

Date of Hearing: April 11, 2018

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
AB 2622 (Dahle) – As Amended March 20, 2018

SUBJECT: After School Education and Safety Program

SUMMARY: Modifies operating requirements and funding allocations for After School Education and Safety Programs (ASES) operating at a schoolsite in an area that has a population density of less than 11 persons per square mile. Specifically, **this bill:**

- 1) Requires an After School Education and Safety Program (ASES) operating at a schoolsite in an area that has a population density of less than 11 persons per square mile to end operating hours no earlier than 5 p.m.
- 2) Specifies that the following provisions do not apply to ASES programs operating at a schoolsite that has a population density of less than 11 persons per square mile:
 - a) The California Department of Education (CDE) will 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.
 - b) In any year after the initial grant year, if the actual attendance level of a school within the program falls below 75 percent of the target attendance level, the CDE will perform a review of the program and adjust the grant level as appropriate.
- 3) Authorizes the CDE to reduce the grant of a program operating at a schoolsite located in an area that has a population density of less than 11 persons per square mile if it fails for three consecutive years to demonstrate measureable program outcomes.
- 4) Authorizes a program grantee that operates at a schoolsite located in an area that has a population density of less than 11 persons per square mile to allocate up to 125 percent of the maximum total grant amount, without CDE approval, for an individual school as long as the maximum total grant amount for all school programs administered is not exceeded.
- 5) Specifies that, for programs operating at schoolsites located in an area that has a population density of less than 11 persons per square mile, the transfer of funds between program sites in (4) above is not subject to the requirement that such transfers may only take place when the program has an established waiting list and that the transfer come from another school program that has met a minimum of 70 percent of its attendance goal.

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 (EC 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 (EC 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 (EC 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 (EC 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) A 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 (EC 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 (EC 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 (EC 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 (EC 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. (EC 8484.65 and 8483.7).

FISCAL EFFECT: Unknown

COMMENTS: *Need for the bill.* According to the author,

“Frontier ASES sites must have the flexibility to utilize the funds that have been granted to serve students by moving resources as needed on an immediate basis without having to supply a justification to CDE. In many instances one family might move into a frontier area and this could establish the need for an additional staff member, more supplies, and resources for the site.

Many times frontier sites are located remotely, with little to no cell phone reception or service, limited sheriff coverage, and require students to face long bus rides or walking home

in the dark or inclement weather. Many times there is only one staff person on site. Removing the requirement of staying open an extra hour per day will help with safety as well as funding restraints.

This bill will allow frontier sites to keep their allotted money for the three-year duration of the grant without being penalized financially during that time. This bill does not ask for any extra money. It is asking for money to stay put for the three-year cycle of the grant at frontier sites.”

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 but is not limited to, 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 CDE, ASES programs are currently operating at 4,000 school sites serving over 400,000 students daily with approximately 650,000 students participating annually.

Importance of after school programs for rural communities. According to the Afterschool Alliance, America Special Report “The Growing Importance of Afterschool in Rural Communities”, after school and summer learning programs are essential to rural communities. After school providers have reported that the largest challenge they face is funding and eight out of ten parents support public funding for after school and summer learning programs. Over 70 percent of parents in rural communities reported that after school and summer learning helps their children develop social skills and reduce the likelihood of their youth engaging in risky behaviors. These programs also support working families in rural communities by giving parents peace of mind while they are at work.

Committee staff recommends that the bill be amended to retain the requirement to seek approval from CDE to transfer ASES grant funds between schools in order to allow CDE to track funding and ensure that funding is aligned with the conditions of the grant.

Arguments in support. Supporters note that with unstable finances due to fluctuating average daily attendance (ADA) at sites and the often transient population who desire to live in frontier areas of the state, it is difficult to operate ASES programs. The ability for a frontier site to operate is imperative to help the students with academic support and quality enrichment opportunities. AB 2622 will make it possible for frontier sites to operate for three full years without fear of losing funding. The bill will also make it possible for frontier ASES sites the opportunity to end operating hours at 5:00 pm rather than the current requirement of 6:00 pm. This is important for safety reasons as well as financial savings to the programs. Being allowed to close our programs at 5:00 pm would improve student safety as well as family and staff safety.

Similar and prior legislation. AB 1744 (McCarty) of this session authorizes the California Department of Health Care Services (DHCS) to consider after school programs in allocating funds generated from an excise tax on the retail sale of cannabis for youth education, prevention and treatment efforts. The bill is pending before this committee.

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 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

Butte County Office of Education
Lassen County Office of Education
Modoc County Office of Education
Siskiyou County Office of Education
Tehama County Department of Education
Trinity County Office of Education
The Children's Initiative
Julian Union Elementary School District
Julian Pathways

Opposition

None on file

Analysis Prepared by: Debbie Look / ED. / (916) 319-2087