

AMENDED IN SENATE FEBRUARY 25, 1998

AMENDED IN SENATE AUGUST 25, 1997

AMENDED IN ASSEMBLY JULY 24, 1997

AMENDED IN ASSEMBLY JULY 14, 1997

AMENDED IN ASSEMBLY JUNE 30, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1418**

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**Introduced by Assembly Member Aroner (~~Principal  
coauthor: Senator Lee~~) Ortiz**  
**(Coauthors: Assembly Members Knox and Mazzoni)**  
**(Coauthors: Senators Hughes, Polanco, and Sher)**

February 28, 1997

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An act ~~relating to school facilities~~ *to amend and renumber Section 8481 of, to add a chapter heading to Part 31 (commencing with Section 58775) of, and to add Sections 58777, 58778, and 58779 to, the Education Code, and to amend Section 2 of Chapter 917 of the Statutes of 1997, relating to child care, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1418, as amended, ~~Aroner—Ortiz~~. ~~School facilities~~ *School-based before and after school child care programs.*

~~Existing law permits school districts to apply to the State Allocation Board for state bond funds to fund school construction projects, and specifies criteria for prioritizing the~~

~~funding of projects, which criteria includes consideration of hardships, as specified.~~

~~This bill would require the State Allocation Board to consider the application of the Albany Unified School District for a project that meets specified purposes, as an emergency or critical hardship project, and would make related legislative findings and declarations.~~

*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. Existing law requires priority for enrollment in the programs funded under this provision to be given in accordance with priorities established in existing law for schoolage community child care services. Existing law includes the school-based before and after school child care programs within the schoolage community child care services program.*

*This bill would remove existing provisions regarding school-based before and after school child care programs from within the schoolage community child care services program. The bill would delete the requirement that priority for enrollment in the programs be given in accordance with priorities established for schoolage community child care services. The bill would provide that an income and need certification of individual families participating in the program is not to be required to determine eligibility for the program.*

*The bill would require the Superintendent of Public Instruction to implement a plan that establishes reasonable and cost-effective standards and assigned reimbursement rates for school-based before and after school child care programs. The bill would prohibit assessing parent fees for parents or guardians whose children attend a school-based before and after school child care program. The bill would provide that school-based before and after school programs*



*shall not be precluded from applying for other state and federal funds. The bill would require that certain state funds appropriated for the school-based before and after school programs shall be included in the amounts appropriated by the state for the purpose of meeting the state's minimum funding obligation to school districts and community college districts under Section 8 of Article XVI of the California Constitution.*

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

Vote: <sup>2</sup>/<sub>3</sub>. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

1 ~~SECTION 1. Notwithstanding any other provision of~~  
2 *SECTION 1. A chapter heading is added to Part 31*  
3 *immediately preceding Section 58775 of the Education*  
4 *Code, to read:*

5  
6 *CHAPTER 5.8. SCHOOL-BASED BEFORE AND AFTER*  
7 *SCHOOL LITERACY PROGRAMS*

8  
9 *SEC. 2. Section 8481 of the Education Code, as*  
10 *amended by Chapter 917 of the Statutes of 1997, is*  
11 *amended and renumbered to read:*

12 ~~8481.—~~  
13 ~~58775. (a) Subject to appropriation in the annual~~  
14 ~~Budget Act From funds appropriated for purposes of this~~  
15 ~~section, for the purpose of the program in this article, the~~  
16 Superintendent of Public Instruction may allocate funds  
17 for the establishment of school-based schoolage before  
18 and after school programs that include homework and  
19 tutoring assistance, improve literacy skills, and provide  
20 recreational activities, as well as facilitate the transition  
21 from welfare to work by providing child care for  
22 schoolage children and potential employment for welfare  
23 recipients who are parents of children enrolled in  
24 schoolage child care programs.



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

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

23 (d) In selecting programs *established pursuant to this*  
 24 *chapter* for funding ~~under this article~~, the department  
 25 shall use ~~the standards set forth in Section 8463~~ and all of  
 26 the following criteria:

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

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

32 (3) ~~—~~

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

38 (e) ~~Notwithstanding Section 8468, in~~ *In* allocating  
 39 funds ~~pursuant to this article for programs established~~  
 40 *pursuant to this chapter*, preference shall be given to



1 programs that currently employ *CalWORKs* recipients of  
2 aid under Chapter 2 (commencing with Section 11200) of  
3 Part 3 of Division 9 of the Welfare and Institutions Code,  
4 or any successor program, who are parents of children  
5 enrolled in the applicant programs or that have a  
6 demonstrated commitment to providing employment  
7 opportunities for those recipients of aid, or both.

8 (f) Funding received by a before and after school  
9 program *established* pursuant to this ~~article~~ *chapter* may  
10 be renewed and is contingent upon the following:

11 (1) Compliance with the requirement of subdivision  
12 (c), the criteria set forth in subdivision (d), and the  
13 priorities set forth in subdivision (e).

14 (2) A favorable evaluation ~~completed by the State~~  
15 ~~Department of Education pursuant to Section 8498.8 or~~  
16 ~~an evaluation by independent evaluators~~ that meets the  
17 standards of the department. *Funding for the evaluation*  
18 *shall be included within the funding for this chapter.*  
19 Outcomes shall include academic achievement  
20 determined by measurements such as test scores, grades,  
21 school attendance, and number of disciplinary actions.

22 (3) ~~Programs~~ *A program established pursuant to this*  
23 *chapter* shall demonstrate that ~~they are~~ *it is* receiving  
24 locally generated resources from other than federal and  
25 state sources, which may include in-kind contributions.

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



1 3.2 (commencing with Section 11320) of Chapter 2 of Part  
2 3 of Division 9 of the Welfare and Institutions Code.

3 (2) A program *established pursuant to this chapter*  
4 shall ~~also~~ be encouraged to hire older siblings of children  
5 in the program whose families ~~receive aid under Chapter~~  
6 ~~2 (commencing with Section 11200) of Part 3 of Division~~  
7 ~~9 of the Welfare and Institutions Code, or any successor~~  
8 ~~program~~ *are CalWORKs recipients*, to work in either the  
9 program's literacy or recreation components. It is the  
10 intent of this subdivision that hiring teenagers from  
11 families that ~~receive aid under this Chapter 2~~  
12 ~~(commencing with Section 11200) of Part 3 of Division 9~~  
13 ~~of the Welfare and Institutions Code, or any successor~~  
14 ~~program~~ *are CalWORKs recipients*, will provide an  
15 additional source of income for these families.

16 (3) ~~All~~ *Every employee of the program participants*  
17 shall be assessed before ~~they work~~ *the employee works*  
18 with children to determine ~~their~~ *his or her* skills and  
19 literacy development, and a criminal background check  
20 on each ~~participant~~ *employee* shall be completed before  
21 that ~~participant~~ *employee* begins to work with children.  
22 Participants shall be supervised by qualified staff.

23 (4) (A) Notwithstanding any other provision of law,  
24 but subject to subparagraph (B), ~~programs~~ *a program*  
25 operating ~~under this article pursuant to this chapter~~ that  
26 ~~use~~ *uses* CalWORKs recipients ~~of aid~~ under Article 3.2  
27 (commencing with Section 11320) of Chapter 2 of Part 3  
28 of Division 9 of the Welfare and Institutions Code, ~~or any~~  
29 ~~successor program~~, may count those recipients as staff  
30 members for purposes of determining compliance with  
31 staffing ratio requirements.

32 (B) Teenage siblings used by programs operating  
33 ~~under this article pursuant to this chapter~~ may not be  
34 included in computing compliance with staffing ratio  
35 requirements.

36 (5) Notwithstanding any other provisions of law,  
37 ~~programs~~ *a program* operating ~~under this section~~  
38 *pursuant to this chapter* may extend ~~their~~ *its* hours of  
39 operation beyond 20 hours per week.



1 (h) A program established pursuant to this section  
2 *chapter* shall assist the children of *CalWORKs* recipients  
3 of aid under Article 3.2 (commencing with Section 11320)  
4 of Chapter 2 of Part 3 of Division 9 of the Welfare and  
5 Institutions Code, or any successor program, and other  
6 children to complete homework, improve literacy skills,  
7 that shall include, but not be limited to, reading, writing,  
8 mathematical, and computer skills, and participate in  
9 ~~recreational~~ *enrichment* activities.

10 (i) ~~Programs funded under this section~~ *A program*  
11 *established pursuant to this chapter* shall provide training  
12 on how to work with children on reading, writing,  
13 listening, and speaking. This training shall be provided in  
14 collaboration with an Even Start Family or Head Start  
15 literacy program, or ~~their~~ *an* equivalent ~~programs~~  
16 *program*.

17 (j) (1) ~~Notwithstanding Sections 8468 and 8473,~~  
18 ~~priority~~ *Priority* for funding of *programs established*  
19 *pursuant to this chapter* shall be given to schoolsites  
20 where a minimum of 70 percent of the children are  
21 eligible for, or are recipients of, either aid under Chapter  
22 2 (commencing with Section 11200) of Part 3 of Division  
23 9 of the Welfare and Institutions Code *the CalWORKs*  
24 *program* or free or reduced-cost meals through the school  
25 lunch program.

26 (2) ~~Priority for enrollment in programs funded under~~  
27 ~~this section shall be given in accordance with Section~~  
28 ~~8468.5. Notwithstanding any provision of this code, an~~  
29 ~~income and need certification of individual families~~  
30 ~~participating in this program shall not be required to~~  
31 ~~determine eligibility for this program.~~

32 (3) ~~Notwithstanding any other provision of law,~~  
33 ~~parent fees may not be assessed to parents or guardians~~  
34 ~~whose children attend a program established pursuant to~~  
35 ~~this chapter.~~

36 (k) ~~Programs funded under this section~~ *established*  
37 *pursuant to this chapter* shall be encouraged to take  
38 advantage of free snack programs administered by the  
39 United States Department of Agriculture.



1 (l) It is the intent of this ~~article~~ *chapter*, by providing  
2 a safe, supervised after school environment for children,  
3 including those teens employed by a program, to reduce  
4 criminal activity among juveniles, and to strengthen  
5 parent-child relationships and communities by involving  
6 parents in their children's schoolwork and schools.

7 (m) Notwithstanding Section 8360.1 or any other  
8 provision of law, college courses in recreation, art,  
9 mathematics, and physical and social development that  
10 would enhance the education of schoolage children may  
11 be considered to meet course requirements in child  
12 development.

13 (n) *Local governmental agencies operating this*  
14 *program shall not be precluded from applying for other*  
15 *state and federal funds solely because this program is*  
16 *contained within this part.*

17 *SEC. 3. Section 58777 is added to the Education Code,*  
18 *to read:*

19 *58777. The Superintendent of Public Instruction shall*  
20 *implement a plan that establishes reasonable and*  
21 *cost-effective standards and assigned reimbursement*  
22 *rates for programs established pursuant to this chapter.*

23 *SEC. 4. Section 58778 is added to the Education Code,*  
24 *to read:*

25 *58778. "General Fund revenues appropriated for*  
26 *school districts and community college districts,*  
27 *respectively" and "moneys to be applied by the state for*  
28 *the support of school districts and community college*  
29 *districts," as used in Section 8 of Article XVI of the*  
30 *California Constitution, shall include funds appropriated*  
31 *for purposes of this chapter.*

32 *SEC. 5. Section 58779 is added to the Education Code,*  
33 *to read:*

34 *58779. The Superintendent of Public Instruction may*  
35 *adopt any rules, regulations, guidelines, and*  
36 *administrative directives necessary for the efficient*  
37 *implementation of this chapter.*

38 *SEC. 6. Section 2 of Chapter 917 of the Statutes of 1997*  
39 *is amended to read:*

40 ~~*SEC. 2.—*~~



1 *Sec. 2.* From the funds appropriated in Schedule  
2 (b)(8) of Item 6110-196-0001 of the Budget Act of 1997,  
3 the State Department of Education shall allocate three  
4 million five hundred thousand dollars (\$3,500,000) to  
5 before and after school programs for the purpose of  
6 initiating alternative literacy based programs pursuant to  
7 Section ~~8481~~58775 of the Education Code.

8 *SEC. 7.* *This act is an urgency statute necessary for the*  
9 *immediate preservation of the public peace, health, or*  
10 *safety within the meaning of Article IV of the*  
11 *Constitution and shall go into immediate effect. The facts*  
12 *constituting the necessity are:*

13 *In order to effectively implement the school-based*  
14 *before and after school child care programs pursuant to*  
15 *Chapter 5.8 (commencing with Section 58775) of Part 31*  
16 *of the Education Code at the earliest possible date so that*  
17 *pupils will have the benefit of those programs, it is*  
18 *necessary that this act take effect immediately.*

19 ~~law, the State Allocation Board shall consider the~~  
20 ~~application of the Albany Unified School District for a~~  
21 ~~project to construct a new main building and gymnasium~~  
22 ~~for the Albany High School as an emergency or critical~~  
23 ~~hardship project.~~

24 ~~SEC. 2.~~ ~~The Legislature finds and declares with~~  
25 ~~respect to Section 1 of this act that a special law is~~  
26 ~~necessary and that a general law cannot be made~~  
27 ~~applicable within the meaning of Section 16 of Article IV~~  
28 ~~of the California Constitution because of the uniquely~~  
29 ~~unsafe conditions of the Albany High School in the Albany~~  
30 ~~Unified School District. The facts constituting the special~~  
31 ~~circumstances are as follows:~~

32 ~~(a) The main building and gymnasium of the Albany~~  
33 ~~High School do not meet adequate seismic safety~~  
34 ~~standards and have been determined unsafe for use by~~  
35 ~~the district.~~

36 ~~(b) The architect and structural engineer for the~~  
37 ~~Albany Unified School District have identified serious~~  
38 ~~structural deficiencies in the ability of the main building~~  
39 ~~and gymnasium of the Albany High School to safely resist~~



1 the forces of an earthquake of such magnitude that may  
2 be expected in this area.

3 (e) Few, if any, other schoolsites in the state have the  
4 significant combination of risk factors which put the life  
5 and safety of school students and staff of Albany High  
6 School in maximum jeopardy. The factors which make  
7 Albany High School a unique and compelling hardship  
8 case are as follows:

9 (1) The building is one of a few three-story nonductile  
10 concrete structures in California. It was constructed in  
11 four separate phases which lack adequate ties to make the  
12 separate pieces behave as one building. The different  
13 portions of the building will not vibrate the same way,  
14 inducing large “pounding” forces between the portions.

15 (2) The four phases of the building were constructed  
16 in 1933 under the regulations adopted pursuant to the  
17 earliest Field Act. In 1941, Field Act provisions were  
18 increased to require buildings to be designed for two and  
19 one-half times more force than in 1933. This small time  
20 window (1933–1941) places Albany High School in a small  
21 group of existing schools designed and approved for the  
22 lowest force levels ever required under the Field Act.

23 (3) The site is located approximately 1.4 kilometers  
24 from the Hayward Fault. There is a 28 percent probability  
25 of a magnitude 7 earthquake occurring on this fault  
26 segment by the year 2020.

27 (4) The 1997 Uniform Building Code provisions place  
28 the Albany High School site in the proximity zone with  
29 the strongest shaking potential adjacent to a fault with the  
30 highest activity rating. When the new regulations are  
31 promulgated, it is anticipated that the required design  
32 force level for a new school constructed on the Albany  
33 High School site will be nearly 10 times the level that was  
34 required when the current building was approved. This  
35 places Albany High School in a small group of schools that  
36 will be subjected to the most violent shaking while being  
37 designed for the lowest force level.

38 SEC. 3. This act is an urgency statute necessary for the  
39 immediate preservation of the public peace, health, or  
40 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 replace the structurally unsafe main~~  
4 ~~building and gymnasium of the Albany High School at the~~  
5 ~~earliest opportunity, it is necessary for this act to take~~  
6 ~~effect immediately.~~

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