

Date of Hearing: April 10, 2024

ASSEMBLY COMMITTEE ON EDUCATION
Al Muratsuchi, Chair
AB 2112 (Muratsuchi) – As Amended March 20, 2024

SUBJECT: Expanded Learning Opportunities Program: minimum allocation and stakeholder working group

SUMMARY: Requires that the per pupil allocation to local educational agencies (LEAs) for the Expanded Learning Opportunities Program (ELOP) be no less than the amount received in the 2022-23 fiscal year, and requires the Superintendent of Public Instruction (SPI) to establish a workgroup to develop and provide recommendations to the Legislature on specified elements of the ELOP. Specifically, **this bill:**

- 1) Requires that the per pupil allocation to LEAs for the ELOP program be no less than the amount received in the 2022-23 fiscal year.
- 2) Requires the SPI to convene an ELOP stakeholder workgroup or leverage an existing departmental working group by February 1, 2025, to provide recommendations to the Legislature no later than November 1, 2025, including but not limited to, the following:
 - a) A method for stabilizing per-unit rates provided to LEAs that are adequate to meet the requirements of the ELOP;
 - b) Best practices for a successful ELOP;
 - c) The need to provide technical assistance and guidance to providers on blending and braiding funding from the ELOP with funding from other expanded learning programs to design one comprehensive expanded learning program at a schoolsite;
 - d) Estimates of the costs of providing a high-quality ELOP;
 - e) Need for an annual cost of living allowance for the ELOP;
 - f) A review of whether the allocation of a minimum of \$50,000 to implement an ELOP is adequate;
 - g) The impact of the ability of providers to levy family fees on the ability to provide universal access to the ELOP;
 - h) The need for statewide data collection, evaluation, and reporting on the ELOP and other state and federally funded expanded learning programs; and
 - i) A need to further clarify the term “offer” in the ELOP to ensure equitable access to all eligible pupils.
- 3) Requires that the working group established include, but not be limited to, department staff, expanded learning providers, LEA representatives, parents, students, and community partners.

- 4) Technical and conforming changes.

EXISTING LAW:

- 1) Defines “expanded learning” as before school, afterschool, summer, or intersession learning programs that focus on developing the academic, social, emotional, and physical needs and interests of students through hands-on, engaging learning experiences. (Education Code (EC) 8482.1)
- 2) Expresses the intent of the Legislature that expanded learning programs are student-centered, results-driven, include community partners, and complement, but do not replicate, learning activities in the regular schoolday and school year. (EC 8482.1)
- 3) Establishes the ELOP and allocates funding to school districts and charter schools based upon their unduplicated pupil percentage (UPP). Requires, commencing with the 2021-22 and 2022-23 school years, as a condition of receipt of these funds, school districts and charter schools to offer to at least all unduplicated pupils in kindergarten to grade 6 and to provide to at least 50% of unduplicated pupils enrolled in kindergarten to grade 6, classroom-based instructional programs with ELOPs that provide access to no less than 9 hours of combined in-person instructional time and expanded learning opportunities per instructional day on schooldays, and no less than 9 hours of expanded learning opportunities per day for at least 30 non-schooldays during intersessional periods. (EC 46120)
- 4) Defines “unduplicated pupil” as a pupil enrolled in a school district or a charter school who is either classified as an English learner (EL), eligible for a free or reduced-price meal, or is a foster youth. Specifies that UPP is calculated as the percentage of unduplicated pupils by dividing the enrollment of unduplicated pupils in the school district or charter schools by the total enrollment in that school district or charter school. (EC 42238.02)
- 5) Establishes the After School Education and Safety (ASES) program, passed by voters as Proposition 49 in 2002, which provides \$550 million annually for before and afterschool programs for K-9 students. Priority for funding is granted to schools where at least 50% of the students are eligible for free or reduced price meals. ASES programs receive direct grants, for which attendance is projected and grants are funded up-front, in three one-year increments. (EC 8482, 8482.4, & 8482.5)
- 6) Sets the maximum total direct grant awarded annually for an ASES program as \$112,500 for each regular school year for elementary schools and \$150,000 for middle or junior high schools. Specifies additional factors that may increase the maximum grant awards, subject to funding. (EC 8482.55, 8483.7)
- 7) Continuously appropriates \$550 million from the General Fund to the California Department of Education (CDE) for the ASES program. (EC 8483.5)
- 8) Expresses the intent of the Legislature that the federal 21st Century Community Learning Centers (21st CCLC) program (Public Law 107-110) complement the ASES program to provide year-round opportunities for expanded learning. (EC 8484.7)

- 9) Establishes the 21st CCLC High School After School Safety and Enrichment for Teens (ASSETS) program to create incentives for establishing locally driven school enrichment programs that partner with schools and communities to provide academic supports and safe, constructive alternatives for high school students in the hours after the regular schoolday, and that support college and career readiness and requires that the CDE implement the ASSETS program to the extent that federal funds are available. (EC 8421, 8425)
- 10) Specifies that an ASSETS grantee receive a five-year grant of up to \$250,000 per year per site, pursuant to meeting specified conditions, and subject to the availability of federal funds for this purpose. (EC 8426)

FISCAL EFFECT: Unknown

COMMENTS:

Need for the bill. According to the author, “AB 2112 would increase access to high quality expanded learning programs for students enrolled in TK through 6th grade by providing stability in the funding provided to LEAs for the ELOP. Given the method by which rates are calculated, LEAs with less than 75% UPP are subject to Rate 2. These LEAs are in the challenging position of developing plans, making staffing decisions, and cultivating community partnerships to offer high-quality expanded learning programs and complying with ELOP requirements without knowing how much funding they will receive. This instability poses a significant hurdle to the success and sustainability of ELOP programs offered by LEAs subject to Rate 2.

AB 2112 also requires the SPI to form a working group to address other critical issues related to the ELOP to ensure that LEAs are able to fulfill the promise of meeting the needs of students with high-quality expanded learning experiences.”

Value of afterschool programs. According to a 2016 report by the Afterschool Alliance, “Research has found that when children from low-income families take part in quality afterschool programs, they see positive gains. Consistent participation in high-quality afterschool programs has been shown to help students improve their work habits and demonstrate higher levels of persistence, and helps to close the achievement gap that exists between children from low-income families and their more affluent peers.”

The California Afterschool Advocacy Alliance reports that public afterschool programs:

- Improve school attendance and reduce dropout rates;
- Help ELs transition to proficiency;
- Expand STEAM learning and develop workforce skills;
- Build social-emotional skills, health, and nutrition;
- Prevent and reduce youth substance use and abuse; and
- Reduce juvenile crime by keeping students engaged during the prime time for crime involving children.

The report *From Risk to Opportunity: Afterschool Programs Keep Kids Safe when Juvenile Crime Peaks*, notes that the hours immediately after school lets out, when parents are not likely available to supervise, are the prime time for juvenile crime. Juvenile arrest rates have decreased by 70% nationally since 2000 due in part to increased access to high-quality afterschool programming. Not only do high-quality programs provide youth with a safe and stable environment that can help keep them from engaging in dangerous behavior or becoming the victim of a crime, these programs also contribute to positive outcomes such as improved attendance, improved classroom behavior, better academic outcomes, and increased graduation rates. The positive impact that high-quality afterschool programs have on high school graduation rates is particularly important to law enforcement leaders because they know that six in 10 inmates nationwide do not have a high school diploma. (Fight Crime, Invest in Kids, 2019)

Another report, *Transforming Challenges Into Opportunities: The Role of Expanded Learning Time in Advancing Educational Equity*, notes:

High-quality expanded learning time initiatives support students' development of critical skills, as well as their social-emotional health and well-being. For maximum benefit, these programs should be taught by well-prepared educators who utilize student-centered pedagogy and curriculum. For programming to effectively meet students' needs, it must complement the learning that takes place during the typical school day in ways that support essential curricular standards and the learning activities developed to achieve those standards. In an ideal world, expanded learning is seamlessly woven into the regular school day.

Decades of research have demonstrated that disparities in out-of-school learning opportunities translate into disparities in academic achievement. By 6th grade, students from middle- and upper-income families typically spend upwards of 6,000 more hours on educational activities than students from low-income families. (Learning Policy Institute (LPI), 2021)

Expanded Learning Opportunity Program (ELOP). The ELOP program, established in 2021, provides funding for afterschool and summer school enrichment programs for transitional kindergarten (TK) through 6th grade students. The state provided \$1.8 billion Proposition 98 funding in 2021-22 to establish this program, with a goal to reach \$5 billion annually by 2025-26. The Budget Act of 2022 provided \$4 billion in ongoing funding for the ELOP.

School districts and charter schools are required to offer at least nine hours of combined in-person instructional time and expanded learning opportunities during the school day and for 30 days during the summer. The program must include educational and enrichment components with a maximum student to staff ratios of 20:1.

Beginning in the 2023-24 school year, as a condition of receipt of ELOP funding, districts and charter schools with a UPP equal to or more than 75% must offer the program to all TK through grade 6 students in classroom-based settings and provide access to any student whose parent or guardian requests their placement in a program. LEAs with less than 75% UPP must offer ELOP to all TK through grade 6 students attending classroom-based programs who are unduplicated and must provide access to at least 50% of those students.

ELOP funding is inequitable. Funding for ELOP is apportioned on a formula basis rather than through a competitive grant process. Funding is based on the district or charter's percentage of UPP, namely English learners, foster youth, and low-income students in grades TK-6th grade.

There are two ELOP funding rates. Rate 1 applies to LEAs with an UPP of 75% or more. Rate 1 is specified in statute as \$2,750 per the LEAs' average daily attendance (ADA) for TK-6th grade enrollment. These LEAs are required to offer the ELOP program to all TK-6th grade students and to provide access to any student whose parent requests that they be placed in the program.

Rate 2 applies to those LEAs with a UPP of less than 75%. This figure is calculated annually based upon the total funds remaining in the \$4 billion ELOP fund after the Rate 1 funds are determined and is based upon the statewide ADA for students in TK-6th grade. The LEAs receiving funding under this formula must offer the ELOP program to at least all UPPs and provide access to any UPP whose parent requests that they be placed in the program. No LEA receives less than \$50,000 for the ELOP program.

Due to the way it is calculated, Rate 2 can vary significantly from year to year. This puts Rate 2 LEAs in the challenging position of developing plans, making staffing decisions, and cultivating community partnerships to offer high-quality ELOPs and comply with ELOP requirements without knowing how much funding they will receive. The ELOP Rate 2 declined by more than 12% between 2022-23 and 2023-24, dropping from \$2,054 per student to \$1,802 per student. This instability in Rate 2 poses a significant hurdle to the success and sustainability of ELOPs offered by LEAs subject to Rate 2.

According to the CDE, 597 school districts and charter schools are funded under Rate 1, while 754 are funded under Rate 2.

According to the CDE, the decrease in Rate 2 for 2023-24 is due to a 3.27% growth in statewide ADA in TK-6th grade, or an increase of approximately 42,794 in ADA from 2021-22 to 2022-23. Of this, 29,903 or 70% was attributable to the increase in TK ADA as the universal TK program is being phased in. This suggests that Rate 2 could decline further as TK enrollment increases with full implementation through 2025-26.

LEAs are authorized and encouraged to braid funding from other expanded learning programs they may receive in order to provide a single blended program to their students. This may include the ASES program and the 21st CCLC.

ASES program. The ASES program, passed by voters as Proposition 49 in 2002, provides a minimum of \$550 million annually from Proposition 98 for before and afterschool programs for kindergarten through grade 9 students. The 2017-18 Budget Act increased ongoing funding to the ASES program by \$50 million for a total of \$600 million. According to the CDE, the current maximum grant amount is \$152,612 per year for elementary schools and \$203,483 per year for middle/junior high schools.

School districts, COEs, state special schools, and charter schools are eligible for funding. Local governments and nonprofit organizations working in partnership with LEAs may also apply for funding. Afterschool programs must commence immediately following the end of the school day and at least until 6 p.m. for 15 hours per week. Grants are provided in three one-year increments. Priority for funding goes to schools where at least 50% of the students are eligible for free- or

reduced-price lunch. Each program is required to provide a match equal to not less than one-third of the total grant. Facilities may count towards 25% of the local contribution.

Participating afterschool programs are required to have an educational and literacy component in which tutoring or homework assistance is provided in one or more of the following areas: language arts, mathematics, history and social science, computer training, or sciences; and an educational enrichment component, which may include, but is not limited to, fine arts, career technical education, career exploration, recreation, physical fitness and prevention activities. ASES grantees are able to apply for summer/supplemental funding in order to operate for more than 180 days, including during summer, intersession, or vacation periods.

21st CCLC Program. The 21st CCLC program is a federally funded competitive grant program. The purpose of the program is to support the creation of community learning centers that provide academic enrichment opportunities during non-school hours for children, particularly students who attend high-poverty and low-performing schools. The program helps students meet state and local student standards in core academic subjects, such as reading and math; offers students a broad array of enrichment activities that can complement their regular academic programs; and offers educational services to the families of participating children. Programs must operate during every regular school day and may operate during summer, weekends, intersession, or vacation periods.

This program is federally funded and makes up the smallest portion of California's afterschool funding. Federal law allows this funding to be used to serve children in any grade (TK-12), but California reserves 50% of the funding for high school students in the ASSETS program. The 21st CCLC currently receives approximately \$150 million in federal funding. Of this \$79 million or 53% is allocated to elementary and middle schools, and \$70 million or 47% to high schools.

CDE expanded learning workgroup. An existing workgroup, the California Expanded Learning Research and Evaluation Strategy Committee (RESC) has been established at the CDE and includes a diverse group of interest holders with a goal of making research and evaluation recommendations to the CDE on expanded learning programs, including the following priorities:

- ELOP future data collection and evaluation strategies;
- ELOP, ASES, and 21st CCLC research and evaluation strategies as they function as one comprehensive program; and
- Identifying high-quality local research on expanded learning programs.

This bill would authorize the CDE to utilize an existing workgroup, such as this one, to provide additional recommendations on the ELOP as specified.

Arguments in support. The San Diego Unified School District, sponsor of this measure, writes: "In 2022-23, San Diego Unified utilized ELOP funding to offer safe, inclusive, and joy-filled expanded learning opportunities to over 45,000 students through partnerships with more than 80 local nonprofits.

Stable funding is critical for the successful planning and implementation of expanded learning programs. Unfortunately, because of the way funding is allocated through the ELOP, the per-pupil funding rate for LEAs with an unduplicated pupil percentage below 75% ("Rate 2") is

unstable and can vary significantly from year to year. Between 2022-23 and 2023-24, Rate 2 declined by more than 12%. At San Diego Unified, this resulted in a loss of \$7.2M in expanded learning funding just weeks before the start of the school year. This instability puts LEAs that receive Rate 2 in the challenging position of developing plans, making staffing decisions, and cultivating community partnerships in order to offer high-quality programs and comply with the ELOP requirements without knowing how much funding they will receive from year to year.

AB 2112 (Muratsuchi) follows through on the promise of the ELOP by investing in the success and sustainability of high-quality programs at Rate 2 LEAs. Specifically, AB 2112 ensures that Rate 2 will not fall below the 2022-23 per-pupil funding level, giving LEAs the fiscal certainty necessary for deliberate planning and the development of lasting community partnerships that are the cornerstones of high-quality expanded learning programs.”

Related legislation. AB 1113 (McCarty) of the 2023-24 Session would have required that a portion of the funds appropriated for the ASES program be prioritized for middle schools; prioritized a portion of funding for the 21st CCLC for high schools; required a cost-of-living adjustment (COLA) for expanded learning programs, and required the CDE to collect data on students participating in the ELOP. This bill is currently inactive on the Senate Floor.

AB 2501 (Carrillo) of the 2021-22 Session would have established the California Universal Afterschool Program Workgroup to develop recommendations and proposals to reduce impediments and to develop a roadmap for providing universal access to afterschool programs for all school-age children. This bill was held in the Senate Appropriations Committee.

AB 1112 (Carrillo) of the 2021-22 Session would have required the CDE to conduct a statewide cost study, utilizing an expanded learning stakeholder group, to determine adequate funding levels for expanded learning programs and make associated recommendations. This bill was held in the Senate Appropriations Committee.

AB 130 (Committee on Budget) Chapter 44, Statutes of 2021, establishes the ELOP and appropriates \$753 million for allocation to specified school districts and charter schools serving a high proportion of unduplicated pupils. Requires, upon receipt of funding for this purpose, specified schools serving pupils in kindergarten through grade 6 to provide at least 50% of unduplicated pupils with ELOP for a minimum of 9 hours of combined in-person instruction and expanded learning opportunities on school days and no less than 9 hours of expanded learning opportunities per day for at least 30 non-school days during summer and intersessional periods.

REGISTERED SUPPORT / OPPOSITION:

Support

After-school All-stars, Los Angeles
Arc
Association of California School Administrators
Bay Area Community Resources
Boys & Girls Clubs of Carson
California Afterschool Network
California School-age Consortium
California Teaching Fellows Foundation
Clare Rose Center for Creative Youth Development

Educare Foundation
Edventure More
Envisioneers INC
Expanded Learning Alliance
Heart of Los Angeles
LA's Best
Los Angeles Conservation Corps
Montecito Union School District
Office of the Riverside County Superintendent of Schools
Partnership for Children & Youth
Riverside County Public K-12 School District Superintendents
San Diego Unified School District
San Rafael City Schools
Torrance Unified School District
Vallecito Union School District
Woodcraft Rangers
YMCA of Metropolitan Los Angeles
YMCA of San Diego County

Opposition

None on file

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