ASSEMBLY BILL No. 983

Introduced by Assembly Member Skinner

February 27, 2009

An act to amend Sections 8482, 8483, 8483.1, 8483.2, 8483.7, and 8483.75 of the Education Code, relating to before and after school programs.

LEGISLATIVE COUNSEL'S DIGEST

AB 983, as introduced, Skinner. Before and after school programs.

(1) The After School Education and Safety Program Act of 2002, enacted by the initiative measure Proposition 49, 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 authorizes the administrators of a program established pursuant to the act to operate during any combination of summer, intersession, or vacation periods for a minimum of 3 hours per day for the regular school year.

This bill, in addition, would authorize the administrators of a before or after school program to operate during weekends. Costs associated with providing after school activities on weekends would be paid from a program's maximum or supplemental grant, and would not be included in the program's attendance reported to the department for calculation of either the maximum grant amount or supplemental grant amount.

(2) This bill also would make conforming changes.

(3) This bill would include a finding and declaration of the Legislature that the bill's provisions further the purposes of the After School Education and Safety Program Act of 2002.

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 of the Education Code is amended
2 to read:
3   8482. There is hereby established the After School Education
4 and Safety Program. All references to it by its prior name, the
5 Before and After School Learning and Safe Neighborhoods
6 Partnerships Program, in this article and other state law shall now
7 identify it by its new name. The purpose of this program is to create
8 incentives for establishing locally driven before and after school
9 enrichment programs both during schooldays and *weekends,*
10 summer, intersession, or vacation days that partner public schools
11 and communities to provide academic and literacy support and
12 safe, constructive alternatives for youth. The term public school
13 includes charter schools.
14   SEC. 2. Section 8483 of the Education Code is amended to
15 read:
16   8483. (a) (1) Every after school component of a program
17 established pursuant to this article shall commence immediately
18 upon the conclusion of the regular schoolday, and operate a
19 minimum of 15 hours per week, and at least until 6 p.m. on every
20 regular schoolday. Every after school component of the program
21 shall establish a policy regarding reasonable early daily release of
22 pupils from the program. For those programs or schoolsites
23 operating in a community where the early release policy does not
24 meet the unique needs of that community or school, or both,
25 documented evidence may be submitted to the department for an
26 exception and a request for approval of an alternative plan.
27   (2) It is the intent of the Legislature that elementary school
28 pupils participate in the full day of the program every day during
29 which pupils participate and that pupils in middle school or junior
30 high school attend a minimum of nine hours a week and three days
31 a week to accomplish program goals.
32   (3) In order to develop an age-appropriate after school program
33 for pupils in middle school or junior high school, programs
34 established pursuant to this article may implement a flexible
35 attendance schedule for those pupils. Priority for enrollment of

1 pupils in middle school or junior high school shall be given to
2 pupils who attend daily.
3   (b) The administrators of a program established pursuant to this
4 article have the option of operating during any combination of
5 *weekends,* summer, intersession, or vacation periods for a minimum
6 of three hours per day for the regular school year pursuant to
7 Section 8483.7.
8   *(c) The administrators of a program established pursuant to*
9 *this article may provide activities on weekends. Costs associated*
10 *with weekend activities shall be paid from the program's maximum*
11 *grant or the program's supplemental grant awarded pursuant to*
12 *Section 8483.7. Except for programs funded by the federal 21st*
13 *Century Community Learning Centers program, the participation*
14 *of pupils in the weekend activities shall not be included in the*
15 *program's attendance reported to the department for the*
16 *calculation of either the maximum grant amount or a supplemental*
17 *grant amount pursuant to Section 8483.7.*
18   SEC. 3. 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 participate in the full day of the program every day during
27 which pupils participate and that pupils in middle school or junior
28 high school attend a minimum of six hours a week or three days
29 a week to accomplish program goals, except when arriving late in
30 accordance with the late arrival policy described in paragraph (1)
31 or as reasonably necessary.
32   (B) A pupil who attends less than one-half of the daily program
33 hours shall not be counted for the purposes of attendance.
34   (3) In order to develop an age-appropriate before school program
35 for pupils in middle school or junior high school, programs
36 established pursuant to this article may implement a flexible
37 attendance schedule for those pupils. Priority for enrollment of
38 pupils in middle school or junior high school shall be given to
39 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 *weekends,* summer, intersession, or vacation
4 periods for a minimum of two hours per day for the regular school
5 year 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. 4. Section 8483.2 of the Education Code is amended to
10 read:
11   8483.2. Notwithstanding any other provision of this article,
12 ~~any~~ *a* program electing to operate both a before and after school
13 component for the same pupils during *weekends,* summer,
14 intersession, or vacation periods ~~must~~ *shall* operate these programs
15 a minimum of four and one-half hours per day.
16   SEC. 5. Section 8483.7 of the Education Code is amended to
17 read:
18   8483.7. (a) (1) (A) Each school that establishes a program
19 pursuant to this article is eligible to receive a three-year direct
20 grant, that shall be awarded in three one-year increments and is
21 subject to semiannual attendance reporting and requirements as
22 described in Section 8482.3 once every three years.
23   (i) The department shall provide technical support for
24 development of a program improvement plan for grantees under
25 the following conditions:
26   (I) If actual pupil attendance falls below 75 percent of the target
27 attendance level in any year of the grant.
28   (II) If the grantee fails, in any year of the grant, to demonstrate
29 measurable outcomes pursuant to Section 8484.
30   (ii) The department shall adjust the grant level of any school
31 within the program that is under its targeted attendance level by
32 more than 15 percent in each of two consecutive years.
33   (iii) In any year after the initial grant year, if the actual
34 attendance level of a school within the program falls below 75
35 percent of the target attendance level, the department shall perform
36 a review of the program and adjust the grant level as the department
37 deems appropriate.
38   (iv) The department shall create a process to allow a grantee to
39 voluntarily lower its annual grant amount if one or more sites are

1 unable to meet the proposed pupil attendance levels by the end of
2 the second year of the grant.
3   (v) A grantee who has had its grant amount reduced may
4 subsequently request an increase in funding up to the maximum
5 grant amounts provided under this subdivision.
6   (vi) The department may terminate the grant of any site or
7 program that does not comply with fiscal reporting, attendance
8 reporting, or outcomes reporting requirements established by the
9 department and pursuant to Section 8484. The department may
10 withhold the grant allocation for a program or site if the prior grant
11 year's fiscal or attendance reporting remain outstanding, until the
12 reports have been filed with the department.
13   (vii) Notwithstanding any other provision of this subdivision
14 or any other provision of law, after the technical assistance required
15 under clause (i) has been provided, the department may at any time
16 terminate the grant of any school in a program that fails for three
17 consecutive years to meet either of the following requirements:
18   (I) Demonstrate measurable program outcomes pursuant to
19 Section 8484.
20   (II) Attain 75 percent of its proposed attendance level after
21 having had its program reviewed and grant level adjusted by the
22 department.
23   (B) Direct grants may be awarded to applicants that have
24 demonstrated readiness to begin operation of a program or to
25 expand existing programs.
26   (C) The maximum total direct grant amount awarded annually
27 pursuant to this paragraph shall be one hundred twelve thousand
28 five hundred dollars ($112,500) for each regular school year for
29 each elementary school and one hundred fifty thousand dollars
30 ($150,000) for each regular school year for each middle or junior
31 high school. The superintendent *Superintendent* shall determine
32 the total annual direct grant amount for which a site is eligible
33 based on a formula of seven dollars and fifty cents ($7.50) per
34 pupil per day of pupil attendance that the program plans to serve,
35 with a maximum total grant of thirty-seven dollars and fifty cents
36 ($37.50) per projected pupil per week, and a formula of seven
37 dollars and fifty cents ($7.50) per projected pupil per day of staff
38 development, with a maximum of three staff development days
39 per year. A program may provide the three days of staff

1 development during regular program hours using funds from the
2 total grant award.
3 (2) For large schools, the maximum total grant amounts
4 described in paragraph (1) may be increased based on the following
5 formulas, up to a maximum amount of twice the respective limits
6 specified in paragraph (1):
7 (A) For elementary schools, multiply one hundred thirteen
8 dollars ($113) by the number of pupils enrolled at the schoolsite
9 for the normal schoolday program that exceeds 600.
10 (B) For middle schools, multiply one hundred thirteen dollars
11 ($113) by the number of pupils enrolled at the schoolsite for the
12 normal schoolday program that exceeds 900.
13 (3) The maximum total grant amounts set forth in subparagraph
14 (C) of paragraph (1) may be increased from any funds made
15 available for this purpose in the annual Budget Act for participating
16 schools that have pupils on waiting lists for the program. Grants
17 may be increased by the lesser of an amount that is either 25
18 percent of the current maximum total grant amount or equal to the
19 proportion of pupils unserved by the program as measured by
20 documented waiting lists as of January 1 of the previous grant
21 year, compared to the actual after school enrollment on the same
22 date. The amount of the required cash or in-kind matching funds
23 shall be increased accordingly. First priority for an increased
24 maximum grant pursuant to this paragraph shall be given to schools
25 that qualify for funding pursuant to subdivision (b) of Section
26 8482.55. Second priority shall be given to schools that receive
27 funding priority pursuant to subdivision (f) of Section 8482.55.
28 (4) A school that establishes a program pursuant to this section
29 is eligible to receive a supplemental grant to operate the program
30 in excess of 180 regular schooldays or during any combination of
31 *weekends,* summer, intersession, or vacation periods for a
32 maximum of the lesser of the following amounts:
33 (A) Seven dollars and fifty cents ($7.50) per day per pupil.
34 (B) Thirty percent of the total grant amount awarded to the
35 school per school year pursuant to subparagraph (C) of paragraph
36 (1).
37 (5) Each program shall provide an amount of cash or in-kind
38 local funds equal to not less than one-third of the total grant from
39 the   school   district,   governmental   agencies,   community

1 organizations, or the private sector. Facilities or space usage may
2 fulfill not more than 25 percent of the required local contribution.
3   (6) (A) A grantee may allocate, with departmental approval,
4 up to 125 percent of the maximum total grant amount for an
5 individual school, so long as the maximum total grant amount for
6 all school programs administered by the program grantee is not
7 exceeded.
8   (B) A program grantee that transfers funds for purposes of
9 administering a program pursuant to subparagraph (A) shall have
10 an established waiting list for enrollment, and may transfer only
11 from another school program that has met a minimum of 70 percent
12 of its attendance goal.
13   (b) The administrator of a program established pursuant to this
14 article may supplement, but not supplant, existing funding for after
15 school programs with grant funds awarded pursuant to this article.
16 State categorical funds for remedial education activities shall not
17 be used to make the required contribution of local funds for those
18 after school programs.
19   (c) Up to 15 percent of the initial year's grant amount for each
20 grant recipient may be utilized for startup costs. Under no
21 circumstance shall funding for startup costs result in an increase
22 in the grant recipient's total funding above the approved grant
23 amount.
24   (d) For each year of the grant, the department shall award the
25 total grant amount for that year not later than 30 days after the date
26 the grantee accepts the grant.
27   (e) The department may adjust the amount of a direct grant,
28 awarded to a new applicant pursuant to this section, on the basis
29 of the program start date, as determined by the department.
30   SEC. 6. Section 8483.75 of the Education Code is amended to
31 read:
32   8483.75. (a) (1) (A) Each school that establishes a before
33 school program component pursuant to Section 8483.1 is eligible
34 to receive a ~~three year~~ *three-year* renewable direct grant, that shall
35 be awarded in three one-year increments and is subject to
36 semiannual attendance reporting and renewal as required by the
37 department. Before school programs established pursuant to this
38 section shall be subject to the same reporting and accountability
39 provisions described in subparagraph (A) of paragraph (1) of
40 subdivision (a) of Section 8483.7.

1   (B) The maximum total grant amount awarded annually pursuant
2 to this paragraph shall be thirty-seven thousand five hundred dollars
3 ($37,500) for each regular school year for each elementary school
4 and forty-nine thousand dollars ($49,000) for each regular school
5 year for each middle or junior high school.
6   (C) The Superintendent shall determine the total annual direct
7 grant amount for which a site is eligible based on a formula of five
8 dollars ($5) per pupil per day that the program plans to serve, with
9 a maximum total grant of twenty-five dollars ($25) per projected
10 pupil per week.
11   (2) For large schools, the maximum total grant amounts
12 described in paragraph (1) may be increased based on the following
13 formulas, up to a maximum amount of twice the respective limits
14 specified in paragraph (1):
15   (A) For elementary schools, multiply seventy-five dollars ($75)
16 by the number of pupils enrolled at the schoolsite for the normal
17 schoolday program that exceeds 600.
18   (B) For middle schools, multiply seventy-five dollars ($75) by
19 the number of pupils enrolled at the schoolsite for the normal
20 schoolday program that exceeds 900.
21   (3) A school that establishes a program pursuant to this article
22 is eligible to receive a supplemental grant to operate the program
23 in excess of 180 schooldays during any combination of *weekends,*
24 summer, intersession, or vacation periods for a maximum of 30
25 percent of the total grant amount awarded to the school per school
26 year under this subdivision.
27   (4) Each program shall provide an amount of cash or in-kind
28 local funds equal to not less than one-third of the total grant from
29 the   school   district,   governmental   agencies,   community
30 organizations, or the private sector. Facilities or space usage may
31 fulfill not more than 25 percent of the required local contribution.
32   (5) (A) The department may award up to 125 percent of the
33 maximum total grant amount for an individual school, so long as
34 the maximum total grant amount for all school programs
35 administered by the program grantee is not exceeded.
36   (B) A program grantee that is awarded funds pursuant to
37 subparagraph (A) shall have an established waiting list for
38 enrollment, and may receive funds only from another school
39 program that has met a minimum of 70 percent of its attendance
40 goal.

1   (b) The administrator of a program established pursuant to this
2 article may supplement, but not supplant, existing funding for
3 before school programs with grant funds awarded pursuant to this
4 article. State categorical funds for remedial education activities
5 shall not be used to make the required contribution of local funds
6 for those before school programs.
7   (c) Up to 15 percent of the initial year's grant amount for each
8 grant recipient may be utilized for startup costs. Under no
9 circumstance shall funding for startup costs result in an increase
10 in the grant recipient's total funding above the approved grant
11 amount.
12   (d) For each year of the grant, the department shall award the
13 total grant amount for that year not later than 30 days after the date
14 the grantee accepts the grant.
15   SEC. 7. The Legislature finds and declares that this act furthers
16 the purposes of the After School Education and Safety Program
17 Act of 2002.

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