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**AB-2622 After School Education and Safety Program.** (2017-2018)

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**Assembly Bill No. 2622**

**CHAPTER 265**

An act to amend Section 8483.7 of, and to repeal and amend Section 8483 of, the Education Code, relating to after school programs.

[ Approved by Governor September 05, 2018. Filed with Secretary of State September 05, 2018. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2622, Dahle. After School Education and Safety Program.

Existing law, the After School Education and Safety Program Act of 2002, 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, as specified. Existing law requires every after school component of a program to operate a minimum of 15 hours per week and at least until 6 p.m. on every regular schoolday.

Existing law prohibits a program established pursuant to the act located off school grounds from being approved unless safe transportation is provided to the pupils enrolled in the program. Existing law authorizes additional funding to be provided for transportation, as specified, if a program is operated at a schoolsite located in an area that has a population density of less than 11 persons per square mile.

This bill would authorize a program that operates at a schoolsite located in an area with the above-specified low population density to end operating hours not earlier than 5 p.m.

Existing law provides that each school establishing a program pursuant to the act is eligible to receive a 3-year after school grant, as provided, and establishes maximum total grant amounts for schools. Existing law requires the State Department of Education to adjust the grant level of any school within the program that is under its targeted attendance level by more than 15% in each of 2 consecutive years. Existing law also requires the department to review a program if the actual attendance level of a school within the program falls below 75% of the target attendance level in any year after the initial grant year, and to adjust the grant level as the department deems appropriate.

This bill would require the department to adjust the grant level of a program that operates at a schoolsite located in an area with the above-specified low population density, for falling below 35% of its target attendance level in each of 2 consecutive years. This bill would require the department to review a program that operated in an area with the above-specified low population density, if the actual attendance level of a school within the program falls below 55%, and to adjust the grant level as the department deems appropriate.

Existing law provides that after technical assistance has been provided, the department may terminate the grant of a school in a program, at any time, if the school fails for 3 consecutive years to meet either the requirement to demonstrate measurable

program outcomes, or to attain 75% of its proposed attendance level after having its program reviewed and its grant level adjusted.

This bill would provide that a program that operates at a schoolsite located in an area with the above-specified low population density may be terminated if the school fails for 3 consecutive years to meet either the requirement to demonstrate measurable program outcomes, or to attain 55% of its proposed attendance level after having its program reviewed and its grant level adjusted.

Existing law authorizes a grantee to allocate, with approval of the department, up to 125% of the maximum total grant amount for an individual school, so long as the maximum total grant amount for all school programs administered by the program grantee is not exceeded. Existing law requires a grantee that transfers funds to have an established waiting list for enrollment and to transfer only from another school program that has met a minimum of 70% of its attendance goal.

This bill would exempt, for purposes of allocating up to 125% of the maximum total grant amount for an individual school, a program that operates at a schoolsite located in an area with the above-specified low population density from the requirement to have an established waiting list for enrollment and to transfer funds only from another school program that has met a minimum of 70% of its attendance goal.

This bill would make conforming and nonsubstantive changes and would correct existing law.

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

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

**SECTION 1.** Section 8483 of the Education Code, as added by Section 5 of Chapter 399 of the Statutes of 2016, is repealed.

**SEC. 2.** Section 8483 of the Education Code, as added by Section 10.2 of Chapter 470 of the Statutes of 2016, is amended to read:

**8483.** (a) (1) (A) (i) 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.

(ii) Notwithstanding clause (i), a program that operates at a schoolsite located in an area that has a population density of less than 11 persons per square mile may end operating hours not earlier than 5 p.m.

(B) 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 subparagraph (B) of 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. 3.** Section 8483.7 of the Education Code is amended to read:

**8483.7.** (a) (1) (A) Each school that establishes a program pursuant to this article 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 as described in Section 8482.3 once every three years.

(B) The department shall provide technical support for development of a program improvement plan for grantees under the following conditions:

(i) If actual pupil attendance falls below 75 percent of the target attendance level in any year of the grant.

(ii) If the grantee fails, in any year of the grant, to demonstrate measurable outcomes pursuant to Section 8484.

(C) (i) Except as provided in clause (ii), the department shall 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.

(ii) For a program that operates at a schoolsite located in an area that has a population density of less than 11 persons per square mile, the department shall adjust the grant level of any school within the program that is under its targeted attendance level by more than 35 percent in each of two consecutive years.

(D) (i) Except as provided in clause (ii), 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 department shall perform a review of the program and adjust the grant level as the department deems appropriate.

(ii) For a program that operates at a schoolsite located in an area that has a population density of less than 11 persons per square mile, the department shall perform a review of the program and adjust the grant level as the department deems appropriate, if, in any year after the initial grant year, the actual attendance level of a school within the program falls below 55 percent of the target attendance level.

(E) The department shall create a process to allow a grantee to voluntarily lower its annual grant amount if one or more sites are unable to meet the proposed pupil attendance levels by the end of the second year of the grant.

(F) A grantee who has had its grant amount reduced may subsequently request an increase in funding up to the maximum grant amounts provided under this subdivision.

(G) The department may withhold or terminate the grant allocation of any site or program that does not comply with audit resolutions, fiscal reporting, attendance reporting, or outcomes reporting requirements required by the department.

(H) Notwithstanding any other provision of this subdivision or any other law, after the technical support required under subparagraph (B) has been provided, the department may at any time terminate the grant of a school in a program that fails for three consecutive years to meet either of the following requirements:

(i) Demonstrate measurable program outcomes pursuant to Section 8484.

(ii) (I) Except as provided in subclause (II), attain 75 percent of its proposed attendance level after having had its program reviewed and grant level adjusted by the department.

(II) For a program that operates at a schoolsite located in an area that has a population density of less than 11 persons per square mile, attain 55 percent of its proposed attendance level after having had its program reviewed and grant level adjusted by the department.

(I) After school grants may be awarded to applicants that have demonstrated readiness to begin operation of a program or to expand existing programs.

(J) The maximum total after school grant amount awarded annually pursuant to this paragraph shall be one hundred twelve thousand five hundred dollars (\$112,500) for each regular school year for each elementary school and one hundred fifty

thousand dollars (\$150,000) for each regular school year for each middle or junior high school. The Superintendent shall determine the total annual after school grant amount for which a site is eligible based on a formula of seven dollars and fifty cents (\$7.50) per pupil per day of pupil attendance that the program plans to serve, with a maximum total grant of thirty-seven dollars and fifty cents (\$37.50) per projected pupil per week, and a formula of seven dollars and fifty cents (\$7.50) per projected pupil per day of staff development, with a maximum of three staff development days per year. A program may provide the three days of staff development during regular program hours using funds from the total grant award.

(2) For large schools, the maximum total grant amounts described in paragraph (1) may be increased based on the following formulas, up to a maximum amount of twice the respective limits specified in subparagraph (J) of paragraph (1):

(A) For elementary schools, multiply one hundred thirteen dollars (\$113) by the number of pupils enrolled at the schoolsite for the normal schoolday program that exceeds 600.

(B) For middle schools, multiply one hundred thirteen dollars (\$113) by the number of pupils enrolled at the schoolsite for the normal schoolday program that exceeds 900.

(3) The maximum total grant amounts set forth in subparagraph (J) of paragraph (1) may be increased from any funds made available for this purpose in the annual Budget Act for participating schools that have pupils on waiting lists for the program. Grants may be increased by the lesser of an amount that is either 25 percent of the current maximum total grant amount or equal to the proportion of pupils unserved by the program as measured by documented waiting lists as of January 1 of the previous grant year, compared to the actual after school enrollment on the same date. The amount of the required cash or in-kind matching funds shall be increased accordingly. First priority for an increased maximum grant pursuant to this paragraph shall be given to schools that qualify for funding pursuant to subdivision (b) of Section 8482.55. Second priority shall be given to schools that receive funding priority pursuant to subdivision (f) of Section 8482.55.

(4) The minimum total after school grant amount for each schoolsite that may be awarded pursuant to this section shall be computed by multiplying the applicable rate per pupil per day of pupil attendance by 20 pupils being served for 180 regular schooldays.

(5) Additional funding may be made available for transportation in programs that meet the requirements of Section 8484.65, in an amount not to exceed fifteen thousand dollars (\$15,000) per site, per school year, as funds are available, in accordance with the local community after school program needs as determined by the department. Programs shall submit to the department for consideration evidence of the need for after school transportation funds specific to after school programs pursuant to this article. Funding under this paragraph may be used to supplement, but not supplant, local transportation services.

(6) Each program shall provide an amount of cash or in-kind local funds equal to not less than one-third of the total grant from the school district, governmental agencies, community organizations, or the private sector. Facilities or space usage may fulfill not more than 25 percent of the required local contribution.

(7) (A) A grantee may allocate, with departmental approval, up to 125 percent of the maximum total grant amount for an individual school, so long as the maximum total grant amount for all school programs administered by the program grantee is not exceeded.

(B) A program grantee that transfers funds for purposes of administering a program pursuant to subparagraph (A) shall have an established waiting list for enrollment, and may transfer only from another school program that has met a minimum of 70 percent of its attendance goal. This subparagraph does not apply to a program that operates at a schoolsite located in an area that has a population density of less than 11 persons per square mile.

(b) The administrator of a program established pursuant to this article may supplement, but not supplant, existing funding for after school programs with grant funds awarded pursuant to this article. State categorical funds for remedial education activities shall not be used to make the required contribution of local funds for those after school programs.

(c) Up to 15 percent of the initial year's grant amount for each grant recipient may be used for startup costs. Under no circumstance shall funding for startup costs result in an increase in the grant recipient's total funding above the approved grant amount.

(d) For each year of the grant, the department shall award the total grant amount for that year not later than 30 days after the date the grantee accepts the grant.

(e) The department may adjust the amount of a direct grant, awarded to a new applicant pursuant to this section, on the basis of the program start date, as determined by the department.