

Date of Hearing: April 6, 2022

ASSEMBLY COMMITTEE ON EDUCATION  
Patrick O'Donnell, Chair  
AB 2501 (Carrillo) – As Amended March 24, 2022

**SUBJECT:** Before and after school programs: California Universal Afterschool Program Workgroup

**SUMMARY:** Establishes the California Universal Afterschool Program Workgroup to develop recommendations and proposals to reduce impediments and to develop a roadmap for providing universal access to after school programs for all school-age children. Specifically, **this bill:**

- 1) Establishes the California Universal Afterschool Program Workgroup (workgroup) within the California Department of Education (CDE) to evaluate policy, regulatory, and access impediments to ensuring the quality of and increased access to after school programs and to develop legislative and regulatory recommendations and specific proposals to reduce those impediments, and to develop a roadmap for providing universal access to after school programs to all school-age children.
- 2) Requires the workgroup to provide initial recommendations to the CDE and the Legislature by October 1, 2023, and to post the recommendations publicly.
- 3) Requires the workgroup to provide a final report to the CDE and the Legislature by March 1, 2024.
- 4) Requires the workgroup to examine, at a minimum, the following information:
  - a) The status of programs subsidized by state or federal funding, including the number of schools and local educational agencies (LEAs) with programs, the number and demographics of pupils enrolled in those programs, the type and amount of funding those pupils receive, the number of applications for funding received and approved for funding, and the duration of committed funding;
  - b) Existing program quality standards and accountability measures;
  - c) Challenges providers of programs face that impede quality service and access; and
  - d) The actual cost of providing programs that meet state quality standards.
- 5) Requires the workgroup to provide recommendations on legislative and administrative action needed to do all of the following:
  - a) Enhance equitable access to programs for pupils in kindergarten to grade 12;
  - b) Provide programs that meet state quality standards;
  - c) Recruit, train, and retain the workforce, including certificated teachers, paraprofessionals, and community-based partners;

- d) Ensure adequate, prompt, and sustainable funding and rates;
  - e) Evaluate the impact of state and federal investment and local implementation; and
  - f) Coordinate with and leverage other existing programs and funding sources such as universal prekindergarten, community schools, and school-age child care.
- 6) Requires the Office of Planning and Research (OPR) to contract with planning facilitators to provide facilitation and staff support; conduct research and gather relevant information for consideration by the workgroup; and produce the reports required; in order to assist the workgroup in fulfilling its responsibilities.
- 7) Requires the workgroup to be comprised of a minimum of 25 members representing the state's diversity, including, but not limited to, the following:
- a) One Member of the Assembly, or their designee;
  - b) One Member of the Senate, or their designee;
  - c) One member appointed by the State Board of Education (SBE);
  - d) One member appointed by the State Department of Social Services (DSS);
  - e) One member appointed by the Department of Finance (DOF);
  - f) Twenty members appointed by the CDE, as follows:
    - i) Three members from the Expanded Learning Division at the CDE or members of the Statewide System of Support for Expanded Learning;
    - ii) Two members who represent families participating in the After School Education and Safety (ASES) Program, the 21st Century Community Learning Centers (21st CCLC) program, or the Expanded Learning Opportunities Program (ELOP);
    - iii) Three members who represent pupils participating in the ASES Program, the 21st CCLC program, and the ELOP, with one pupil representing each program;
    - iv) Three members who represent LEAs;
    - v) Two members who represent community-based organizations;
    - vi) Two members who represent municipal agencies;
    - vii) Two members who represent rural communities;
    - viii) One member who represents the interests of employees of after school programs; and
    - ix) Two members who represent diverse practitioners.

- 8) Requires the appointments to the workgroup to be made by March 1, 2023, and requires the workgroup to be maintained through June 30, 2024.
- 9) Appropriates an unspecified amount from the General Fund to the CDE to fund the workgroup activities, including travel expenses for meetings.
- 10) Authorizes the CDE to subcontract as necessary to perform the duties required.
- 11) Defines “afterschool program” as having the same meaning as “expanded learning” which means 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.
- 12) States that “afterschool program” does not mean an extension of instructional time, but rather opportunities to engage pupils in enrichment, play, nutrition, and other developmentally appropriate activities.
- 13) Defines “local educational agency” as a school district or charter school, other than a non-classroom based charter school.
- 14) Repeals these provisions as of January 1, 2025.

**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 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 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. (EC 8482.55 and 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 21<sup>st</sup> CCLC program complement the ASES program to provide year-round opportunities for expanded learning. (Public Law 107-110 and EC 8484.7)
- 8) Requires that at least 50% of the total amount appropriated for the 21<sup>st</sup> CCLC be allocated on a priority basis for programs serving high school pupils, and 40% for programs serving elementary and middle school pupils. (EC 8484.8)
- 9) Establishes the 21<sup>st</sup> 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 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 of 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 school year, 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, “AB 2501 continues to support the need for universal afterschool programs. Research shows that quality afterschool and summer programs provide safe, supportive learning environments and enrichment opportunities that increase school attendance and academic outcomes. Prior to 2020, California served more than 900,000 students each year in more than 4,500 state and federally funded afterschool and summer learning programs through the ASES Program and the 21st CCLC Program. 84% of those students are from socio-economically disadvantaged families, 90% are students of color, and 33% are English Language Learners. Furthermore, 25% of students served experience homelessness in California.”

***Value of after school 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.

According to the 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 6 in 10 inmates nationwide do not have a high school diploma.

**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 8 students. The 2017-18 Budget Act increased ongoing funding to the ASES program by \$50 million for a total of \$600 million. In 2021-22 ASES programs received \$650 million in state funds. In addition, one-time federal COVID relief funding is supporting temporary rate increases and additional slots. These funds will temporarily increase the ASES per student daily rate from \$8.88 to \$10.18 in 2021-22 and 2022-23. The Governor's budget for 2022-23 proposes an additional \$95 million to ASES to provide ongoing funding to make permanent the temporary rate increases.

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 with maximum grants at \$152,612 per year for elementary schools, \$203,482 per year for middle or junior high schools. 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, including during summer, intersession or vacation periods.

According to the California Afterschool Advocacy Alliance, ASES programs serve more than 400,000 students at 4,200 schools each day.

The CDE reports that, as of 2018-19, a total of 4,548 California schools received ASES and/or 21<sup>st</sup> CCLC funding and served a total of 885,993 students. Characteristics of those participating in the programs include the following:

- 49.8% female, 50.2% male;
- 83.3% socioeconomically disadvantaged;
- 24.8% English language learners;
- 5.7% homeless;
- 11.9% students with a disability; and
- 71.5% Latino; 9.8% White; 8.0 % Black; 5.4% Asian.

**21<sup>st</sup> CCLC Program.** The 21<sup>st</sup> CCLC program is a federally funded competitive grant program serving pupils in TK through 12<sup>th</sup> grade. 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.

In 2021-22 21<sup>st</sup> CCLC programs received \$146 million in federal funds. One-time federal COVID relief funding is supporting temporary rate increases and additional slots. These funds will temporarily increase the 21<sup>st</sup> CCLC per student daily rate from \$7.50 to \$10.18 in 2021-22 and 2022-23. The Governor's 2022-23 budget proposes an additional \$54 million to 21<sup>st</sup> CCLC to make permanent the temporary rate increase.

**21<sup>st</sup> 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 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.

**Expanded Learning Opportunity Program (ELOP).** The ELOP, established in 2021, provides funding for afterschool and summer school enrichment programs for Transitional Kindergarten

(TK) through 6<sup>th</sup> grade pupils. 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. 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 pupils in grades TK-6<sup>th</sup> grade, as shown in the table below. Changes in the program for 2022-23, as proposed in the Governor’s Budget are also included:

<b>ELOP Program</b>	<b>Tier 1 - Concentration of Unduplicated Pupil Percentage (UPP)</b>	<b>Tier 2 – Concentration of UPP</b>
English learner (EL) and low-income (LI) pupil threshold	80% or more UPP in 2021-22 <i>75% or more in 2022-23</i>	<80% UPP in 2021-22 <i>&lt;75% in 2022-23</i>
Funding per EL/LI pupil	\$1,170 in 2021-22 <i>\$2,500 in 2022-23</i>	\$672 in 2021-22 <i>\$2,000 in 2022-23 (estimate)</i>
Program offering/access	Offer program to all students and provide access to every student requesting enrollment	Offer program to all EL/LI students and provide access to 50% of EL/LI students
Audit requirement	Beginning in 2023-24	Beginning in 2023-24

*Source: Legislative Analyst Office, February 2022.*

The Governor’s Budget proposes \$4.4 billion in Proposition 98 funding for the ELOP for 2022-23, which would bring the funding to 88% of the \$5 billion target.

***Lack of access to expanded learning programs.*** According to the Afterschool Alliance, unmet demand for afterschool and summer programs in California is high. For every child in afterschool, 3 are waiting for an available program. In 2019, almost 1.4 million children would have been enrolled in a summer program if one were available to them.

***Timelines may be difficult to meet.*** The bill requires that the workgroup provide initial recommendations by October 1, 2023 and a final report to the CDE and the Legislature by March 1, 2024. Given that the legislation would not take effect until January 1, 2023 and that it will take some time to appoint the 25 members of the workgroup, ***the Committee may wish to consider*** whether the proposed timelines are achievable.

***Recommended Committee amendments.*** Committee staff recommend that the bill be amended as follows:

- 1) Clarify that funds to support the workgroup be non-Proposition 98 funds.

- 2) Extend the timelines for the workgroup to provide initial recommendations by March 1, 2024 and a final report by October 1, 2024 and authorize the workgroup to be maintained through December 31, 2024.

**Arguments in support.** The California Afterschool Advocacy Alliance, sponsors of the bill, note, “The 2021 Budget Act invested over \$1.7 billion to grow access to expanded learning programs and merged existing ASES and 21st CCLC funding streams with the Expanded Learning Opportunities Program (ELOP) to provide a single, comprehensive program. The state is committed to growing this investment to \$5 billion by 2025-26. However, there is no master plan, taskforce, or advisory committee in place to plan for this historic undertaking, address implementation and sustainability challenges, and ensure the state’s investment is effective in providing equitable access to high-quality expanded learning opportunities. Field-informed discussion and planning are needed urgently, as LEAs and their community-based partners are experiencing severe workforce challenges that limit their ability to serve current students and to dramatically expand access quickly. This is why we support AB 2501 to establish the California Universal Afterschool Program Workgroup, leveraging the experience of practitioners and stakeholders, and examine data to develop recommendations that address impediments to

**Related legislation.** AB 2507 (McCarty) of the 2021-22 Session requires that 30% of the funds appropriated for the ASES program be prioritized for middle schools; prioritizes 100% of funding for the 21st Century CCLC for high schools; and requires a cost-of-living adjustment (COLA) for expanded learning programs.

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 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 Century 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 \$99,135,000 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 \$654,135,000 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**

Boys & Girls Clubs of Carson  
California Afterschool Advocacy Alliance  
California School-age Consortium  
California State Alliance of YMCAs  
Children Now  
Council for A Strong America  
Envisioneers Inc  
Fight Crime: Invest in Kids  
LA's Best After School Enrichment Program  
Partnership for Children & Youth  
Public Advocates INC.  
Think Together  
YMCA of San Diego County

### **Opposition**

None on file

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