

# CSBA Sample Administrative Regulation

AR 5148.2

## Students

### Before/After School Programs

\*\*\*Note: The following administrative regulation is for use by districts providing before-school and/or after-school programs funded by the state After School Education and Safety Program (ASES) (Education Code 8482-8484.6), the federal 21st Century Community Learning Center Program (21st CCLC) (20 USC 7171-7176; Education Code 8484.7-8484.9), and/or the 21st Century High School After School Safety and Enrichment for Teens Program (ASSETs) (Education Code 8420-8428). \*\*\*

\*\*\*Note: The district should revise the following regulation to reflect the program(s) and grade levels offered by the district.\*\*\*

### After School Education and Safety (ASES) and 21st Century Community Learning Centers (21st CCLC) Programs

\*\*\*Note: Pursuant to Education Code 8484.75, programs funded through the 21st CCLC program are generally subject to the same program requirements applicable to ASES programs, with the exception of specified provisions primarily related to allocation of funds. The following section applies to both programs except where otherwise noted. \*\*\*

\*\*\*Note: The following two paragraphs are for districts with an ASES program. Districts may use ASES funding to operate both before-school and/or after-school programs. \*\*\*

The district's ASES program may serve students in grades K-9. (Education Code 8482.3)

\*\*\*Note: The following paragraph is optional. Education Code 8482.5 gives competitive priority for state ASES funding to schools that meet the following criteria.\*\*\*

Because priority for state ASES funding is given to programs that serve students in schools in which at least 50 percent of elementary students and 50 percent of middle or junior high school students are eligible for free or reduced-price meals under the National School Lunch program, the district shall, to the extent feasible, establish programs in schools that meet that criteria.

(cf. 3553 - Free and Reduced Price Meals)

\*\*\*Note: The following paragraph is for use by districts with a 21st CCLC program.

Pursuant to Education Code 8484.8 and 20 USC 7173, 21st CCLC funds are restricted to programs that primarily serve students that attend Title I schoolwide programs, with competitive priority for schools identified for program improvement under 20 USC 6316.\*\*\*

The district's 21st CCLC program may serve students in grades K-12. The program shall primarily serve students in Title I schoolwide programs, with priority given to schools that are identified for program improvement under 20 USC 6316. (20 USC 7173; Education Code 8484.8)

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 6171 - Title I Programs)

\*\*\*Note: The remainder of this section applies to both ASES and 21st CCLC programs.\*\*\*

The ASES and 21st CCLC program(s) shall be operated in accordance with the following:

1. Program Elements

a. The program shall include an educational and literacy element in which tutoring or homework assistance is provided in language arts, mathematics, history and social science, computer training, and/or science. (Education Code 8482.3)

\*\*\*Note: Pursuant to Education Code 8483.55 and 8484.8, as amended by SB 638 (Ch. 380, Statutes of 2006), the California Department of Education (CDE) is required to develop and distribute by July 1, 2009, voluntary guidelines for the physical activity programs described in item #b below.\*\*\*

b. The program shall include an educational enrichment element which may include, but is not limited to, fine arts, career technical education, recreation, physical fitness, and prevention activities. (Education Code 8482.3)

\*\*\*Note: SB 638 (Ch. 380, Statutes of 2006) amended Education Code 8482.3 to add the requirement specified in item #2a below.\*\*\*

2. Nutrition

a. If snacks are made available in the program, they shall conform to state nutrition standards specified in Education Code 49430-49436. (Education Code 8482.3)

(cf. 3554 - Other Food Sales)

(cf. 5030 - Student Wellness)

\*\*\*Note: Item #b below is for use by districts that provide a before-school program.

Education Code 8483.1, as amended by SB 638 (Ch. 380, Statutes of 2006), adds the requirement that before-school programs offer a breakfast meal as provided below.\*\*\*

b. The district's before-school program shall offer a breakfast meal as described in Education Code 49553 for all program participants. (Education Code 8483.1)

(cf. 3550 - Food Service/Child Nutrition Program)

\*\*\*Note: Education Code 8482.3 provides that a program may be offered at one or multiple school sites. Program applications and U.S. Department of Education nonregulatory guidance, 21st Century Community Learning Centers, state that programs may be located off campus as long as the facility is as available and accessible to students as if it were located at a school.\*\*\*

### 3. Location of Program

a. The program may be offered at one or multiple school sites and/or at an easily available and accessible off-campus facility. (Education Code 8482.3)

\*\*\*Note: Education Code 8482.8 allows the district to provide services at another school site if there is a significant barrier to student participation in a program at the school of attendance, as described below. In addition, Education Code 8482.8 allows a district that is temporarily prevented from operating a program at a given site due to natural disaster, civil unrest, or imminent danger to students or staff, to transfer funding to other program sites in order to meet attendance targets during that time period.\*\*\*

b. When there is a significant barrier to student participation in a program at the school of attendance, the district may, with the approval of the Superintendent of Public Instruction, provide services at another school site. A significant barrier includes either of the following: (Education Code 8482.8)

(1) Fewer than 20 students participating in the program component

(2) Extreme transportation constraints, including, but not limited to, desegregation busing, busing for magnet or open enrollment schools, or student dependence on public transportation

In such cases, the district shall arrange for safe, supervised transportation between school sites; ensure communication among staff in the regular school program, staff in the before-school or after-school program, and parents/guardians; and ensure alignment of the educational and literacy elements with the regular school program of participating students. (Education Code 8482.8)

(cf. 3540 - Transportation)

### 4. Staffing

a. All staff members who directly supervise students shall, at a minimum, meet the qualifications for an instructional aide. (Education Code 8483.4)

(cf. 4222 - Teacher Aides/Paraprofessionals)

b. All program staff and volunteers shall be subject to the health screening and fingerprint clearance requirements in law and Board policy. (Education Code 8483.4)

(cf. 1240 - Volunteer Assistance)

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

(cf. 4112.5/4312.5 - Criminal Record Check)

(cf. 4212.5 - Criminal Record Check)

c. The student-to-staff ratio shall be no more than 20 to 1. (Education Code 8483.4)

\*\*\*Note: SB 638 (Ch. 380, Statutes of 2006) amended Education Code 8483.1 to delete a requirement that before-school programs begin at or before 6 a.m. on every regular school day or two hours before the commencement of the regular school day.\*\*\*

## 5. Hours of Operation

a. A before-school program shall not operate for less than one and one-half hours per regular school day. (Education Code 8483.1)

b. An after-school program shall begin immediately upon the conclusion of the regular school day and shall operate a minimum of 15 hours per week and at least until 6 p.m. on every regular school day. (Education Code 8483)

\*\*\*Note: Education Code 8483, 8483.1, and 8483.2 establish minimum hours of operation for programs offered during summer, intersession, or vacation days. SB 638 (Ch. 380, Statutes of 2006) amended Education Code 8483.2 to reduce the minimum hours of operation required for districts that offer both before-school and after-school programs on such days, as specified below. \*\*\*

c. A program may be offered during summer, intersession, or vacation days for a minimum of two hours per day for the before-school program or three hours per day for the after-school program. However, when both before-school and after-school programs are offered for the same students on such days, they shall be operated for a minimum of four and one-half hours per day. (Education Code 8483, 8483.1, 8483.2)

\*\*\*Note: Education Code 8483 and 8483.1 express legislative intent that elementary students attend the full day of either the before-school or after-school program every day in which they participate. Education Code 8483 and 8483.1 allow districts to implement a flexible attendance schedule for students in middle or junior high school, but express legislative intent that students at these grade levels attend a

minimum of six hours a week or three days a week in the before-school program or nine hours a week and three days a week in the after-school program. For before-school programs, students who attend less than one-half of the daily program hours may not be counted for attendance purposes.\*\*\*

\*\*\*Note: Pursuant to Education Code 8483, districts offering an after-school program are mandated to establish a policy regarding reasonable early daily release of students from the after-school program. Education Code 8483.1 mandates districts offering a before-school program to establish a policy regarding reasonable late daily arrival of students. The following paragraph should be revised to reflect district practice.\*\*\*

d. Each student admitted into a program shall be expected to attend the full number of hours that the program is in operation every day that he/she participates. However, when necessary, a student's parent/guardian may request, in writing, that the Superintendent or designee approve the reasonable late daily arrival of his/her child for the before-school program or the reasonable early daily release of his/her child from the after-school program. The Superintendent or designee shall not approve such a request if the student would be attending less than one-half of the daily program hours.

## 6. Admissions

a. Every student attending a school operating a program is eligible to participate in the program, subject to program capacity. (Education Code 8482.6)

b. If the number of students wishing to participate in the program exceeds program capacity, students shall be selected for enrollment based on the following criteria:

\*\*\*Note: Item #1 below is for use by districts that maintain middle or junior high schools.\*\*\*

(1) Priority for enrollment of middle or junior high school students shall be given to students who attend daily. (Education Code 8483, 8483.1)

\*\*\*Note: Items #2-4 are optional and may be revised or expanded to include enrollment priorities established by the district.\*\*\*

(2) Priority for enrollment shall be given to students identified as in need of academic remediation or support in accordance with Board policy or administrative regulations.

(cf. 5149 - At-Risk Students)

(cf. 6179 - Supplemental Instruction)

(3) Any remaining capacity shall be filled by students selected at random.

(4) A waiting list shall be established to accommodate additional students if space becomes available.

## 21st Century High School After School Safety and Enrichment for Teens (ASSETs) Program

The program may serve students in grades 9-12. (Education Code 8421)

\*\*\*Note: The following paragraph is optional. Education Code 8422 gives priority for ASSETs funding to programs serving students in schools ranked in deciles 1-3 on the most recent Academic Performance Index (API). \*\*\*

When feasible, priority shall be placed on establishing programs that serve students in schools that are ranked in deciles 1-3 on the most recent Academic Performance Index (API).

(cf. 0520 - Intervention for Underperforming Schools)

(cf. 0520.1 - High Priority Schools Grant Program)

(cf. 0520.4 - Quality Education Investment Schools)

\*\*\*Note: SB 638 (Ch. 380, Statutes of 2006) amended Education Code 8421 to provide that an additional program purpose is to assist students in passing the high school exit examination, as provided in item #1a below.\*\*\*

A high school after-school program shall be operated in accordance with the following:

### 1. Program Elements

a. The program shall include an academic assistance element that is aligned with the regular academic program and includes, but is not limited to, at least one of the following: (Education Code 8421)

#### (1) Preparation for the high school exit examination

(cf. 6162.52 - High School Exit Examination)

#### (2) Tutoring

#### (3) Homework assistance

#### (4) College preparation, including information about the Cal Grant program pursuant to Education Code 69530-69547.9

b. The program shall include an enrichment element that may include, but is not limited to, community service, career and technical education, job readiness, opportunities for mentoring and tutoring younger students, service learning, arts, computer and technology training, physical fitness, and recreation activities. (Education Code 8421)

c. The program shall include a nutritional snack and a physical activity element. (Education Code 8423)

d. The Superintendent or designee shall assess students' preferences for program activities. (Education Code 8423)

2. Location of Program

a. The district's program may operate on one or multiple school sites or at another location approved by the California Department of Education (CDE). (Education Code 8421)

b. If applying for a location off school grounds, the Superintendent or designee shall ensure that safe transportation is available for students, if necessary, and the program is at least as available and accessible as similar programs conducted on school sites. (Education Code 8421)

3. Hours of Operation

a. The district's program shall operate for a minimum of 15 hours per week. (Education Code 8421)

b. The district's program may be operated either after school only or for any combination of after school, before school, weekends, summer, intersession, and vacations. (Education Code 8422)

Reports

\*\*\*Note: Items #1-3 below apply to ASES, 21st CCLC, and ASSETs programs. SB 638 (Ch. 380, Statutes of 2006) amended Education Code 8427 and 8484 to specify data that must be submitted to the CDE.\*\*\*

The Superintendent or designee shall annually submit outcome-based data on academic performance, attendance, and positive behavioral changes as required by the CDE including, but not limited to: (Education Code 8427, 8482.3, 8484)

1. Participating students' school day attendance

2. Program attendance

3. One or more of the following measures of program effectiveness based on the program's focus:

a. Positive behavioral changes, as reported by school day or program teachers

- b. Standardized Testing and Reporting (STAR) test scores
- c. Homework completion rates as reported by school day or program teachers
- d. Skill development as reported by school day or program teachers
- e. Any other measures developed by the CDE

\*\*\*Note: The following optional paragraph is for use only by districts that offer an ASSETs program.\*\*\*

In addition, the Superintendent or designee shall report, to the extent possible, performance of participating students on the high school exit exam and graduation rates. (Education Code 8427)

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