alternative literacy based programs pursuant to*  
36 *Section 8481 of the Education Code.*

37 *SEC. 3. This act is an urgency statute necessary for the*  
38 *immediate preservation of the public peace, health, or*  
39 *safety within the meaning of Article IV of the*



1 *Constitution and shall go into immediate effect. The facts*  
2 *constituting the necessity are:*

3 *In order to begin before and after school programs*  
4 *pursuant to Section 8481 of the Education Code at the*  
5 *earliest possible date so that pupils will have the benefit*  
6 *of those programs, it is necessary that this act take effect*  
7 *immediately.*

8 ~~establish a funding mechanism that requires the~~  
9 ~~Superintendent of Public Instruction to allocate funds for~~  
10 ~~school-based before and after school programs that~~  
11 ~~include homework and tutoring assistance, improve~~  
12 ~~literacy skills, and provide enrichment activities, as well~~  
13 ~~as to facilitate the transition from welfare to work by~~  
14 ~~providing before and after school programs for schoolage~~  
15 ~~children and potential employment for welfare~~  
16 ~~recipients who are parents of children enrolled in~~  
17 ~~school-based before and after school programs.~~

18 ~~SEC. 2. Section 8481 is added to the Education Code,~~  
19 ~~to read:~~

20 ~~8481. (a) The Superintendent of Public Instruction~~  
21 ~~shall allocate funds for the establishment of school-based~~  
22 ~~before and after school programs with literacy and~~  
23 ~~enrichment components for elementary school children.~~  
24 ~~Funds for allocation pursuant to this section shall include~~  
25 ~~expansion funds received in the federal Child Care and~~  
26 ~~Development Block Grant awarded pursuant to the~~  
27 ~~Personal Responsibility and Work Opportunity~~  
28 ~~Reconciliation Act of 1996 (P.L. 104-193) and funds from~~  
29 ~~any other child care funding sources that are not allocated~~  
30 ~~or encumbered for expenditure for existing child care~~  
31 ~~services. In addition, for the purpose of implementing this~~  
32 ~~section and in an effort to create additional providers, if~~  
33 ~~funding for job training becomes available under other~~  
34 ~~programs including, but not limited to, the GAIN~~  
35 ~~program, programs administered by the Employment~~  
36 ~~Development Department, or community college~~  
37 ~~programs, these funds may be utilized for the training~~  
38 ~~component provided for under this article.~~

39 ~~(b) The Superintendent of Public Instruction shall~~  
40 ~~fund at least six programs in the 1997-98 fiscal year.~~



1 ~~Programs shall be located in each of the southern, central,~~  
2 ~~and northern regions of the state.~~

3 ~~(c) A before and after school program, whether~~  
4 ~~public, private, or school district operated, whether~~  
5 ~~licensed or exempt, in collaboration with other local~~  
6 ~~governmental agencies, may apply to the Superintendent~~  
7 ~~of Public Instruction for funding under this section. A~~  
8 ~~program that receives funding pursuant to this section~~  
9 ~~may participate in any other grant programs that fund~~  
10 ~~literacy, youth employment, and technology activities.~~

11 ~~(d) In order to achieve the goals of assisting children~~  
12 ~~in learning, providing parents with employment and~~  
13 ~~parenting skills, providing a safe environment for~~  
14 ~~children, and helping prevent crime in neighborhoods, a~~  
15 ~~program funded under this section shall be a~~  
16 ~~collaborative effort with a school district, and may also~~  
17 ~~include collaboration with any combination of the~~  
18 ~~following: other school districts, community college~~  
19 ~~districts, counties, cities, community-based organizations,~~  
20 ~~not-for-profit organizations, the local agency that~~  
21 ~~provides the Even Start Family and Head Start literacy~~  
22 ~~programs or their equivalent programs, and the private~~  
23 ~~sector.~~

24 ~~(e) In selecting programs for funding under this~~  
25 ~~section, the department shall use the standards set forth~~  
26 ~~in Section 8463 and all of the following criteria:~~

27 ~~(1) Programs shall have demonstrated experience in~~  
28 ~~implementing quality before or after school programs.~~

29 ~~(2) Programs shall demonstrate the inclusion of a~~  
30 ~~strong literacy component.~~

31 ~~(3) Programs shall demonstrate a working~~  
32 ~~collaboration with entities listed in subdivision (d),~~  
33 ~~including Even Start Family and Head Start literacy~~  
34 ~~program providers, to the extent that these programs~~  
35 ~~exist in the service area.~~

36 ~~(4) Programs shall demonstrate that they are~~  
37 ~~receiving locally generated resources from other than~~  
38 ~~federal and state sources. These resources may include,~~  
39 ~~but are not limited to, in-kind contributions.~~



1 ~~(f) Notwithstanding Section 8468, in allocating funds~~  
 2 ~~pursuant to this section preference shall be given to~~  
 3 ~~programs that currently employ AFDC recipients who~~  
 4 ~~are parents of children enrolled in the applicant~~  
 5 ~~programs or that have a demonstrated commitment to~~  
 6 ~~providing employment opportunities for AFDC~~  
 7 ~~recipients, or both.~~

8 ~~(g) Funding received by a program pursuant to this~~  
 9 ~~section may be renewed and is contingent upon the~~  
 10 ~~following:~~

11 ~~(1) Continued availability of the federal Child Care~~  
 12 ~~and Development Block Grant funding.~~

13 ~~(2) Compliance with the requirement of subdivision~~  
 14 ~~(d), the criteria set forth in subdivision (e), and the~~  
 15 ~~priorities set forth in subdivision (f).~~

16 ~~(3) A favorable evaluation completed by or meeting~~  
 17 ~~the standards of the State Department of Education.~~

18 ~~(h) (1) A program established under this section may~~  
 19 ~~employ parents of schoolage children who are~~  
 20 ~~participating in the GAIN program in the schools~~  
 21 ~~attended by their own children. Parents employed~~  
 22 ~~pursuant to this subdivision may also participate in~~  
 23 ~~training programs at least six hours per week, in order to~~  
 24 ~~help them understand child development, learn~~  
 25 ~~parenting skills, and obtain skills for employment in~~  
 26 ~~either an educational or child care setting. Employment~~  
 27 ~~in the program may fulfill a participant's GAIN~~  
 28 ~~employment requirements.~~

29 ~~(2) A program shall also be encouraged to hire older~~  
 30 ~~siblings of children in the program whose families receive~~  
 31 ~~aid under this chapter, to work in either the program's~~  
 32 ~~literacy or enrichment components. It is the intent of this~~  
 33 ~~paragraph that these older siblings who are under 18~~  
 34 ~~years of age be hired with funds from sources other than~~  
 35 ~~those appropriated for the purposes of this program.~~

36 ~~(3) All program staff shall be assessed prior to working~~  
 37 ~~with children to determine their skills and literacy~~  
 38 ~~development and complete a criminal background check~~  
 39 ~~pursuant to current law and in conformity with district~~



1 ~~guidelines. Participants shall be supervised by qualified~~  
2 ~~staff.~~

3 ~~(4) These programs may count GAIN recipients and~~  
4 ~~parent trainees working pursuant to subdivision (a) for~~  
5 ~~purposes of determining compliance with staffing ratio~~  
6 ~~requirements. However, teenage siblings employed~~  
7 ~~pursuant to subdivision (b) may not be counted in the~~  
8 ~~staffing ratios.~~

9 ~~(5) Notwithstanding any other provision of law, the~~  
10 ~~hours of operation of these programs shall not be limited~~  
11 ~~to 20 hours per week.~~

12 ~~(i) A program established pursuant to this section shall~~  
13 ~~assist the children of GAIN recipients and other children~~  
14 ~~to complete homework, improve literacy skills, that shall~~  
15 ~~include, but not be limited to, reading, writing,~~  
16 ~~mathematical, and computer skills, and participate in~~  
17 ~~enrichment activities.~~

18 ~~(j) Programs funded under this section shall provide~~  
19 ~~training on how to work with children on reading,~~  
20 ~~writing, listening, and speaking. This training shall be~~  
21 ~~provided in collaboration with an Even Start Family or~~  
22 ~~Head Start literacy program, or their equivalent~~  
23 ~~programs.~~

24 ~~(k) (1) Notwithstanding Sections 8468 and 8473,~~  
25 ~~priority for funding shall be given to schoolsites where a~~  
26 ~~minimum of 70 percent of children are eligible. Eligibility~~  
27 ~~for free or reduced-cost meals through the school lunch~~  
28 ~~program shall be used in determining priority.~~

29 ~~(2) Priority for enrollment in programs funded under~~  
30 ~~this section shall be given in accordance with Section~~  
31 ~~8468.5.~~

32 ~~(l) Programs funded under this section shall be~~  
33 ~~encouraged to take advantage of free snack programs~~  
34 ~~administered by the United States Department of~~  
35 ~~Agriculture.~~

36 ~~(m) It is the intent of this section, by providing a safe,~~  
37 ~~supervised after-school environment for children,~~  
38 ~~including those teens employed by a program, to reduce~~  
39 ~~criminal activity among juveniles, and to strengthen~~



1 ~~parent-child relationships and communities by involving~~  
2 ~~parents in their children's schoolwork and schools.~~

3 ~~SEC. 3. Section 11325.1 is added to the Welfare and~~  
4 ~~Institutions Code, to read:~~

5 ~~11325.1. When before and after school services are~~  
6 ~~provided by a program funded under Article 22~~  
7 ~~(commencing with Section 8498.1) of Chapter 2 of Part~~  
8 ~~6 of the Education Code to a recipient under this article~~  
9 ~~or any other job training program for recipients under~~  
10 ~~this chapter, and the job training program utilizes~~  
11 ~~vouchers for child care services issued by the county or~~  
12 ~~a contracting agency, reimbursement for those child care~~  
13 ~~services shall be made at a market rate established by the~~  
14 ~~department.~~

15 ~~SEC. 4. Of the funds appropriated in schedule (b)(8)~~  
16 ~~of Item 6110-196-001 of the 1997-98 Budget Act, six million~~  
17 ~~dollars (\$6,000,000) shall be allocated to new contractors~~  
18 ~~for the provision of services pursuant to this act.~~

