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AB-1567 Before and after school programs: enrollment: fees: homeless and foster youth: snacks or meals. (2015-2016)

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Assembly Bill No. 1567

CHAPTER 399

An act to amend, repeal, and add Sections 8482.6, 8483, and 8483.1 of, and to add Section 8483.95 to, the Education Code, relating to before and after school programs.

[Approved by Governor September 21, 2016. Filed with Secretary of State September 21, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1567, Campos. Before and after school programs: enrollment: fees: homeless and foster youth: snacks or meals.

The After School Education and Safety Program Act of 2002, enacted by initiative statute, establishes the After School Education and Safety Program to serve pupils in kindergarten and grades 1 to 9, inclusive, at participating public elementary, middle, junior high, and charter schools. The act gives priority enrollment in after school programs and before school programs to pupils in middle school or junior high school who attend daily.

This bill, beginning July 1, 2017, would instead give first priority enrollment to pupils who are identified by the program as homeless youth, as defined, and pupils who are identified by the program as being in foster care, and 2nd priority enrollment, for programs serving middle and junior high school pupils, to pupils who attend the program daily. The bill, beginning July 1, 2017, would require an after school program or a before school program to inform the parent or caregiver of a pupil of the right of homeless children and foster children to receive priority enrollment and how to request priority enrollment. The bill, beginning July 1, 2017, would require the administrators of a program to allow self-certification of the pupil as a homeless youth or a foster youth, and would authorize administrators to obtain this information through the school district liaison designated for homeless children, as specified.

The act provides that an after school program or a before school program is not required to charge family fees or conduct individual eligibility determinations based on need or income.

This bill, beginning July 1, 2017, would prohibit a program that charges family fees from charging a fee to a family for a child if the program knows that the child is a homeless youth or for a child who the program knows is in foster care.

This bill would incorporate additional changes to Sections 8482.6, 8483, and 8483.1 of the Education Code proposed by AB 2615 that would become operative if this bill and AB 2615 are both enacted on or before January 1, 2017, and this bill is enacted last.

The act authorizes the Legislature to amend certain of its provisions to further its purposes by majority vote of each house.

The bill would set forth a legislative finding and declaration that it furthers the purposes of the act.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

- (a) The After School Education and Safety (ASES) Program offers quality after school learning and development opportunities that can make a difference for all of the children they serve, but especially for low-income children.
- (b) There is strong evidence that access to after school and summer programs increases the likelihood that a child will succeed in school and graduate from high school.
- (c) Research shows that children, especially girls, benefit from improved health and academic outcomes when they participate in after school programs.
- (d) The most significant academic gains for children enrolled in the ASES Program occur among those who face the most challenges.
- (e) Due to significant underfunding of the ASES Program, more than half of the program site coordinators recently reported that they could not enroll all interested children and had resorted to the use of a waiting list.
- (f) The federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.) ensures the educational rights and protections of homeless children, defined by the act as individuals who lack a fixed, regular, and adequate nighttime residence.
- (g) Until the ASES Program is funded for every child seeking to be enrolled, children who are homeless or in foster care might not benefit from the program without priority access and waivers of fees.
- (h) In order to ensure that participating children receive adequate nutrition and to reduce the cost-per-child expenses of ASES programs, it is important to encourage collaboration between local educational agencies and other community-based organizations sponsoring federally funded after school snack and meal programs.

SEC. 2. Section 8482.6 of the Education Code is amended to read:

8482.6. (a) Every pupil attending a school operating a program pursuant to this article is eligible to participate in the program, subject to program capacity. A program established pursuant to this article is not required to charge family fees or conduct individual eligibility determinations based on need or income.

(b) This section shall remain in effect only until July 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before July 1, 2017, deletes or extends that date.

SEC. 2.5. Section 8482.6 of the Education Code is amended to read:

8482.6. (a) Every pupil attending a school operating a program pursuant to this article is eligible to participate in the program, subject to program capacity. A program established pursuant to this article may charge family fees. Programs that charge family fees shall waive or reduce the cost of these fees for pupils who are eligible for free or reduced-price meals.

(b) This section shall remain in effect only until July 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before July 1, 2017, deletes or extends that date.

SEC. 3. Section 8482.6 is added to the Education Code, to read:

8482.6. (a) Every pupil attending a school operating a program pursuant to this article is eligible to participate in the program, subject to program capacity. A program established pursuant to this article is not required to charge family fees or conduct individual eligibility determinations based on need or income. If a program established pursuant to this article does charge family fees, the program shall not charge a fee to a family for a child if the program knows that the child is a homeless youth, as defined by the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11434a), or for a child who the program knows is in foster care.

(b) This section shall become operative on July 1, 2017.

SEC. 3.5. Section 8482.6 is added to the Education Code, to read:

8482.6. (a) Every pupil attending a school operating a program pursuant to this article is eligible to participate in the program, subject to program capacity. A program established pursuant to this article may charge family fees. Programs that charge family fees shall waive or reduce the cost of these fees for pupils who are eligible for free or reduced-price meals. If a program

established pursuant to this article does charge family fees, the program shall not charge a fee to a family for a child if the program knows that the child is a homeless youth, as defined by the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11434a), or for a child who the program knows is in foster care.

(b) This section shall become operative on July 1, 2017.

SEC. 4. Section 8483 of the Education Code is amended to read:

8483. (a) (1) Every after school component of a program established pursuant to this article shall commence 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 shall 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 department for an exception and a request for approval of an alternative plan.

(2) It is the intent of the Legislature that elementary school pupils participate in the full day of the program every day during which pupils participate and that pupils in middle school or junior high school attend a minimum of nine hours a week and three days a week to accomplish program goals.

(3) In order to develop an age-appropriate after school program for pupils in middle school or junior high school, programs established pursuant to this article may implement a flexible attendance schedule for those pupils. Priority for enrollment of pupils in middle school or junior high school shall be given to pupils who attend daily.

(b) The administrators of a program established pursuant to this article have the option of operating during any combination of summer, intersession, or vacation periods for a minimum of three hours per day for the regular school year pursuant to Section 8483.7.

(c) This section shall remain in effect only until July 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before July 1, 2017, deletes or extends that date.

SEC. 4.5. Section 8483 of the Education Code is amended to read:

8483. (a) (1) Every after school component of a program established pursuant to this article shall commence 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 shall 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 department for an exception and a request for approval of an alternative plan.

(2) It is the intent of the Legislature that elementary school and middle school or junior high school pupils participate in the full day of the program every day during which pupils participate, except as allowed by the early release policy pursuant to paragraph (1) of this section or paragraph (2) of subdivision (f) of Section 8483.76.

(3) In order to develop an age-appropriate after school program for pupils in middle school or junior high school, programs established pursuant to this article may implement a flexible attendance schedule for those pupils. Priority for enrollment of pupils in middle school or junior high school shall be given to pupils who attend daily.

(b) The administrators of a program established pursuant to this article have the option of operating during any combination of summer, intersession, or vacation periods for a minimum of three hours per day for the regular school year pursuant to Section 8483.7.

(c) This section shall remain in effect only until July 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before July 1, 2017, deletes or extends that date.

SEC. 5. Section 8483 is added to the Education Code, to read:

8483. (a) (1) Every after school component of a program established pursuant to this article shall commence 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 shall 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 department for an exception and a request for approval of an alternative plan.

(2) It is the intent of the Legislature that elementary school pupils participate in the full day of the program every day during which the pupils participate and that pupils in middle school or junior high school attend a minimum of nine hours a week and three days a week to accomplish program goals.

(3) In order to develop an age-appropriate after school program for pupils in middle school or junior high school, programs established pursuant to this article may implement a flexible attendance schedule for those pupils.

(b) The administrators of a program established pursuant to this article have the option of operating during any combination of summer, intersession, or vacation periods for a minimum of three hours per day for the regular school year pursuant to Section 8483.7.

(c) (1) Priority for enrollment of pupils in an after school program shall be as follows:

(A) First priority shall go to pupils who are identified by the program as homeless youth, as defined by the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11434a), at the time that they apply for enrollment or at any time during the school year, and to pupils who are identified by the program as being in foster care.

(B) For programs serving middle and junior high school pupils, second priority shall go to pupils who attend daily.

(2) Nothing in this subdivision shall be construed to require a program to verify, or a school district to disclose to an after school program, that a pupil applying for or participating in the program is a homeless youth or a foster youth.

(3) Nothing in this subdivision shall be construed to require or authorize the disenrollment of a current participant in order to secure the enrollment of a pupil who has priority for enrollment.

(d) A program shall inform the parent or caregiver of a pupil of the right of homeless children and foster children to receive priority enrollment and how to request priority enrollment.

(e) For purposes of identifying a pupil who is eligible for priority enrollment pursuant to subdivision (c), the administrators of a program shall allow self-certification of the pupil as a homeless youth or a foster youth. Administrators of a program may also obtain this information through the school district liaison designated for homeless children if the school district has a waiver on file allowing for the release of this information.

(f) This section shall become operative on July 1, 2017.

SEC. 5.5. Section 8483 is added to the Education Code, to read:

8483. (a) (1) Every after school component of a program established pursuant to this article shall commence 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 shall 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 department for an exception and a request for approval of an alternative plan.

(2) It is the intent of the Legislature that elementary school and middle school or junior high school pupils participate in the full day of the program every day during which pupils participate, except as allowed by the early release policy pursuant to paragraph (1) of this section or paragraph (2) of subdivision (f) of Section 8483.76.

(3) In order to develop an age-appropriate after school program for pupils in middle school or junior high school, programs established pursuant to this article may implement a flexible attendance schedule for those pupils.

(b) The administrators of a program established pursuant to this article have the option of operating during any combination of summer, intersession, or vacation periods for a minimum of three hours per day for the regular school year pursuant to Section 8483.7.

(c) (1) Priority for enrollment of pupils in an after school program shall be as follows:

(A) First priority shall go to pupils who are identified by the program as homeless youth, as defined by the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11434a), at the time that they apply for enrollment or at any time during the school year, and to pupils who are identified by the program as being in foster care.

(B) For programs serving middle and junior high school pupils, second priority shall go to pupils who attend daily.

(2) Nothing in this subdivision shall be construed to require a program to verify, or a school district to disclose to an after school program, that a pupil applying for or participating in the program is a homeless youth or a foster youth.

(3) Nothing in this subdivision shall be construed to require or authorize the disenrollment of a current participant in order to secure the enrollment of a pupil who has priority for enrollment.

(d) A program shall inform the parent or caregiver of a pupil of the right of homeless children and foster children to receive priority enrollment and how to request priority enrollment.

(e) For purposes of identifying a pupil who is eligible for priority enrollment pursuant to subdivision (c), the administrators of a program shall allow self-certification of the pupil as a homeless youth or a foster youth. Administrators of a program may also obtain this information through the school district liaison designated for homeless children if the school district has a waiver on file allowing for the release of this information.

(f) This section shall become operative on July 1, 2017.

SEC. 6. Section 8483.1 of the Education Code is amended to read:

8483.1. (a) (1) Every before school program component established pursuant to this article shall in no instance operate for less than one and one-half hours per regular schoolday. Every program shall establish a policy regarding reasonable late daily arrival of pupils to the program.

(2) (A) It is the intent of the Legislature that elementary school pupils participate in the full day of the program every day during which pupils participate and that pupils in middle school or junior high school attend a minimum of six hours a week or three days a week to accomplish program goals, except when arriving late in accordance with the late arrival policy described in paragraph (1) or as reasonably necessary.

(B) A pupil who attends less than one-half of the daily program hours shall not be counted for the purposes of attendance.

(3) In order to develop an age-appropriate before school program for pupils in middle school or junior high school, programs established pursuant to this article may implement a flexible attendance schedule for those pupils. Priority for enrollment of pupils in middle school or junior high school shall be given to pupils who attend daily.

(b) The administrators of a before school program established pursuant to this article shall have the option of operating during any combination of summer, intersession, or vacation periods for a minimum of two hours per day for the regular school year pursuant to Section 8483.75.

(c) Every before school program component established pursuant to this article shall offer a breakfast meal as described by Section 49553 for all program participants.

(d) This section shall remain in effect only until July 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before July 1, 2017, deletes or extends that date.

SEC. 6.5. Section 8483.1 of the Education Code is amended to read:

8483.1. (a) (1) Every before school program component established pursuant to this article shall in no instance operate for less than one and one-half hours per regular schoolday. Every program shall establish a policy regarding reasonable late daily arrival of pupils to the program.

(2) (A) It is the intent of the Legislature that elementary school and middle school or junior high school pupils participate in the full day of the program every day during which pupils participate, except when arriving late in accordance with the late arrival policy described in paragraph (1) or as reasonably necessary.

(B) A pupil who attends less than one-half of the daily program hours shall not be counted for the purposes of attendance.

(3) In order to develop an age-appropriate before school program for pupils in middle school or junior high school, programs established pursuant to this article may implement a flexible attendance schedule for those pupils. Priority for enrollment of pupils in middle school or junior high school shall be given to pupils who attend daily.

(b) The administrators of a before school program established pursuant to this article shall have the option of operating during any combination of summer, intersession, or vacation periods for a minimum of two hours per day for the regular school year pursuant to Section 8483.75.

(c) Every before school program component established pursuant to this article shall offer a breakfast meal as described by Section 49553 for all program participants.

(d) This section shall remain in effect only until July 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before July 1, 2017, deletes or extends that date.

SEC. 7. Section 8483.1 is added to the Education Code, to read:

8483.1. (a) (1) Every before school program component established pursuant to this article shall in no instance operate for less than one and one-half hours per regular schoolday. Every program shall establish a policy regarding reasonable late daily arrival of pupils to the program.

(2) (A) It is the intent of the Legislature that elementary school pupils participate in the full day of the program every day during which pupils participate and that pupils in middle school or junior high school attend a minimum of six hours a week or three days a week to accomplish program goals, except when arriving late in accordance with the late arrival policy described in paragraph (1) or as reasonably necessary.

(B) A pupil who attends less than one-half of the daily program hours shall not be counted for the purposes of attendance.

(3) In order to develop an age-appropriate before school program for pupils in middle school or junior high school, programs established pursuant to this article may implement a flexible attendance schedule for those pupils.

(b) The administrators of a before school program established pursuant to this article shall have the option of operating during any combination of summer, intersession, or vacation periods for a minimum of two hours per day for the regular school year pursuant to Section 8483.75.

(c) Every before school program component established pursuant to this article shall offer a breakfast meal as described by Section 49553 for all program participants.

(d) (1) Priority for enrollment of pupils in a before school program shall be as follows:

(A) First priority shall go to pupils who are identified by the program as homeless youth, as defined by the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11434a), at the time that they apply for enrollment or at any time during the school year, and to pupils who are identified by the program as being in foster care.

(B) For programs serving middle and junior high school pupils, second priority shall go to pupils who attend daily.

(2) Nothing in this subdivision shall be construed to require a program to verify, or a school district to disclose to a before school program, that a pupil applying for or participating in the program is a homeless youth or foster youth.

(3) Nothing in this subdivision shall be construed to require or authorize the disenrollment of a current participant in order to secure the enrollment of a pupil who has priority for enrollment.

(e) A program shall inform the parent or caregiver of a pupil of the right of homeless children and foster children to receive priority enrollment and how to request priority enrollment.

(f) For purposes of identifying a pupil who is eligible for priority enrollment pursuant to subdivision (d), the administrators of a program shall allow self-certification of the pupil as a homeless youth or a foster youth. Administrators of a program may also obtain this information through the school district liaison designated for homeless children if the school district has a waiver on file allowing for the release of this information.

(g) This section shall become operative on July 1, 2017.

SEC. 7.5. Section 8483.1 is added to the Education Code, to read:

8483.1. (a) (1) Every before school program component established pursuant to this article shall in no instance operate for less than one and one-half hours per regular schoolday. Every program shall establish a policy regarding reasonable late daily arrival of pupils to the program.

(2) (A) It is the intent of the Legislature that elementary school and middle school or junior high school pupils participate in the full day of the program every day during which pupils participate, except when arriving late in accordance with the late arrival policy described in paragraph (1) or as reasonably necessary.

(B) A pupil who attends less than one-half of the daily program hours shall not be counted for the purposes of attendance.

(3) In order to develop an age-appropriate before school program for pupils in middle school or junior high school, programs established pursuant to this article may implement a flexible attendance schedule for those pupils.

(b) The administrators of a before school program established pursuant to this article shall have the option of operating during any combination of summer, intersession, or vacation periods for a minimum of two hours per day for the regular school year pursuant to Section 8483.75.

(c) Every before school program component established pursuant to this article shall offer a breakfast meal as described by Section 49553 for all program participants.

(d) (1) Priority for enrollment of pupils in a before school program shall be as follows:

(A) First priority shall go to pupils who are identified by the program as homeless youth, as defined by the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11434a), at the time that they apply for enrollment or at any time during the school year, and to pupils who are identified by the program as being in foster care.

(B) For programs serving middle and junior high school pupils, second priority shall go to pupils who attend daily.

(2) Nothing in this subdivision shall be construed to require a program to verify, or a school district to disclose to a before school program, that a pupil applying for or participating in the program is a homeless youth or foster youth.

(3) Nothing in this subdivision shall be construed to require or authorize the disenrollment of a current participant in order to secure the enrollment of a pupil who has priority for enrollment.

(e) A program shall inform the parent or caregiver of a pupil of the right of homeless children and foster children to receive priority enrollment and how to request priority enrollment.

(f) For purposes of identifying a pupil who is eligible for priority enrollment pursuant to subdivision (d), the administrators of a program shall allow self-certification of the pupil as a homeless youth or a foster youth. Administrators of a program may also obtain this information through the school district liaison designated for homeless children if the school district has a waiver on file allowing for the release of this information.

(g) This section shall become operative on July 1, 2017.

SEC. 8. Section 8483.95 is added to the Education Code, to read:

8483.95. It is the intent of the Legislature that a program established pursuant to this article shall not use its core operating funds for mandatory snacks or meals, but shall instead seek to qualify program sites as approved distribution sites for federally funded after school snacks or meals provided for by the National School Lunch Program, the Summer Food Service Program, the School Breakfast Program, or the Child and Adult Care Food Program.

SEC. 9. (a) Sections 2.5 and 3.5 of this bill incorporate amendments to Section 8482.6 of the Education Code proposed by both this bill and Assembly Bill 2615. They shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2017, (2) each bill amends Section 8482.6 of the Education Code, and (3) this bill is enacted after Assembly Bill 2615, in which case Sections 2 and 3 of this bill shall not become operative.

(b) Sections 4.5 and 5.5 of this bill incorporate amendments to Section 8483 of the Education Code proposed by both this bill and Assembly Bill 2615. They shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2017, (2) each bill amends Section 8483 of the Education Code, and (3) this bill is enacted after Assembly Bill 2615, in which case Sections 4 and 5 of this bill shall not become operative.

(c) Sections 6.5 and 7.5 of this bill incorporate amendments to Section 8483.1 of the Education Code proposed by both this bill and Assembly Bill 2615. They shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2017, (2) each bill amends Section 8483.1 of the Education Code, and (3) this bill is enacted after Assembly Bill 2615, in which case Sections 6 and 7 of this bill shall not become operative.

SEC. 10. The Legislature finds and declares that this act furthers the purpose of the After School Education and Safety Program Act of 2002.