

Date of Hearing: March 27, 2019

ASSEMBLY COMMITTEE ON EDUCATION  
Patrick O'Donnell, Chair  
AB 1081 (Gallagher) – As Introduced February 21, 2019

**SUBJECT:** After School Education and Safety Program: funding: authorized purposes

**SUMMARY:** Provides authority to the California Department of Education (CDE) to distribute unspent funds for the After School Education and Safety (ASES) program to grantees that have been affected by natural disasters. Specifically, **this bill:**

- 1) Allows the CDE, if any funds remain after awarding and distributing ASES after school or before school grants as specified, to distribute those remaining funds to ASES grantees in areas that have been affected by natural disasters.

**EXISTING LAW:**

- 1) Establishes the ASES program through the 2002 voter approved initiative, Proposition 49. The ASES program funds the establishment of local before and after school education and enrichment programs, which are created through partnerships between schools and local community resources to provide literacy, academic enrichment and safe constructive alternatives for students in kindergarten through ninth grade (Education Code 8482).
- 2) Specifies that priority for funding ASES programs must be given to schools where a minimum of 50 percent of the pupils in elementary schools and 50 percent of the pupils in middle and junior high schools are eligible for free or reduced cost meals. Also specifies that every ASES program be planned through a collaborative process that includes parents, youth, and representatives of participating public schools, governmental agencies, such as city and county parks and recreation departments, local law enforcement, community organizations, and the private sector (Education Code 8482.5).
- 3) Specifies that every pupil attending a school operating an ASES program is eligible to participate in the program, subject to program capacity (Education Code 8482.6).
- 4) Specifies that if there is a significant barrier to pupil participation in an ASES program at the school of attendance, a grantee may request approval from the CDE to transfer program services to another schoolsite within the same local educational agency (LEA). The schoolsite to which the program will be transferred must satisfy either of the following requirements:
  - a) The schoolsite agrees to receive pupils from, and have an existing grant of the same type as, the transferring school.
  - b) The schoolsite does not have a 10-percent lower percentage of pupils eligible for free or reduced-price meals than the transferring school. If the proposed schoolsite is not yet open, feeder school free or reduced-price meal data, as determined by the department, will be considered in evaluating the proposed transfer.

An applicant that requests approval to transfer program services must describe how the applicant intends to provide safe, supervised transportation; ensure communication among teachers in the regular school program, staff in the before school and after school components of the program, and parents of pupils; and coordinate the educational and literacy component of the before and after school components of the program with the regular school programs of participating pupils (Education Code 8482.8).

- 5) Specifies that for the ASES program, a significant barrier to pupil participation in the before or after school component means any of the following:
  - a) Fewer than 20 pupils participating in the component of the program.
  - b) Extreme transportation constraints, including, but not limited to, desegregation bussing, bussing for magnet or open enrollment schools, or pupil dependence on public transportation.
  - c) An LEA opens a new schoolsite and either merges an existing schoolsite into the new schoolsite or splits an existing schoolsite's pupils with the new schoolsite so that the existing schoolsite before or after school component of the program is subject to a grant reduction (Education Code 8482.8).
- 6) Requires that every after school component of an ASES program to begin immediately upon the conclusion of the regular schoolday, and operate a minimum of 15 hours per week, and at least until 6 p.m. on every regular schoolday. Every after school component of the program must establish a policy regarding reasonable early daily release of pupils from the program.

For those programs or schoolsites operating in a community where the early release policy does not meet the unique needs of that community or school, or both, documented evidence may be submitted to the CDE for an exception and a request for approval of an alternative plan (Education Code 8483).

- 7) Specifies that each school that establishes an ASES program is eligible to receive a three-year after school grant that shall be awarded in three one-year increments and is subject to semiannual attendance reporting and requirements. Also requires the CDE to provide technical support for development of a program improvement plan for grantees under the following conditions:
  - a) If actual pupil attendance falls below 75 percent of the target attendance level in any year of the grant.
  - b) If the grantee fails, in any year of the grant, to demonstrate specified measurable outcomes.

Requires that CDE adjust the grant level of any school within the program that is under its targeted attendance level by more than 15 percent in each of two consecutive years (Education Code 8483.7).

- 8) Requires that if a program participant receives state funds to operate an ASES program that are in an amount in excess of the amount warranted, due to the program serving fewer pupils than planned, to raising an inadequate amount of matching funds, or for any other reason, the

CDE must reduce any subsequent allocations by an amount equal to that overpayment (Education Code 8483.8).

- 9) If an ASES program is operated at a schoolsite located in an area that has a population density of less than 11 persons per square mile, additional funding of a maximum of \$15,000 per site may be provided for transportation, provided that sufficient evidence is provided to CDE of the need for the transportation funds for the ASES program. (Education Code 8484.65 and 8483.7).
- 10) In any fiscal year, if a program participant receives state funds to operate an ASES program that are in an amount in excess of the amount warranted, due to the program serving fewer pupils than planned, to raising an inadequate amount of matching funds, or for any other reason, the CDE will reduce any subsequent allocations by an amount equal to that overpayment. If the program participant discontinues participation in the program and no allocations are made after the determination that an overpayment has been made, the CDE bills the grantee for the amount of the overpayment. (Education Code 8483.8)

**FISCAL EFFECT:** Unknown.

**COMMENTS:**

*Need for the bill.* The author's office states, "It will take years for communities impacted by the Camp Fire to recover and rebuild. During this time, ASES programs operating in the impacted and surrounding areas need the resources to recover their programs and absorb displaced students. Additionally, families who have gone through extremely traumatic experiences like the Camp Fire need resources and support like after-school programs to help them cope and regain a sense of normalcy. However, the [California] Department of Education currently lacks the discretion to use excess funds in the ASES Program to assist these programs and the families they help. AB 1081 will help ensure these programs have proper funding in the aftermath of natural disasters by giving CDE the discretion to allocate excess ASES program funds for this purpose."

*The Increasing Frequency of Natural Disasters in California.* According to the Governor's Office of Emergency Services (Cal OES), the Governor proclaimed 16 State of Emergencies in 2018, of those proclaimed emergencies, the President issued 3 Major Disaster Declarations. Wildfires, in particular, have been more prevalent and destructive than ever before. The Camp Fire, which began on November 18, 2018, in Butte County was the deadliest and most destructive wildfire in California history to date. It is also the deadliest wildfire in the United States since 1918. The Camp Fire burned 153,336 acres of land (almost 240 square miles) and destroyed the town of Paradise, which had a population of 27,000 before the fires, within the first six hours of the fire. The fire claimed nearly three times as many lives and structures as any other wildfire in California's history. According to a November 21, 2018, report by the *Redding Record*, when the fire was 95 percent contained it had destroyed 13,631 residences, 275 multifamily residences, 514 commercial buildings. Additional reports stated that 4,404 barn sheds were also destroyed. At least eighty-five deaths have been confirmed, and some are still missing. The total monetary damage was \$16.5 billion. The fire reached 100-percent containment after seventeen days on November 25, 2018.

The burned region was considered uninhabitable and a public health risk due to exposure to hazardous materials remaining from the Camp Fire. The Camp Fire cleanup is currently the largest hazardous material cleanup in California's history. Due to the evacuations, one hundred-percent of the student population meets the requirements for McKinney Vento and are considered homeless for the duration of the school year. In addition to the impact to students, 260 of 400 staff members lost their homes and another 60 were displaced by the fires. Students and teachers alike have suffered trauma from the fires and their ongoing impact. Local educational agencies are offering mental health services (counseling) to students and staff as a result of the trauma.

***The After School Education and Safety Program (ASES).*** The ASES program is the result of the 2002 voter-approved initiative, Proposition 49. The ASES Program funds the establishment of local after school education and enrichment programs. These programs are created through partnerships between schools and local community resources to provide literacy, academic enrichment and safe constructive alternatives for students in kindergarten through ninth grade. Funding is designed to: (1) maintain existing before and after school program funding; and (2) provide eligibility to all elementary and middle schools that submit quality applications throughout California. The current funding level for the ASES program is \$550 million or \$8.16 per student per day.

The ASES program involves collaboration among parents, youth, representatives from schools and governmental agencies, such as local law enforcement and local parks and recreation departments, and individuals from community-based organizations and the private sector. Programs are created through partnerships between schools and local community resources to provide literacy, academic enrichment, and safe, constructive alternatives for students in grades K-9.

After school programs must consist of the two elements below, and ASES program leaders work closely with school site principals and staff to integrate both elements with the school's curriculum, instruction, and learning support activities.

- An educational and literacy element must provide tutoring and/or homework assistance designed to help students meet state standards in one or more of the following core academic subjects: reading/language arts, mathematics, history and social studies, or science. A broad range of activities may be implemented based on local student needs and interests.
- The educational enrichment element must offer an array of additional services, programs, and activities that reinforce and complement the school's academic program. Educational enrichment may include positive youth development strategies, recreation and prevention activities. Such activities might involve the visual and performing arts, music, physical activity, health/nutrition promotion, and general recreation; career awareness and work preparation activities; community service-learning; and other youth development activities based on student needs and interests. Enrichment activities may be designed to enhance the core curriculum.

***ASES operating requirements.*** All staff members who directly supervise pupils must meet the minimum qualifications, hiring requirements, and procedures for an instructional aide in the

school district. School site principals approve site supervisors for the after school program and ensure that the program maintains a pupil-to-staff member ratio of no more than 20 to 1.

After School Program grantees are required to operate programs a minimum of 15 hours per week beginning immediately upon conclusion of the regular school day and at least until 6:00 p.m. Programs must plan to operate every regular school day during the regular school year.

**Number of ASES programs.** According to the CDE, ASES programs are currently operating at 4,000 school sites serving over 400,000 students daily with approximately 650,000 students participating annually.

**ASES grant funding model.** ASES grantees receive a three-year renewable grant awarded in one-year increments, provided the grantee meets the assurances and program requirements, and the state budget is approved. Continuation of the grant after the initial three-year grant period is contingent upon meeting all of the administrative program requirements, including attendance, expenditure, and evaluation data reporting. Grantees are required to reapply for their grant every three years through the ASES renewal application process. The maximum grant award for an individual after school site is \$122,850 for elementary schools and \$163,800 for middle/junior high schools. Grantees must return unused funds to the CDE.

**Unused ASES grant funds.** The CDE estimates there are approximately \$11 million in unused funds from the 2017-18 fiscal year. Funds are returned to the CDE for various reasons, including decreased attendance, lower than expected expenditures or program closure. Unspent funds revert back to Proposition 98.

**Prior legislation.** AB 1567 (Campos), Chapter 399, Statutes of 2016 prioritizes enrollment in afterschool programs for homeless and foster youth, and prohibits a school from charging a fee to those pupils for participating in the program.

AB 2615 (Wood), Chapter 470, Statutes of 2016 makes a number of revisions to the 21st Century High School After School Safety and Enrichment for Teens program (ASSETs), the After School Education and Safety program (ASES), and the 21st Century Community Learning Centers (21st CCLC) program.

SB 1221 (Hancock), Chapter 370, Statutes of 2014 included provisions to assist small/rural programs, such as establishing a new minimum grant for ASES, and authorizing transportation funding for ASES programs in an extreme rural census tract.

AB 1426 (Cooper) of the 2015-16 Session, increases the per-student daily and weekly rates for the ASES program, and eliminates the requirement for the after school component of the program to operate at least until 6 p.m. on regular schooldays. This bill was held in Senate Appropriations.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

Boys & Girls Clubs Of The North Valley  
Butte County Office Of Education

County Of Butte  
Paradise Unified School District  
Shasta County Office Of Education

**Opposition**

None on file.

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