

AMENDED IN SENATE JUNE 22, 2016

AMENDED IN SENATE JUNE 24, 2015

AMENDED IN ASSEMBLY MAY 28, 2015

AMENDED IN ASSEMBLY MAY 5, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1426**

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**Introduced by Assembly Member ~~Levine~~ Cooper**

February 27, 2015

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An act to amend Sections ~~47612.5 and 47634.2~~ of 8483 and 8483.7 of, and to add Section 8483.71 to, the Education Code, relating to ~~charter schools.~~ *after school programs.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1426, as amended, ~~Levine~~ Cooper. ~~Charter schools: classroom-based and nonclassroom-based instruction: blended learning charter schools.~~ *After school programs.*

*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 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. The act requires the Superintendent of Public Instruction to determine the total annual after school grant amount for which a site is eligible based on a formula of \$7.50 per pupil per day of pupil attendance that the program plans to serve, with a minimum total grant of \$37.50 per projected pupil per week, and a formula of*

*\$7.50 per projected pupil per day of staff development, with a maximum of 3 staff development days per year.*

*This bill would no longer require after school components of a program to operate at least until 6 p.m. on regular schooldays. The bill would increase the per pupil and per projected pupil rates discussed above, as specified, and would require the State Department of Education to report to the Legislature, on progress in implementing these rate changes, commencing on or before April 1, 2017, and every 6 months thereafter, unless or until the rate changes are fully implemented for all grantees.*

~~Existing law, the Charter Schools Act of 1992, requires charter schools, as a condition of receiving funding apportionments, to offer in each fiscal year a specified minimum number of minutes of instruction to each pupil based on grade level. For purposes of that instructional time requirement, the act defines “classroom-based instruction” as occurring only when charter school pupils are engaged in required educational activities under the immediate supervision and control of an employee of the charter school who possesses a specified teaching certification. The act requires, for purposes of calculating average daily attendance for classroom-based instruction apportionments, that at least 80% of the instructional time offered by the charter school be at the charter schoolsite. The act authorizes a charter school to receive funding for nonclassroom-based instruction, as defined for that purpose, only if a determination for funding is made by the State Board of Education, subject to any conditions or limitations the state board may prescribe.~~

~~This bill would subject to that determination for funding for nonclassroom-based instruction a “blended learning charter school,” defined as a charter school through which a pupil learns at least in part through online delivery of content and instruction and at least in part at a supervised location away from home, that offers classroom-based instruction no less than 60% and no more than 80% of the instructional time, and that satisfies other specified criteria. The bill would provide that such a blended learning charter school shall not lose eligibility for specified school facilities assistance based solely on the blended learning charter school’s status as a nonclassroom-based charter school, provided that the charter school is otherwise eligible for the facility program. The bill would require the state board to adopt regulations setting forth criteria for the determination of funding for a blended learning charter school, as provided. The bill would also make nonsubstantive changes.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 8483 of the Education Code is amended*  
2 *to read:*

3     8483. (a) (1) Every after school component of a program  
4 established pursuant to this article shall commence immediately  
5 upon the conclusion of the regular schoolday, and operate *on every*  
6 *regular schoolday* for a minimum of 15 hours per ~~week, and at~~  
7 ~~least until 6 p.m. on every regular schoolday.~~ *week.* Every after  
8 school component of the program shall establish a policy regarding  
9 reasonable early daily release of pupils from the program. For  
10 those programs or schoolsites operating in a community where the  
11 early release policy does not meet the unique needs of that  
12 community or school, or both, documented evidence may be  
13 submitted to the department for an exception and a request for  
14 approval of an alternative plan.

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

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

26     (b) The administrators of a program established pursuant to this  
27 article have the option of operating during any combination of  
28 summer, intersession, or vacation periods for a minimum of three  
29 hours per day for the regular school year pursuant to Section  
30 8483.7.

31     *SEC. 2. Section 8483.7 of the Education Code is amended to*  
32 *read:*

33     8483.7. (a) (1) (A) Each school that establishes a program  
34 pursuant to this article is eligible to receive a three-year after school  
35 grant, that shall be awarded in three one-year increments and is

1 subject to semiannual attendance reporting and requirements as  
2 described in Section 8482.3 once every three years.

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

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

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

10 (ii) The department shall adjust the grant level of any school  
11 within the program that is under its targeted attendance level by  
12 more than 15 percent in each of two consecutive years.

13 (iii) In any year after the initial grant year, if the actual  
14 attendance level of a school within the program falls below 75  
15 percent of the target attendance level, the department shall perform  
16 a review of the program and adjust the grant level as the department  
17 deems appropriate.

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

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

25 (vi) The department may terminate the grant of any site or  
26 program that does not comply with fiscal reporting, attendance  
27 reporting, or outcomes reporting requirements established by the  
28 department and pursuant to Section 8484. The department may  
29 withhold the grant allocation for a program or site if the prior grant  
30 year's fiscal or attendance reporting remains outstanding, until the  
31 reports have been filed with the department.

32 (vii) Notwithstanding any other provision of this subdivision  
33 or any other law, after the technical assistance required under  
34 clause (i) has been provided, the department may at any time  
35 terminate the grant of a school in a program that fails for three  
36 consecutive years to meet either of the following requirements:

37 (I) Demonstrate measurable program outcomes pursuant to  
38 Section 8484.

1 (II) Attain 75 percent of its proposed attendance level after  
2 having had its program reviewed and grant level adjusted by the  
3 department.

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

7 (C) The maximum total after school grant amount awarded  
8 annually pursuant to this paragraph shall be one hundred twelve  
9 thousand five hundred dollars (\$112,500) for each regular school  
10 year for each elementary school and one hundred fifty thousand  
11 dollars (\$150,000) for each regular school year for each middle or  
12 junior high school. The Superintendent shall determine the total  
13 annual after school grant amount for which a site is eligible based  
14 on a formula of ~~seven~~ *eight* dollars and fifty cents (~~\$7.50~~) (*\$8.50*)  
15 per pupil per day of pupil attendance that the program plans to  
16 serve, with a maximum total grant of ~~thirty-seven~~ *forty-two* dollars  
17 and fifty cents (~~\$37.50~~) (*\$42.50*) per projected pupil per week, and  
18 a formula of ~~seven~~ *eight* dollars and fifty cents (~~\$7.50~~) (*\$8.50*) per  
19 projected pupil per day of staff development, with a maximum of  
20 three staff development days per year. A program may provide  
21 the three days of staff development during regular program hours  
22 using funds from the total grant award.

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

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

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

33 (3) The maximum total grant amounts set forth in subparagraph  
34 (C) of paragraph (1) may be increased from any funds made  
35 available for this purpose in the annual Budget Act for participating  
36 schools that have pupils on waiting lists for the program. Grants  
37 may be increased by the lesser of an amount that is either 25  
38 percent of the current maximum total grant amount or equal to the  
39 proportion of pupils unserved by the program as measured by  
40 documented waiting lists as of January 1 of the previous grant

1 year, compared to the actual after school enrollment on the same  
2 date. The amount of the required cash or in-kind matching funds  
3 shall be increased accordingly. First priority for an increased  
4 maximum grant pursuant to this paragraph shall be given to schools  
5 that qualify for funding pursuant to subdivision (b) of Section  
6 8482.55. Second priority shall be given to schools that receive  
7 funding priority pursuant to subdivision (f) of Section 8482.55.

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

13 (5) A school that establishes a program pursuant to this section  
14 is eligible to receive a summer grant to operate the program in  
15 excess of 180 regular schooldays or during any combination of  
16 summer, intersession, or vacation periods for a maximum of the  
17 lesser of the following amounts:

18 (A) Seven dollars and fifty cents (\$7.50) per day per pupil.

19 (B) Thirty percent of the total grant amount awarded to the  
20 school per school year pursuant to subparagraph (C) of paragraph  
21 (1).

22 (C) Notwithstanding subparagraphs (A) and (B), the maximum  
23 total summer grant that may be awarded annually pursuant to this  
24 paragraph shall be thirty-three thousand seven hundred fifty dollars  
25 (\$33,750) for each regular school year for each elementary school  
26 and forty-five thousand dollars (\$45,000) for each regular school  
27 year for each middle or junior high school.

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

38 (7) Each program shall provide an amount of cash or in-kind  
39 local funds equal to not less than one-third of the total grant from  
40 the school district, governmental agencies, community

1 organizations, or the private sector. Facilities or space usage may  
2 fulfill not more than 25 percent of the required local contribution.

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

8 (B) A program grantee that transfers funds for purposes of  
9 administering a program pursuant to subparagraph (A) shall have  
10 an established waiting list for enrollment, and may transfer only  
11 from another school program that has met a minimum of 70 percent  
12 of its attendance goal.

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

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

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

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

30 *SEC. 3. Section 8483.71 is added to the Education Code, to*  
31 *read:*

32 *8483.71. Commencing on or before April 1, 2017, and every*  
33 *six months thereafter, the department shall provide a progress*  
34 *report to the Legislature, in compliance with Section 9795 of the*  
35 *Government Code, regarding the implementation of each rate*  
36 *change made to subparagraph (C) of paragraph (1) of subdivision*  
37 *(a) of Section 8483.7, by the act that added this section, unless or*  
38 *until the rate changes are fully implemented for all grantees.*

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**All matter omitted in this version of the bill  
appears in the bill as amended in the  
Senate, June 24, 2015. (JR11)**

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