

Date of Hearing: April 26, 2023

ASSEMBLY COMMITTEE ON EDUCATION
Al Muratsuchi, Chair
AB 1113 (McCarty) – As Amended March 20, 2023

SUBJECT: The Expanded Learning Opportunities Program: the California Longitudinal Pupil Achievement Data System: the After School Education and Safety Program: the 21st Century Community Learning Centers Program

SUMMARY: Requires that a portion of the funds appropriated for the After School Education and Safety Program (ASES) be prioritized for middle schools; prioritizes a portion of funding for the 21st Century Community Learning Centers (21st CCLC) for high schools; requires a cost-of-living adjustment (COLA) for expanded learning programs, and requires the CDE to collect data on students participating in the Expanded Learning Opportunities Program (ELOP). Specifically, **this bill:**

- 1) Requires, for new grants beginning in the 2024-25 fiscal year, at least 30% of the total amount appropriated for ASES program grants continue to be allocated on a priority basis for programs serving middle school students.
- 2) Requires the California Department of Education (CDE) to provide a COLA, as specified, to grants received under the ASES program and the 21st CCLC, beginning with the 2024-25 fiscal year, and requires an appropriation to the CDE for this purpose each year.
- 3) Requires that, for new grants awarded after the enactment of this bill, at least 60% of federal funds appropriated to the 21st CCLC be allocated on a priority basis for programs serving students in grades 9 to 12 (up from 50% currently), at least 20% for programs serving students in grades 7 to 8, and at least 15% for programs serving students in TK to grade 6.
- 4) Requires the CDE to collect, as part of the California Longitudinal Pupil Achievement Data System (CALPADS), student data for every student enrolled in an expanded learning opportunity program operated by an LEA.

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 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)

- 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. Specifies additional factors that may increase the maximum grant awards, subject to funding. (EC 8482.55, 8483.7)
- 5) Provides for a summer grant for ASES programs in excess of 180 days or during any combination of summer, intersession.
- 6) Continuously appropriates \$550 million from the General Fund to the CDE for the ASES program. (EC 8483.5)
- 7) Expresses the intent of the Legislature that the federal 21st CCLC program (Public Law 107-110) complement the ASES program to provide year-round opportunities for expanded learning. (EC 8484.7)
- 8) Requires that at least 50% of the total amount appropriated for the 21st CCLC be allocated on a priority basis for programs serving high school students, and at least 40% for programs serving elementary and middle school students. (EC 8484.8)
- 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 only 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)
- 11) Establishes the ELOP and allocates funding to school districts and charter schools based upon their unduplicated pupil count. 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 expanded learning opportunity programs 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)

FISCAL EFFECT: Unknown

COMMENTS:

Need for the bill. According to the author, “High quality afterschool and summer programs provide safe and engaging places that promote physical, social, emotional, and academic growth for students of all ages. However, the vast majority of funding is directed toward young students, leaving few resources for middle and high school age students. This bill increases equity by

ensuring all California students, TK through 12, have an enriching place after school where they can develop skills and relationships that will help them succeed in school, career, and life.”

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 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.

A 2019 report by Fight Crime, Invest in Kids, *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.

A 2021 report by the Learning Policy Institute (LPI), *Transforming Challenges Into Opportunities: The Role of Expanded Learning Time in Advancing Educational Equity*, notes that “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. Research estimates that the cumulative summer learning gap accounts for more than half the difference in 9th-grade achievement between students from low-income families and their more affluent peers, which in turn contributes to the likelihood of students entering college-track high school programs and meeting college-going requirements. Out-of-school time has become an essential tool for mitigating inequitable educational outcomes for students.” (LPI, 2021)

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-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, 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 Afterschool Safety and Enrichment for Teens (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.

21st CCLC 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 9 to 12 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. This is the only dedicated expanded learning funding currently available in California for high school students.

The following chart, provided by the CDE illustrates the funding levels and students served by the three expanded learning programs discussed above.

2022-23	21 st CCLC	ASSETS	ASES
Total funding allocation	\$78 million	\$70 million	\$731 million
Total # of grantees	73	72	565
Total # students served – cumulative daily total	677,597	3,364,167	41,032,340

CDE data also demonstrates the demographic profile of the students served in the existing expanded learning programs, which illustrate that programs serve a greater proportion of socioeconomically disadvantaged students, those that are Black or Latino, English learners and foster youth, compared to the statewide populations:

Characteristic	Expanded learning school average	State Proportion
Socioeconomically disadvantaged	82.2%	60.9%
Black	6.8%	5.4%
Latino	69.6%	54.6%
English learner	28.5%	19.3%
Foster youth	0.7%	0.5%

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 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 maximum student to staff ratios of 20:1.

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 number of English learners and low-income students in grades TK-6th grade. In 2022-23, districts and charter schools with a student body that is equal to or more than 75% unduplicated pupils receive \$2,750 per unduplicated student enrolled in TK-6 for ELOP allowable services. LEAs with concentrations of unduplicated pupils less than 75% receive approximately \$2,000 per unduplicated student enrolled in TK-6, with a minimum apportionment of \$50,000.

Beginning in the 2023-24 school year, as a condition of ELOP funding, districts and charter schools with a student body that is equal to or more than 75% unduplicated pupils 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% concentrations of unduplicated pupils 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.

Afterschool programs benefit high school students. A large body of research demonstrates that older youth benefit from attending afterschool programs. A study on the impacts of the ASSETS program for high school students in California found small but positive effects on English-language arts and math scores, school attendance, and suspension rates (National Center for Research on Evaluation, Standards, and Student Testing, 2012).

A 2021 WestEd study, *Promoting Protective Factors in California's Afterschool Programs*, looked at how afterschool programs promote "protective factors" (e.g. adult supports and positive environments), which protect against or mitigate against risk factors (e.g. poverty and adverse childhood experiences), and increase the likelihood of resilience and successful outcomes. In many respects, afterschool programs are a more effective venue for fostering protective factors than the school system due to their emphasis on the importance of promoting positive adult relationships, youth engagement, and social-emotional learning. The study found that students who participated in afterschool programs had higher levels of meaningful participation in school and reported greater levels of school connectedness, academic motivation, and caring adult relationships than non-participants. Across all of the indicators measured, the positive effects were greater among high school students than students in younger grades.

A 2012 independent statewide evaluation of high school afterschool programs in California, by the National Center for Research on Evaluation, Standards, and Student Testing, found that:

- High School students who attended ASSETS programs performed slightly better than non-participants did on their English-language arts and math assessment scores;
- Program sites that were observed as high in quality features of youth development impacted students' positive perceptions of academic competence, socio-emotional competence, future aspirations, and life skills;
- Participation in an ASSETS program had a small positive effect on school attendance;
- Frequent participants at the afterschool programs were found to be less likely to be suspended than students who did not participate at all; and

- All stakeholders (parents, teachers, students) felt that the programs helped students' academic attitudes, cognitive competence, socio-emotional competence, and future aspirations.

Current funding for afterschool programs prioritizes elementary school students. According to the author, the vast majority of current afterschool funding is prioritized for grades TK-6, leaving out older youth who could benefit from access to these programs. Only 2.8% of total afterschool funding in the state is dedicated for high school students. The percentage of afterschool funding directed towards youth and middle and high school will decrease in the next 3 years as the funding for grades TK-6 through the ELOP program grows from the current \$1.7 billion to the full \$5 billion. This bill would maintain the current level of 30% of ASES funding for middle school students and increases the percentage of 21st CCLC funding for high school students from 50% to 60%, as well as requiring 20% for grades 7 and 8, and 15% for TK-6.

Arguments in support. The Partnership for Children and Youth, a co-sponsor, writes, “Research shows that middle and high school students who participate in expanded learning are more likely to graduate and less likely to become involved in the justice system. Ensuring access for middle and high school students is critical as we emerge from the COVID-19 pandemic, which resulted in dramatic decreases in student attendance and engagement.

It is important to ensure that all students have the opportunity to participate in quality expanded learning programs, however, not all students have equitable access to expanded learning programs right now. Currently, only 18% of high schools in California receive state or federal funding for afterschool programs. Statewide, there are just over 1,000 high schools that have 40% or more students eligible for free or reduced-price meals (FRPM) that do not receive 21st CCLC funding. While California invested \$4 billion in Expanded Learning Opportunity Program (ELOP), that is prioritized for students TK-6. Even when ELO-P reaches full implementation (at \$5 billion), less than 2% of total expanded learning funding in the state will be dedicated to high school students even though they make up 33% of the California student population.

To increase access for all students to quality expanded learning programs, AB 1113 would prioritize 60% of future 21st CCLC funding to be allocated for high school students (an increase of 10%), while protecting 20% for middle school students and 15% for elementary students.

Ongoing funding and cost-of-living adjustments are critical to recruit and retain quality staff in expanded learning. Even before the pandemic, expanded learning providers had trouble recruiting and retaining staff—teachers, paraprofessionals, and community partners—due to low wages. High staff turnover makes it hard to build the positive staff-child relationships that are the foundation of student learning and social development. To support the workforce and help ensure students receive the quality programming they deserve, AB 1113 would require equitable COLAs for ASES and 21st CCLC programs that are currently and repeatedly left out of the annual COLAs given through LCFF, categorical programs, and child care.”

Arguments in opposition. The Association of California School Administrators writes, “While ACSA is supportive of providing a stable revenue source for afterschool programs for older youth, we are concerned that AB 1113 will decimate elementary afterschool programs that rely on braiding the ASES and 21st CCLC funds with ELOP funds to sustain their programs. ACSA believes all children deserve access to high-quality afterschool programs, however, AB 1113’s approach, cutting elementary programs to fund middle and high school programs, may result in

many young children losing afterschool programs. We would instead urge new resources be dedicated to middle and high school afterschool programs.

School districts that have fully implemented ELOP have seen great success. The program has reengaged children to want to learn and be at school again, benefited working families who no longer have to worry about childcare, and improved school culture by including interested classified and credentialed staff to be part of the program. Although ELOP will assist children's developmental growth and create a strong groundwork for them, it is still a heavy lift for LEAs to implement the program.

AB 1113 is premature as LEAs should have the ability to utilize all resources to cover, plan, and create the (continued) mandated ELOP program. In addition, current law permits LEAs to use surplus funds towards serving additional grades, including older youth. This flexibility provides LEAs with local control to decide what is in the best interest of communities.

ACSA would support the bill if it were amended to remove any funding changes and, instead, add clarification language that LEAs may extend their ELOP programs to middle and secondary grades. We believe that these amendments strike the right balance of ensuring LEAs can use all the funding sources available to them to create extraordinary programs; at the same time, the amendments also reaffirm to LEAs that they can expand their programs to serve older youth as well.”

Related legislation. AB 2507 (McCarty) of the 2021-22 session was similar to this measure. This bill was held in the Senate Appropriations Committee.

AB 2501 (Carrillo) of the 2021-22 Session would establish 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 Expanded Learning Opportunity Program (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 expanded learning opportunity programs 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.

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 1085 (McCarty) of the 2019-20 Session would have encouraged ASES programs, the 21st CCLC programs, and the ASSETS programs to establish programs designed to educate about and prevent substance use disorders or to prevent harm from substance abuse; would have required the State Department of Health Care Services (DHCS) to enter into interagency agreements with the CDE to administer those programs; and authorizes DHCS to consider selecting those programs for funding from the Youth Education, Prevention, Early Intervention, and Treatment Account (YEPEITA) portion of the Control, Regulate and Tax Adult Use of Marijuana Act. This bill was vetoed by the Governor with the following message:

This bill would authorize the DHCS to redirect cannabis tax funds generated under Proposition 64 to after-school programs administered by the state. I support increased access to after-school programs, which is why I worked with the Legislature to provide an additional \$50 million to support these programs. This bill, however, attempts to change the funding allocation process specified by Proposition 64, which does not authorize the Legislature to modify the fund allocation process prior to July 1, 2028.

SB 78 (Leyva) of the 2017-18 Session would have appropriated to the ASES program an additional \$99 million 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 DOF 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 afterschool 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

A World Fit for Kids
After-school All-stars, Los Angeles
Arc
Bay Area Community Resources
California Afterschool Advocacy Alliance
California High Schools Coalition
California School-age Consortium
California Teaching Fellows Foundation

Californians for Justice
Catholic Charities of Santa Clara County
Children Now
Educare Foundation
Edventure More
Edvoice
Envisioneers
Fight Crime: Invest in Kids
Innovate Public Schools
La's Best After School Enrichment Program
Los Angeles Conservation Corps
Para Los Ninos
Partnership for Children & Youth
Public Advocates
Sacramento Chinese Community Service Center
San Mateo County Child Care Partnership Council
Team Prime Time
The Children's Initiative
Think Together
Woodcraft Rangers
YMCA of San Diego County
One individual

Opposition

Association of California School Administrators

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