

Date of Hearing: April 7, 2021

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
AB 1112 (Carrillo) – As Amended, April 5, 2021

SUBJECT: Before and after school programs: maximum grant amounts

SUMMARY: Deletes the statutory cap on grant awards and daily rates for specified expanded learning programs, and authorizes the California Department of Education (CDE) to establish a process to annually set grant amounts and daily rates for these programs based upon the availability of funds for these programs. Specifically, **this bill:**

- 1) Requires the CDE, by July 1, 2023, to establish an annual process and methodology for determining the grant amounts and daily rates of the three specified expanded learning programs that does all of the following:
 - a) Promotes equity and prioritizes pupils who are experiencing homelessness, in foster care, eligible for free or reduced-price meals, dual language learners, and other locally prioritized pupils;
 - b) Ensures programs can meet current health, safety, and other locally prioritized needs;
 - c) Analyzes the true cost to provide quality learning and care and that is responsive to the economic diversity of the state; and
 - d) Incorporates input from legislators and stakeholders in the school community.
- 2) Authorizes the CDE to adjust the grant amounts and daily rates for each of these programs until the process and methodology identified above is established.

21st Century High School After School Safety and Enrichment for Teens (ASSETS) Program

- 3) Deletes the cap on a five-year grant under ASSETS Program of \$250,000 per year per site, contingent upon available federal funding for this purpose, and instead requires the CDE to determine the grant amounts and daily rate of funding per pupil based upon the amount of funding available for the program.
- 4) Authorizes program participants to expend up to 6% of state funding to collect outcome data for evaluation and reporting to CDE, and deletes the reference to \$7,500 for this purpose.
- 5) Requires the CDE, in its biennial report to the Legislature on the program, include information on the impact of changes to the daily rate and grant amounts, based on pupil program attendance, program quality, and financial analysis of current expanded learning programs.

After School Education and Safety Program (ASES)

- 6) Deletes the cap on grants for ASES programs of \$112,500 for each regular school year for each elementary school and \$150,000 for each middle or junior high school.
- 7) Requires the CDE to determine the grant amounts and daily rate of funding per pupil for the ASES program based upon the amount of funding available for the program.
- 8) Deletes the cap on the school grant amount for a site based upon a rate of \$5 per pupil per day to a maximum of \$25 per pupil per week, and instead specifies the intent of the Legislature that the daily rate does not fall below the daily rate for the prior fiscal year to ensure a minimum baseline of service to pupils and their families.
- 9) Deletes the requirements relating to calculating the maximum grant amounts for large schools, and instead requires the CDE to determine these amounts for elementary schools of more than 600 pupils and middle schools of more than 900 pupils.

21st Century Community Learning Centers (CCLC)

- 10) Deletes the cap of \$25,000 per site per year for CCLC grants, intended to provide equitable access and participation in CCLC programs, and instead caps this at 5% of available funds once 5% has been allocated to the CDE for technical assistance, evaluation, and training services.
- 11) Deletes the \$50,000 per year per site cap for CCLC program grants for sites serving elementary or middle school students, and instead requires the CDE to determine the grant amounts and daily rates of funding per pupil, based upon the amount of funding available for the program.
- 12) Deletes the authorization for the CDE to fund additional qualified applicants if funds remain after all of the priority allocations have been made.
- 13) States that the Legislature finds and declares that this act furthers the purpose of the After School Education and Safety Program Act of 2002.
- 14) States that this is an urgency statute as expanded learning programs are a key component of reopening schools and pupil recovery from COVID-19 school closures, and therefore it is necessary that the CDE be able to start working immediately on the process and methodology to sustain these programs and prioritize support for vulnerable student groups.

EXISTING LAW:

- 1) Defines “expanded learning” as before school, after school, summer, or intersession learning programs that focus on developing the academic, social, emotional, and physical needs and interests of pupils through hands-on, engaging learning experiences. (Education Code (EC) 8482.1)

- 2) Expresses the intent of the Legislature that expanded learning programs are pupil-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 ASES program, passed by voters as Proposition 49 in 2002, which appropriates \$550 million annually for before and after school 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, 8483.5)
- 4) 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, based on a formula of \$7.50 per student per day of attendance, at a maximum of \$37.50 per student per week. (EC8483.7)
- 5) Sets maximum total grants awarded annually for a before school program at \$37,500 for each regular school year for elementary schools and \$49,000 for middle or junior high schools, based on a formula of \$5 per student per day of attendance, at a maximum of \$25 per student per week. (EC 8483.75)
- 6) Expresses the intent of the Legislature that CCLC program (Public Law 107-110) complement the ASES program to provide year-round opportunities for expanded learning. (EC 8484.7)
- 7) Requires that a total annual CCLC grant award for a site serving elementary or middle school pupils be a minimum of \$50,000, contingent upon the availability of funding, and authorizes the CDE to adjust the grant cap under certain circumstances. (EC 8484.8)
- 8) Requires that, after funds are allocated for the CDE to administer the CCLC program, at least 5% be available for grants of up to \$25,000 per site per year to provide equitable access and participation in these programs. (EC 8484.8)
- 9) Establishes the 21st Century High School After School Safety and Enrichment for Teens (ASSETS) program to create incentives for establishing locally driven school enrichment programs that partner schools and communities to provide academic supports and safe, constructive alternatives for high school pupils in the hours after the regular schoolday, and that support college and career readiness. (EC 8421)
- 10) Requires that the CDE implement the ASSETS program only to the extent federal funds are appropriated by the Legislature for this purpose. (EC 8425)
- 11) Specifies that an ASSETS grantee receive a five-year grant of up to \$250,000 per year per site, pursuant to meeting of specified conditions, and subject to the availability of federal funds for this purpose. (EC 8426)
- 12) Requires the CDE to develop and submit a biennial report to the Legislature on the ASSETS program, including the following information:

- a) The number, geographical distribution, and type of sites and grantees participating in expanded learning programs;
 - b) Pupil program attendance and pupil schoolday attendance;
 - c) Statewide test and assessment scores;
 - d) Pupil demographics and characteristics;
 - e) Pupil behavior changes and skill development; and
 - f) The quality of the programs, pursuant to quality standards. (EC 8428)
- 13) Executive Order N-45-20, signed by Governor Newsom on April 4, 2020 waived, for 60 days, statutory provisions and regulations that would restrict specified expanded learning programs from operating during the hours that school is ordinarily in session while a school is closed to address COVID-19 or from serving school-age children of essential workers, as defined; authorized CDE to waive any reporting, auditing, or other requirements related to this provision; and provided added flexibility to programs relating to any requirements beyond those imposed by federal statutes and regulations.
- 14) Authorizes CDE to approve a request by an ASES grantee for funding equivalent to the regular grant amount would have received, if the ASES grantee is temporarily prevented from operating its entire program due to a natural disaster, civil unrest, or imminent danger to pupils or staff. (EC 8482.8)
- 15) SB 117 (Committee on Budget & Fiscal Review) Chapter 3, Statutes of 2020, added uncodified language to ensure continuity of funding for ASES programs by specifying that a school closure due to COVID-19 is a qualifying event, and required that grantees be credited with the average annual attendance that the grantee would have received if it had been able to operate its entire program during the period of time the school was closed due to COVID-19.

FISCAL EFFECT: Unknown.

COMMENTS: *Need for the bill.* According to the author, “AB 1112 prioritizes support for students and families that are most at need by authorizing a data and stakeholder driven process that stabilizes publicly funded afterschool and summer programs. Expanded learning programs are a critical resource for children and families, typically serving nearly 450,000 students a day in the state’s most under-resourced communities. These programs now play an even greater role in the reopening of schools and in mitigating the impacts of COVID-19 school closures. Unfortunately, there is not a data and stakeholder-driven funding formula for expanded learning programs in California that ensures these programs can continuously adapt and improve their response to student, family, and workforce needs. Without an updated funding formula or a process for assessing the cost of doing business, programs struggle to meet the urgent and changing needs of students and communities with less than \$3 in state funding per hour per child.”

After School Education and Safety (ASES) program. The ASES program, passed by voters as Proposition 49 in 2002, provides \$550 million annually for before and after school 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 annually. According to the California Afterschool Advocacy Alliance, ASES programs serve more than 400,000 students at 4,200 schools each day.

Local governments and nonprofit organizations working in partnership with local educational agencies (LEAs) may also apply for funding. After school 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 with maximum grants at \$122,850 per year for elementary schools, \$163,800 per year for middle or junior high schools based on a per pupil amount of \$8.19 per day of pupil attendance. Priority for funding goes to schools where at least 50% of the pupils are eligible for free- or reduced-priced 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 during summer, intersession or vacation periods.

21st Century Community Learning Centers (CCLC) Program. The CCLC program is a federally funded competitive grant program. The purpose of CCLC Elementary/Middle Schools 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.

21st Century High School After School Safety and Enrichment for Teens (ASSETS). The purpose of the ASSETS program is to provide local flexibility in the establishment or expansion of community learning centers that provide students in grades nine through twelve with academic enrichment opportunities and activities designed to complement the student's regular academic program and that support college and career readiness, assist with literacy and related educational development services for families of these students, and provide a safe environment for students participating in their programs.

Value of expanded learning 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 English language learners 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.

Expanded learning programs serve needs of vulnerable students, including during COVID-19 pandemic. California has the largest expanded learning system in the U.S. Expanded Learning programs in California support programs at over 4,500 sites serving over 980,000 children and youth annually. These programs, funded through the state-funded ASES program and federally-funded 21st CLCC program, operate and serve transitional kindergarten through high school students. These programs are administered by the CDE, with the majority of these programs run by community-based organizations (CBOs) in contract with their local school districts or county offices of education.

The programs operate primarily in low-income communities and of the students served:

- 90% are children of color;
- 33% are English language learners;
- 84% are from socioeconomically disadvantaged families; and
- 25% are experiencing homelessness.

California's expanded learning workforce reflects the communities they serve. Of the 30,000 members of the expanded learning workforce supporting California's publicly funded programs:

- 63% are between the ages of 20-29;
- 70% are people of color;
- 90% are bilingual in English and Spanish;
- 78% live in the community they serve;
- 69% work part-time earning at or close to minimum wage; and
- The majority are pursuing careers in teaching, afterschool leadership, education administration, or school counseling.

Research shows that positive staff-child relationships are the foundation of expanded learning programs and positively increase student learning and social development. Studies show that teachers of color can increase reading and math test scores, graduation rates, and aspirations to attend college, especially for students of color. Diverse teachers also boost nonacademic benefits for students, such as better attendance, fewer suspensions, and students feeling cared for and more connected to school.

Role of expanded learning programs in crisis situations. According to the December 2020 report on the state of the state expanded learning brief, authored by the CDE and the California After School Network, “Expanded learning programs are a critical partner to help California respond to crises and ultimately build back stronger. Staff care and nurture for children in their programs, providing positive relationships, safe and supportive environments, and engaging activities. This is what students need most in times of stress and this foundation provides critical supports to students and their families and communities during these unprecedented times.”

Expanded learning programs have played an essential role in mitigating the impact of COVID-19 school closures. In order to quickly respond to the specific needs of students and families, programs were given the short-term flexibility to support students and families as school districts see fit. Expanded learning programs are involved in serving school-age children of essential critical infrastructure workers, distributing school meals, connecting homeless students to support services, making home visits to identify family needs; providing access to reliable internet services, and providing daily virtual social-emotional support and academic and enrichment activities to children and youth. Absent legislative action, flexibilities for expanded learning programs will expire upon the end of the declared emergency.

Trade-offs related to funding for expanded learning programs. Advocates note that costs to run afterschool and summer programs continue to rise due to increases in safety and sanitation expenses, smaller student-to-staff ratios, longer program hours, and annual minimum wage increases. They note that, since 2007, the state minimum wage increased 75% but funding for ASES programs only increased by 18%. They contend that at the current state rate, programs struggle to recruit and retain essential staff and some programs are in jeopardy due to lack of sufficient funding.

This bill does not increase the overall funding for expanded learning programs in California, but instead directs the CDE, in collaboration with the Legislature and stakeholders, to establish appropriate grant amounts and daily rates on an annual basis, subject to the overall availability of funding to support the programs. If through this process, CDE opts to increase daily rates and/or grant amounts within the existing level of funding, the result could be fewer programs funded and/or fewer children and youth served. ***The Committee may wish to consider*** whether the potential loss of spaces in expanded learning programs is warranted in exchange for improvements in the overall financial stability of the programs.

Recommended Committee amendments. Staff recommends that the bill be amended to require the SPI report to the Legislature annually, beginning October 1, 2022, on the status of the process and methodology for determining the grant amounts and daily rates of the three specified expanded learning programs; and the impacts of adjusted rates on the number of grants awarded and the number of children and youth served by the programs.

Arguments in support. According to the California Afterschool Advocacy Alliance, “For years, expanded learning programs have played an essential role in providing social-emotional, academic, and other support services to students and families, especially in communities hardest hit by the COVID-19 pandemic. Last year, the expanded learning workforce was called to the frontlines to serve schools and communities in new ways – supervising children of essential workers and other vulnerable students while schools were closed, finding lost students and re-engaging families, delivering technology and distance learning resources, ensuring families are fed, and providing social-emotional and academic support virtually.

Unfortunately, the lack of a data- and stakeholder-driven funding formula has made it difficult for expanded learning programs to adapt and improve their response to student, family, and workforce needs. Programs struggle to meet the urgent and changing needs of students and communities, given the current rate of less than \$3 in state or federal funding per hour per child.

According to a pre-pandemic statewide survey of afterschool program providers, 86% of programs find it difficult to attract and retain staff. Just as quality teachers are linked to improved student outcomes, quality expanded learning staff are the most important factor in student success. Costs to run afterschool and summer programs continue to increase in safety and sanitation expenses, smaller student-to-staff ratios, longer program hours, and annual minimum wage increases.

Without legislative action, California’s system of expanded learning programs could collapse. Programs unable to meet the increased demand and higher cost of service, risk closing their doors completely, leaving students and families in the most under-resourced communities without the critical support they rely on today. Without these programs, the achievement and opportunity gaps and inequity in our education system will grow larger and families will have a harder time getting back to work.”

Related legislation. SB 328 (Portantino) of this Session requires the CDE and the State Department of Social Services (DSS) to review funding for all after school programs offered in the state, including, but not limited to, the ASES program and programs supported by federal funding; and requires the two agencies to provide flexibility to school districts to use funds provided for after school programs, subject to specified conditions.

AB 1725 (Carrillo) of the 2019-20 Session would have increased funding for the ASES program by \$112.8 million, beginning in the 2019-20 fiscal year, and specified conditions for ongoing increases. This bill was held in the Senate Education Committee.

AB 1081 (Gallagher) of the 2019-20 Session would have provided authority to the CDE to distribute unspent funds for the ASES program to grantees that that have been affected by natural disasters. This bill was held in the Assembly Appropriations Committee.

SB 78 (Leyva) of the 2017-18 Session would have appropriated an additional \$99,135,000 to the ASES program in the 2017-18 fiscal year and each fiscal year thereafter, and commencing with the increases to the minimum wage implemented during the 2018–19 fiscal year, and every fiscal year thereafter, required the Department of Finance to adjust the total ASES program funding amount of \$654 million by adding an amount necessary to fund an increase in the daily pupil rate of 50% of each increase to the minimum wage. This bill was held in the Assembly Education Committee.

SB 645 (Hancock) of the 2015-16 Session would have authorized an ASES program to suspend operation for up to five days in a fiscal year beginning January 1, 2016. This bill was held in the Assembly Appropriations Committee.

AB 1426 (Cooper) of the 2015-16 Session would have increased the per-student daily and weekly rates for the ASES program, and eliminated 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 the Senate Appropriations Committee.

AB 2663 (Cooper) of the 2015-16 Session would have continuously appropriated \$73.3 million for the ASES beginning with the 2016-17 fiscal year and adjusted the appropriation annually thereafter based on the California Consumer Price Index. This bill was held in the Assembly Appropriations Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

After-school All-stars, Los Angeles
Arc
Bay Area Community Resources
California Afterschool Advocacy Alliance
California Afterschool Network
California School-age Consortium
California Teaching Fellows Foundation
Child Care Resource Center
Educare Foundation
Fight Crime: Invest in Kids
LA's Best After School Enrichment Program
Los Angeles Conservation Corps
Los Angeles School Police Department, Los Angeles Unified School District
Partnership for Children & Youth
Sacramento Chinese Community Service Center
Save the Children
STAR Education
The Children's Initiative
Think Together
Woodcraft Rangers
YMCA of San Diego County, Youth and Family Services

Opposition

None on file

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