

AMENDED IN SENATE JANUARY 3, 2000

SENATE BILL

No. 376

Introduced by Senator Ortiz

February 11, 1999

~~An act to add Section 42238.25 to the Education Code, relating to school district attendance. An act to repeal and add Sections 8482.3, 8482.8, 8483, 8483.7, and 8484.6 of, and to repeal Article 22.5 (commencing with Section 8482), of Chapter 2, of Part 6, of, the Education Code, relating to after school programs.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 376, as amended, Ortiz. ~~School districts: declining enrollment: military base closures. After school programs.~~

Existing law establishes the After School Learning and Safe Neighborhoods Partnerships Program to create incentives for establishing after school enrichment programs for pupils in kindergarten and grades 1 to 9, inclusive, at participating schoolsites.

This bill would make technical, nonsubstantive changes to delete redundant provisions and would make conforming changes.

~~Existing law requires the county superintendent of schools to determine a revenue limit for each school district in the county for each fiscal year. Existing law authorizes a school district that experiences a decline in units of average daily attendance (ADA) in excess of 8% due to a military base closure elect to receive adjustments to its ADA calculation to ameliorate the effects of the decline in enrollment. Existing~~

law requires the school district to repay the State School Fund the amount augmented as a result of the adjustment pursuant to a 10-year schedule.

This bill would, notwithstanding any other provision of law to the contrary, make a school district that would experience a temporary decline in enrollment due to a closure of a military facility that will be offset by projected future enrollment growth, eligible for an adjustment to its ADA to provide bridge funding until fiscal year 2006-07, pursuant to a prescribed calculation.

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

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

1 ~~SECTION 1. Section 42238.25 is added to the~~
 2 ~~SECTION 1. Article 22.5 (commencing with Section~~
 3 ~~8482) of Chapter 2 of Part 6 of the Education Code, as~~
 4 ~~added by Chapter 318 of the Statutes of 1998, is repealed.~~
 5 ~~SEC. 2. Article 22.5 (commencing with Section 8482)~~
 6 ~~of Chapter 2 of Part 6 of the Education Code, as added by~~
 7 ~~Chapter 319 of the Statutes of 1998, is repealed.~~
 8 ~~SEC. 3. Section 8482.3 of the Education Code, as~~
 9 ~~amended by Section 4 of Chapter 78 of the Statutes of~~
 10 ~~1999, is repealed.~~
 11 ~~8482.3. (a) The After School Learning and Safe~~
 12 ~~Neighborhoods Partnerships Program shall be~~
 13 ~~established to serve pupils in kindergarten and grades 1~~
 14 ~~to 9, inclusive, at participating elementary, middle, junior~~
 15 ~~high, and charter schoolsites.~~
 16 ~~(b) A program may operate on one or multiple~~
 17 ~~schoolsites. If a program operates at multiple schoolsites,~~
 18 ~~only one application shall be required for its~~
 19 ~~establishment.~~
 20 ~~(c) An after school program established pursuant to~~
 21 ~~this article shall consist of the following two components:~~
 22 ~~(1) An educational and literacy component whereby~~
 23 ~~tutoring or homework assistance is provided in one or~~
 24 ~~more of the following areas: language arts, mathematics,~~
 25 ~~history and social science, or science.~~

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

4 ~~(d) Applicants for programs established pursuant to~~
5 ~~this article may include any of the following:~~

6 ~~(1) A local education agency, including a charter~~
7 ~~school.~~

8 ~~(2) A city, county, or nonprofit organization in~~
9 ~~partnership with, and with the approval of, a local~~
10 ~~education agency or agencies.~~

11 ~~(e) Applicants for grants pursuant to this article shall~~
12 ~~ensure that each of the following requirements is fulfilled,~~
13 ~~if applicable:~~

14 ~~(1) The application documents the commitments of~~
15 ~~each partner to operate a program on that schoolsite or~~
16 ~~schoolsites.~~

17 ~~(2) The application has been approved by the school~~
18 ~~district and the principal of each schoolsite.~~

19 ~~(3) Each partner in the application agrees to share~~
20 ~~responsibility for the quality of the program.~~

21 ~~(4) The application designates the public agency or~~
22 ~~local education agency partner to act as the fiscal agent.~~
23 ~~For purposes of this section, “public agency” means only~~
24 ~~a county board of supervisors or, where the city is~~
25 ~~incorporated or has a charter, a city council.~~

26 ~~(5) Applicants agree to follow all fiscal reporting and~~
27 ~~auditing standards required by the State Department of~~
28 ~~Education.~~

29 *SEC. 4. Section 8482.3 is added to the Education*
30 *Code, to read:*

31 *8482.3. (a) The After School Learning and Safe*
32 *Neighborhoods Partnerships Program shall be*
33 *established to serve pupils in kindergarten and grades 1*
34 *to 9, inclusive, at participating elementary, middle, junior*
35 *high, and charter schoolsites.*

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



1 (c) An after school program established pursuant to
2 this article shall consist of the following two components:
3 (1) An educational and literacy component whereby
4 tutoring or homework assistance is provided in one or
5 more of the following areas:
6 (A) Language arts.
7 (B) Mathematics.
8 (C) History and social sciences.
9 (D) Science.
10 (2) A component whereby educational enrichment,
11 which may include, but need not be limited to, recreation
12 and prevention activities, is provided.
13 (d) Applicants for programs established pursuant to
14 this article may include any of the following:
15 (1) A local education agency, including a charter
16 school.
17 (2) A city, county, or nonprofit organization in
18 partnership with, and with the approval of, a local
19 education agency or agencies.
20 (e) Applicants for grants pursuant to this article shall
21 ensure that each of the following requirements is fulfilled,
22 if applicable:
23 (1) The application documents the commitments of
24 each partner to operate a program on that schoolsite or
25 schoolsites.
26 (2) The application has been approved by the school
27 district and the principal of each schoolsite.
28 (3) Each partner in the application agrees to share
29 responsibility for the quality of the program.
30 (4) The application designates the public agency or
31 local education agency partner to act as the fiscal agent.
32 For purposes of this section, “public agency” means only
33 a county board of supervisors or, where the city is
34 incorporated or has a charter, a city council.
35 (5) Applicants agree to follow all fiscal reporting and
36 auditing standards required by the State Department of
37 Education.
38 SEC. 5. Section 8482.8 of the Education Code, as
39 added by Section 3 of Chapter 872 of the Statutes of 1999,
40 is repealed.



1 ~~8482.8. (a) If there is a significant barrier to pupil~~
2 ~~participation in a program established pursuant to this~~
3 ~~article at the school of attendance, an applicant may~~
4 ~~request approval from the Superintendent of Public~~
5 ~~Instruction, prior to or during the grant application~~
6 ~~process, to provide services at another schoolsite. An~~
7 ~~applicant that requests approval shall address the manner~~
8 ~~in which the applicant intends to provide safe, supervised~~
9 ~~transportation between schoolsites; ensure~~
10 ~~communication among teachers in the regular school~~
11 ~~program, staff in the after school program, and parents of~~
12 ~~pupils; and align the educational and literacy component~~
13 ~~of the after school program with participating pupils'~~
14 ~~regular school programs.~~

15 ~~(b) For purposes of this article, a significant barrier to~~
16 ~~pupil participation in a program established pursuant to~~
17 ~~this chapter means either of the following:~~

18 ~~(1) Fewer than 20 pupils participating in the program.~~

19 ~~(2) Extreme transportation constraints, including, but~~
20 ~~not limited to, desegregation bussing, bussing for magnet~~
21 ~~or open enrollment schools, or pupil dependence on~~
22 ~~public transportation.~~

23 *SEC. 6. Section 8482.8 is added to the Education*
24 *Code, to read:*

25 *8482.8. (a) If there is a significant barrier to pupil*
26 *participation in a program established pursuant to this*
27 *article at the school of attendance, an applicant may*
28 *request approval from the Superintendent of Public*
29 *Instruction, prior to or during the grant application*
30 *process, to provide services at another schoolsite. An*
31 *applicant that requests approval shall address the manner*
32 *in which the applicant intends to provide safe, supervised*
33 *transportation between schoolsites; ensure*
34 *communication among teachers in the regular school*
35 *program, staff in the after school program, and parents of*
36 *pupils; and align the educational and literacy component*
37 *of the after school program with participating pupils'*
38 *regular school programs.*



1 (b) For purposes of this article, a significant barrier to
2 pupil participation in a program established pursuant to
3 this chapter means either of the following:

4 (1) Fewer than 20 pupils participating in the program.

5 (2) Extreme transportation constraints, including, but
6 not limited to, desegregation bussing, bussing for magnet
7 or open enrollment schools, or pupil dependence on
8 public transportation.

9 SEC. 7. Section 8483 of the Education Code, as
10 amended by Section 4 of Chapter 872 of the Statutes of
11 1999, is repealed.

12 ~~8483. (a) (1) Every after school program~~
13 ~~established pursuant to this article shall operate a~~
14 ~~minimum of three hours a day and at least until 6 p.m. on~~
15 ~~every regular schoolday. Every program shall establish a~~
16 ~~policy regarding reasonable early daily release of pupils~~
17 ~~from the program.~~

18 ~~(2) It is the intent of the Legislature that elementary~~
19 ~~school pupils participate in the full day of the program~~
20 ~~every day during which pupils participate and that pupils~~
21 ~~in middle school or junior high school attend a minimum~~
22 ~~of nine hours a week and three days a week to accomplish~~
23 ~~program goals, except when released early in accordance~~
24 ~~with the early release policy described in paragraph (1)~~
25 ~~or as reasonably necessary.~~

26 ~~(3) In order to develop an age appropriate after school~~
27 ~~program for pupils in middle school or junior high school,~~
28 ~~programs established pursuant to this article may~~
29 ~~implement a flexible attendance schedule for those~~
30 ~~pupils. Priority for enrollment of pupils in middle school~~
31 ~~or junior high school shall be given to pupils who attend~~
32 ~~daily.~~

33 ~~(b) The administrators of a program established~~
34 ~~pursuant to this article shall have the option of operating~~
35 ~~during any combination of summer, intersession, or~~
36 ~~vacation periods for a minimum of three hours per day at~~
37 ~~the approved rate for the regular school year pursuant to~~
38 ~~Section 8483.7.~~

39 SEC. 8. Section 8483 is added to the Education Code,
40 to read:



1 8483. (a) (1) Every after school program
2 established pursuant to this article shall operate a
3 minimum of three hours a day and at least until 6 p.m. on
4 every regular schoolday. Every program shall establish a
5 policy regarding reasonable early daily release of pupils
6 from the program.

7 (2) It is the intent of the Legislature that elementary
8 school pupils participate in the full day of the program
9 every day during which pupils participate and that pupils
10 in middle school or junior high school attend a minimum
11 of nine hours a week and three days a week to accomplish
12 program goals, except when released early in accordance
13 with the early release policy described in paragraph (1)
14 or as reasonably necessary.

15 (3) In order to develop an age appropriate after school
16 program for pupils in middle school or junior high school,
17 programs established pursuant to this article may
18 implement a flexible attendance schedule for those
19 pupils. Priority for enrollment of pupils in middle school
20 or junior high school shall be given to pupils who attend
21 daily.

22 (b) The administrators of a program established
23 pursuant to this article shall have the option of operating
24 during any combination of summer, intersession, or
25 vacation periods for a minimum of three hours per day at
26 the approved rate for the regular school year pursuant to
27 Section 8483.7.

28 SEC. 9. Section 8483.7 of the Education Code, as
29 amended by Section 5 of Chapter 872 of the Statutes of
30 1999, is repealed.

31 ~~8483.7. (a) It is the intent of the Legislature that a~~
32 ~~minimum of eighty-five million dollars (\$85,000,000) be~~
33 ~~appropriated for the program established pursuant to this~~
34 ~~article, through the annual Budget Act. Of the funds~~
35 ~~appropriated for the program, 50 percent shall be~~
36 ~~reserved for programs that operate at elementary schools~~
37 ~~and 50 percent shall be reserved for programs that~~
38 ~~operate at middle and junior high schools. If there are not~~
39 ~~a sufficient number of qualified applicants to use all of the~~



1 funding in one category, the remaining funds may be
2 used for qualified applicants in the other category.

3 (b) (1) (A) Every school that establishes a program
4 pursuant to this article is eligible to receive a three year
5 renewable incentive grant, subject to annual reporting
6 and recertification as required by the State Department
7 of Education, for either of the following, as selected by the
8 school:

9 (i) Up to five dollars (\$5) per day per pupil, if the
10 program serves pupils in elementary, middle, or junior
11 high school.

12 (ii) Five dollars (\$5) per pupil for each three hours of
13 pupil attendance, with a maximum total reimbursement
14 of twenty-five dollars (\$25) per pupil per week, if the
15 program serves pupils in middle or junior high school. To
16 receive reimbursement pursuant to this subparagraph,
17 the program administrator shall apply to and receive
18 approval annually from the Superintendent of Public
19 Instruction. Approval by the Superintendent of Public
20 Instruction shall be based on program results.

21 (B) The maximum total grant amount awarded
22 pursuant to this paragraph shall be seventy five thousand
23 dollars (\$75,000) for each regular school year for each
24 elementary school and one hundred thousand dollars
25 (\$100,000) for each regular school year for each middle or
26 junior high school.

27 (2) For large schools, the maximum total grant
28 amounts described in paragraph (1) may be increased
29 based on the following formulas, up to a maximum
30 amount of twice the respective limits specified in
31 paragraph (1):

32 (A) For elementary schools, multiply seventy-five
33 dollars (\$75) by the number of pupils enrolled at the
34 schoolsite for the normal schoolday program that exceeds
35 600.

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

39 (3) A school that establishes a program pursuant to this
40 article is eligible to receive a supplemental grant to



1 ~~operate the program during any combination of summer,~~
2 ~~intersession, or vacation periods for a maximum of the~~
3 ~~lesser of the following amounts:~~

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

5 ~~(B) Thirty percent of the total grant amount awarded~~
6 ~~to the school per school year pursuant to this subdivision.~~

7 ~~(4) Each program shall provide at least 50 percent~~
8 ~~cash or in-kind local matching funds from the school~~
9 ~~district, governmental agencies, community~~
10 ~~organizations, or the private sector for each dollar~~
11 ~~received in grant funds. Neither facilities nor space usage~~
12 ~~may fulfill the match requirement.~~

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

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

25 *SEC. 10. Section 8483.7 is added to the Education*
26 *Code, to read:*

27 *8483.7. (a) It is the intent of the Legislature that a*
28 *minimum of eighty-five million dollars (\$85,000,000) be*
29 *appropriated for the program established pursuant to this*
30 *article, through the annual Budget Act. Of the funds*
31 *appropriated for the program, 50 percent shall be*
32 *reserved for programs that operate at elementary schools*
33 *and 50 percent shall be reserved for programs that*
34 *operate at middle and junior high schools. If there are not*
35 *a sufficient number of qualified applicants to use all of the*
36 *funding in one category, the remaining funds may be*
37 *used for qualified applicants in the other category.*

38 *(b) (1) (A) Every school that establishes a program*
39 *pursuant to this article is eligible to receive a three year*
40 *renewable incentive grant, subject to annual reporting*



1 and recertification as required by the State Department
2 of Education, for either of the following, as selected by the
3 school:

4 (i) Up to five dollars (\$5) per day per pupil, if the
5 program serves pupils in elementary, middle, or junior
6 high school.

7 (ii) Five dollars (\$5) per pupil for each three hours of
8 pupil attendance, with a maximum total reimbursement
9 of twenty-five dollars (\$25) per pupil per week, if the
10 program serves pupils in middle or junior high school. To
11 receive reimbursement pursuant to this subparagraph,
12 the program administrator shall apply to and receive
13 approval annually from the Superintendent of Public
14 Instruction. Approval by the Superintendent of Public
15 Instruction shall be based on program results.

16 (B) The maximum total grant amount awarded
17 pursuant to this paragraph shall be seventy-five thousand
18 dollars (\$75,000) for each regular school year for each
19 elementary school and one hundred thousand dollars
20 (\$100,000) for each regular school year for each middle or
21 junior high school.

22 (2) For large schools, the maximum total grant
23 amounts described in paragraph (1) may be increased
24 based on the following formulas, up to a maximum
25 amount of twice the respective limits specified in
26 paragraph (1):

27 (A) For elementary schools, multiply seventy-five
28 dollars (\$75) by the number of pupils enrolled at the
29 schoolsite for the normal schoolday program that exceeds
30 600.

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

34 (3) A school that establishes a program pursuant to this
35 article is eligible to receive a supplemental grant to
36 operate the program during any combination of summer,
37 intersession, or vacation periods for a maximum of the
38 lesser of the following amounts:

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



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

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

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

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

21 SEC. 11. Section 8484.6 of the Education Code, as
22 amended by Section 1 of Chapter 108 of the Statutes of
23 1999, is repealed.

24 ~~8484.6. (a) Programs established pursuant to this~~
25 ~~article may be conducted upon the grounds of a~~
26 ~~community park or recreational area if the park or~~
27 ~~recreational area is adjacent to the schoolsite.~~

28 ~~(b) An offsite program conducted pursuant to this~~
29 ~~section shall comply with all statutory and regulatory~~
30 ~~requirements that are applicable to similar programs~~
31 ~~conducted on the schoolsite.~~

32 SEC. 12. Section 8484.6 is added to the Education
33 Code, to read:

34 8484.6. (a) Programs established pursuant to this
35 article may be conducted upon the grounds of a
36 community park or recreational area if the park or
37 recreational area is adjacent to the schoolsite.

38 (b) An offsite program conducted pursuant to this
39 section shall comply with all statutory and regulatory



1 *requirements that are applicable to similar programs*
2 *conducted on the schoolsite.*

3 ~~Education Code, immediately following Section 42238.2,~~
4 ~~to read:~~

5 ~~42238.25. (a) The Legislature finds and declares all of~~
6 ~~the following:~~

7 ~~(1) The closure of a military base can result in a severe~~
8 ~~decline in enrollment that is outside of a school district's~~
9 ~~ability to control.~~

10 ~~(2) When enrollment declines sharply, a school district~~
11 ~~might reduce its marginal expenditures, such as for~~
12 ~~teachers, without affecting the quality of its educational~~
13 ~~program, but reducing its total expenditures in~~
14 ~~proportion to the decline in enrollment could result in the~~
15 ~~closure of one or more schoolsites or significant~~
16 ~~reductions in educational programs.~~

17 ~~(3) A school district that experiences a temporary~~
18 ~~decline in enrollment due to a recent military base~~
19 ~~closure may be required to make significant expenditure~~
20 ~~reductions that could damage the educational program,~~
21 ~~notwithstanding the fact that the school district may be~~
22 ~~projected to experience enrollment growth in the near~~
23 ~~future due to a high level of new residential construction~~
24 ~~or otherwise. Without supplemental funding, the school~~
25 ~~district would be forced to reduce expenditures in this~~
26 ~~instance only to restore the expenditures within a few~~
27 ~~years.~~

28 ~~(4) It is appropriate state policy to provide a school~~
29 ~~district described in paragraph (3) with "bridge" funding~~
30 ~~during the short period of enrollment loss so as to protect~~
31 ~~the school district's educational program from temporary~~
32 ~~reductions that would damage the educational program.~~

33 ~~(b) Notwithstanding any other provision of law to the~~
34 ~~contrary, the Superintendent of Public Instruction shall,~~
35 ~~for each eligible school district as set forth in subdivision~~
36 ~~(e), do all of the following:~~

37 ~~(1) Determine the average daily attendance for the~~
38 ~~school district for the 1999-2000 fiscal year pursuant to~~
39 ~~Section 42238.5. For the purposes of this section, this~~



1 average shall be known as the base year average daily
2 attendance.

3 (2) For each year, beginning in fiscal year 2000-01 and
4 continuing until fiscal year 2006-07, or until the district's
5 average daily attendance exceeds its base year average
6 daily attendance, subtract the average daily attendance
7 determined pursuant to Section 42238.5 for the then
8 current fiscal year from the base year average daily
9 attendance. If this amount is less than zero, it shall be
10 deemed to be zero.

11 (3) Multiply the difference determined pursuant to
12 paragraph (2) by 0.75, and round to the nearest whole
13 number.

14 (4) The result determined pursuant to paragraph (3)
15 shall be added to the district's average daily attendance
16 determined pursuant to Section 42238.5 for the then
17 current fiscal year. This result shall not be used for
18 determining the funded level of average daily attendance
19 in any subsequent fiscal year.

20 (c) A school district shall be eligible for allocations
21 pursuant to this section if it meets all of the following
22 criteria:

23 (1) The school district had at least 5,000 units of
24 average daily attendance in the 1999-2000 fiscal year.

25 (2) The school district experienced a loss due to the
26 closure of a military base of at least 8 percent of its 1998-99
27 average daily attendance.

28 (3) The school district is projected to generate
29 increased enrollment from new housing development
30 that will more than offset the loss in enrollment due to the
31 military base closure by the 2006-07 fiscal year.

32 (4) The school district has taken significant steps to
33 reduce its expenditures during the period of enrollment
34 loss.

