

AMENDED IN ASSEMBLY SEPTEMBER 10, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 565

**Introduced by Assembly Member Members Florez, Briggs,
and Havice**

February 19, 1999

~~An act to add Section 259 to the Welfare and Institutions Code, relating to juveniles. An act to amend Sections 8482.3, 8482.6, and 8483.7 of the Education Code, to add Section 13825.7 to the Penal Code, and to add Sections 749.28 and 1794 to the Welfare and Institutions Code, relating to youthful offenders.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 565, as amended, ~~Havice Florez. Juveniles: graffiti offenses: pilot project~~ Youthful offenders.

Existing law establishes the After School Learning and Safe Neighborhoods Partnerships Program that consists of 2 components: an educational and literacy component that provides academic tutoring, and an educational enrichment component that may provide, among other things, recreation and prevention activities. Existing law authorizes a local education agency or a city, county, or nonprofit organization in partnership with a local education agency or agencies to apply to establish a program.

This bill would require the 2 components of the program to additionally provide mentoring, community-based recreational activities, cultural and diversity activities, social

competency skills, problem solving skills, decisionmaking skills, and, where appropriate, anger management. The bill would require an after school program to enter into a partnership with a community-based organization to provide services not offered by the school as part of the education and literacy component or the educational enrichment component, to provide adequate resources to the community-based organization to provide services not offered by the school as part of the education and literacy component or the educational enrichment component, to provide adequate resources to the community-based organization so that it may provide those services, and to offer training programs on child development and parenting skills for parents of pupils participating in the program. The bill would require a parent or guardian of a pupil participating in the program to participate in the child development and parenting training offered by the program, where feasible, and at least one of the parents of a child participating in the program to actively participate in no less than one of the activities in which their child is participating throughout the course of the program.

Existing law makes every school that establishes an After School Learning and Safe Neighborhoods Partnerships Program eligible to receive a 3-year renewable incentive grant and a supplemental grant to operate the program during any combination of summer, intersession, or vacation periods. Existing law requires each program to provide at least 50% cash or in-kind local matching funds from the school district, governmental agencies, community organizations, or the private sector for each dollar received in grant funds and prohibits using facilities and space usage to fulfill the match requirement.

This bill would require every school that establishes an after school program to expend no less than 50% of the program grant funds to provide outreach services to, and to serve, at-risk youth, as defined.

Existing law establishes the California Gang, Crime, and Violence Prevention Partnership Program, the Juvenile Crime Enforcement and Accountability Challenge Grant



Programs, and the Runaway Youth and Families in Crises Projects, as specified.

This bill would set forth the intent of the Legislature to maintain funding for the California Gang, Crime, and Violence Prevention Partnership Program, and require counties participating in the Juvenile Crime Enforcement and Accountability Challenge Grant Programs to revise their local plans, as specified.

~~Existing law specifies certain types of punishment for misdemeanor violations by minors of offenses involving graffiti, as specified.~~

~~This bill would authorize the establishment of a pilot project in the Los Padrinos District of the Los Angeles County Superior Court to bring together minors convicted of those offenses, their parents, the victims of the offense, and the judge, hearing officer, or referee, to determine the appropriate disposition of the minor's case, as specified.~~

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

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

1 ~~SECTION 1. Section 259 is added to the Welfare and~~
2 ~~Institutions Code, to read:~~
3 ~~259. (a) Upon approval by the presiding judge of the~~
4 ~~juvenile court, there shall be established in the Los~~
5 ~~Padrinos District of the Superior Court of the County of~~
6 ~~Los Angeles a pilot program pursuant to which minors~~
7 ~~who have been convicted of an offense described in~~
8 ~~subdivision (b) shall, prior to the entry of an order~~
9 ~~disposing of the minor's case, meet with all involved~~
10 ~~parties, including the minor's parents or guardian, the~~
11 ~~victims of the offenses or a representative of the victims,~~
12 ~~and the judge, juvenile hearing officer, or referee, for the~~
13 ~~purpose of determining the appropriate disposition of the~~
14 ~~minor's case. That disposition may consist of the~~
15 ~~punishment specified in the Penal Code for the offense~~
16 ~~committed or an alternative form of disposition as~~
17 ~~specified in Section 258 or as determined by the minor~~
18 ~~and the involved parties at the meeting. If the minor and~~

~~the involved parties are able to agree on an appropriate disposition, the judge, referee, or juvenile hearing officer shall enter an order accordingly.~~

~~(b) This section shall apply to minors who have been convicted of a misdemeanor violation of Section 594 of the Penal Code involving graffiti, as defined in that section, or a violation of Section 594.1 or 594.2 of the Penal Code.~~

SECTION 1. In order to further the public safety of California and its residents, the Legislature hereby approves the augmentation of the California Gang, Crime, and Violence Prevention Partnership Program, the Runaway Youth and Families in Crisis Project, the Juvenile Crime Enforcement and Accountability Challenge Grant Program, and the After School Learning and Safe Neighborhoods Partnerships Program with the objective of further preventing and reducing gang, crime, and violent activity in communities throughout California.

SEC. 2. Section 8482.3 of the Education Code is amended to read:

8482.3. (a) The After School Learning and Safe Neighborhoods Partnerships Program shall be established to serve pupils in kindergarten and grades 1 to 9, inclusive, at participating elementary, middle, and junior high schoolsites.

(b) A program may operate on one or multiple schoolsites. If a program operates at multiple schoolsites, only one application shall be required for its establishment.

(c) An after school program established pursuant to this article shall consist of the following two components:

(1) An educational and literacy component whereby tutoring or homework assistance is provided in one or more of the following areas: language arts, mathematics, history and social science, or science.

(2) A component whereby educational enrichment, which may include, but need not be limited to, recreation and prevention activities, is provided.

(d) *The two components described in subdivision (c) shall also consist of mentoring, community-based*

1 recreational activities, cultural and diversity activities,
2 social competency skills, problem solving skills,
3 decisionmaking skills, and, where appropriate, anger
4 management.

5 (e) An after school program shall enter into a
6 partnership with a community-based organization to
7 provide services not offered by the school as part of the
8 education and literacy component or the educational
9 enrichment component and shall provide adequate
10 resources to the community-based organization so that it
11 may provide those services.

12 (f) An after school program shall offer training
13 programs on child development and parenting skills for
14 parents of pupils participating in the program. These
15 training programs shall be offered at community sites, for
16 example, at community centers, apartment complexes,
17 schoolsites, and other places that are conveniently
18 located for parental attendance.

19 (g) Applicants for programs established pursuant to
20 this article may include any of the following:

21 (1) A local education agency.

22 (2) A city, county, or nonprofit organization in
23 partnership with, and with the approval of, a local
24 education agency or agencies.

25 ~~(e)~~

26 (h) Applicants for grants pursuant to this article shall
27 ensure that each of the following requirements is fulfilled,
28 if applicable:

29 (1) The application documents the commitments of
30 each partner to operate a program on that schoolsite or
31 schoolsites.

32 (2) The application has been approved by the school
33 district and the principal of each schoolsite.

34 (3) Each partner in the application agrees to share
35 responsibility for the quality of the program.

36 (4) The application designates the public agency or
37 local education agency partner to act as the fiscal agent.
38 For purposes of this section, “public agency” means only
39 a county board of supervisors or, where the city is
40 incorporated or has a charter, a city council.

1 (5) Applicants agree to follow all fiscal reporting and
2 auditing standards required by the State Department of
3 Education.

4 *SEC. 3. Section 8482.6 of the Education Code is*
5 *amended to read:*

6 8482.6. (a) Every pupil attending a school operating
7 an after school program pursuant to this article is eligible
8 to participate in the program, subject to program
9 capacity. ~~An~~

10 (b) ~~An~~ after school program established pursuant to
11 this article is not required to charge family fees or
12 conduct individual eligibility determination based on
13 need or income.

14 (c) *Where feasible, a parent or guardian of a pupil*
15 *participating in the program shall participate in the child*
16 *development and parenting training offered by the*
17 *program.*

18 (d) *At least one of the parents of a child participating*
19 *in the program shall actively participate in no less than*
20 *one of the activities in which their child is participating*
21 *throughout the course of the program.*

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

24 8483.7. (a) It is the intent of the Legislature that a
25 minimum of fifty million dollars (\$50,000,000) be
26 appropriated for the program established pursuant to this
27 article, through the annual Budget Act. Of the funds
28 appropriated for the program, 50 percent shall be
29 reserved for programs that operate at elementary schools
30 and 50 percent shall be reserved for programs that
31 operate at middle and junior high schools. If there are not
32 a sufficient number of qualified applicants to use all of the
33 funding in one category, the remaining funds may be
34 used for qualified applicants in the other category.

35 (b) (1) Every school that establishes a program
36 pursuant to this article is eligible to receive a three year
37 renewable incentive grant, subject to annual reporting
38 and recertification as required by the State Department
39 of Education, for up to five dollars (\$5) per day per pupil,
40 with a maximum total grant amount of seventy-five

1 thousand dollars (\$75,000) for each regular school year for
2 each elementary school and one hundred thousand
3 dollars (\$100,000) for each regular school year for each
4 middle or junior high school.

5 (2) For large schools, the maximum total grant
6 amounts described in paragraph (1) may be increased
7 based on the following formulas, up to a maximum
8 amount of twice the respective limits specified in
9 paragraph (1):

10 (A) For elementary schools, multiply seventy-five
11 dollars (\$75) by the number of pupils enrolled at the
12 schoolsite for the normal schoolday program that exceeds
13 600.

14 (B) For middle schools, multiply seventy-five dollars
15 (\$75) by the number of pupils enrolled at the schoolsite
16 for the normal schoolday program that exceeds 900.

17 (3) A school that establishes a program pursuant to this
18 article is eligible to receive a supplemental grant to
19 operate the program during any combination of summer,
20 intersession, or vacation periods for a maximum of the
21 lesser of the following amounts:

22 (A) Five dollars (\$5) per day per pupil.

23 (B) Thirty percent of the total grant amount awarded
24 to the school per school year pursuant to this subdivision.

25 (4) Each program shall provide at least 50 percent
26 cash or in-kind local matching funds from the school
27 district, governmental agencies, community
28 organizations, or the private sector for each dollar
29 received in grant funds. Neither facilities nor space usage
30 may fulfill the match requirement.

31 (c) *Every school that establishes an after school*
32 *program shall expend no less than 50 percent of the funds*
33 *it receives pursuant to this article to provide outreach*
34 *services to, and to serve, at-risk youth. For purposes of this*
35 *subdivision at-risk youth means youth who are eligible for*
36 *enrollment in kindergarten or any of grades 1 to 9,*
37 *inclusive, and meet two or more of the following criteria:*

38 (1) *Live in a community with a high rate of crime,*
39 *violence, or gang activity or a low economic community.*

1 (2) *Are excessively absent from school, doing poorly in*
2 *school, or have dropped out of school.*

3 (3) *Come from a clinically defined dysfunctional*
4 *family.*

5 (4) *Have had one or more contacts with the police.*

6 (5) *Are gang members or former gang members or*
7 *have a family relative who is a gang member or former*
8 *gang member.*

9 (6) *Has exhibited a pattern of violent or delinquent*
10 *behavior.*

11 (d) The administrator of a program established
12 pursuant to this article may supplement, but not supplant
13 existing funding for after school programs with grant
14 funds awarded pursuant to this article. State categorical
15 funds for remedial education activities shall not be
16 eligible as matching funds for those after school
17 programs.

18 ~~(d)~~

19 (e) Up to 15 percent of the initial year's grant amount
20 for each grant recipient may be utilized for startup costs.
21 Under no circumstance shall funding for startup costs
22 result in an increase in the grant recipient's total funding
23 above the approved grant amount.

24 SEC. 5. *Section 13825.7 is added to the Penal Code, to*
25 *read:*

26 13825.7. *It is the intent of the Legislature to fund the*
27 *California Gang, Crime, and Violence Prevention*
28 *Partnership Program annually at no less than six million*
29 *dollars (\$6,000,000) per year to existing projects that are*
30 *satisfactorily meeting their contract obligations.*

31 SEC. 6. *Section 749.28 is added to the Welfare and*
32 *Institutions Code, to read:*

33 749.28. *All counties participating in the program*
34 *under this article shall amend their local plans within 90*
35 *days of the enactment of this section to include*
36 *prevention and early intervention activities which target*
37 *at-risk youth. These activities shall be conducted by*
38 *community-based organizations and other entities which*
39 *meet all of the following criteria:*

1 (a) They have been operating for no less than two
2 years to provide effective prevention or early
3 intervention services which positively affect attitudes or
4 behaviors, or both, toward crime, gangs, and violence.

5 (b) They follow the public health model approach by
6 (1) identifying risk factors of the population to be
7 targeted; (2) implementing protective factors to prevent
8 or reduce crime and violence in the particular
9 community to be served; and (3) designing community
10 guidelines for prevention and early interventions.

11 (c) The target at-risk youth who are defined as persons
12 between the ages of 5 and 25, inclusive, who meet two or
13 more of the following criteria: (1) they live in a high
14 crime or violence community, (2) they live in a law
15 economic community, (3) they are excessively absent
16 from school or doing poorly in school, (4) they come from
17 a dysfunctional family, (5) they have had one or more
18 contacts with the police, (6) they are gang or former gang
19 members, and (7) they have a family member or
20 members who are gang or former gang members.

21 (d) They objectively evaluate the effectiveness of
22 their prevention and intervention activities to ensure
23 that participants are positively affecting the attitudes and
24 or behaviors of the at-risk youth they are serving.

25 SEC. 7. Section 1794 is added to Article 5.4
26 (commencing with Section 1790) of Chapter 1 of Division
27 2.5 of the Welfare and Institutions Code, to read:

28 1794. (a) At least four qualified project applicants
29 shall each receive funding of approximately seven
30 hundred twenty-five thousand dollars (\$725,000) for one
31 year. However, one of the four applicants shall receive
32 funding to provide services in a county where there is a
33 demonstrable need and no existing runaway youth
34 shelters or transitional living shelters for youth.

35 (b) Between 10 percent and 15 percent of an
36 applicant's award shall be used to secure an independent
37 evaluation of the applicant's services for purposes of
38 determining, at a minimum, (1) whether runaway
39 shelter support services are preventing runaway youth
40 from entering the juvenile justice system and whether

1 *such services are successfully returning runaway youth to*
2 *the home of their parent or guardian or to an alternative*
3 *living condition where reunification is not possible, (2)*
4 *whether transitional living program services are*
5 *effectively enabling participants to live independent,*
6 *law-abiding and reasonably functional lifestyles, and (3)*
7 *whether family in crisis services are preventing families*
8 *from engaging in neglectful, abusive, or criminal*
9 *behavior and whether such services are enabling family*
10 *members to successfully function together in the same*
11 *household.*

12 *(c) Up to three percent of the amount allocated under*
13 *this section may be used by the Office of Criminal Justice*
14 *Planning for expenditure as necessary to administer,*
15 *monitor, evaluate, and report the results of this project.*

16 *(d) It is the intent of the Legislature to fund this*
17 *project annually at no less than six million dollars*
18 *(\$6,000,000) per year.*

