

ACT 334

H.B. NO. 2299

A Bill for an Act Relating to an After-School Program.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that State resources must be committed to address the urgent need for after-school care through the establishment of an after-school program administered by the public school system. Program objectives include the following:

- (1) Providing affordable after-school supervision for children in a stimulating and caring environment;
- (2) Reinforcing and expanding learning experiences of children by providing a spectrum of opportunities and activities, including homework help; reading; tutorial assistance; enrichment in areas such as arts, crafts, and expressive arts; and access to school libraries and classrooms;
- (3) Improving the physical development of children by providing supervised recreational, sports, and fitness activities;
- (4) Increasing the utilization of school facilities; and
- (5) Enhancing the relationship between home and school by collaboratively meeting the needs of children.

This statewide program, to be known as the "after-school plus program" or "A+ program," will make affordable after-school supervision available to kindergarten through grade six children through the department of education.

The legislature finds that the after-school program developed by the department of education as a pilot program may be an appropriate means of addressing the problems of latchkey children and a distracted work force. The pilot A+ program should be implemented to test not only its feasibility as an after-school program of limited participation but also as a model for broader based after-school activities. Further, its implementation will allow the State to determine how a state-subsidized after-school program may support, enhance, and even complement existing privately operated after-school programs which presently are available but affordable only to a limited segment of our community.

The purpose of this Act is to establish a statewide pilot after-school program in the public schools to provide affordable and quality after-school supervision for students enrolled in kindergarten through grade six who would otherwise be without the supervision of an adult after the end of the instructional school day.

SECTION 2. In accordance with Section 9, Article VII of the Constitution of the State of Hawaii, and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by \$15,668,860, or 0.61 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriations made in this Act are

ACT 334

necessary to serve the public interest and to meet the needs provided for by this Act.

SECTION 3. The pilot program is a voluntary pilot program and not part of the compulsory educational services provided by the State. The pilot program is supplemental to the regular school program, and until it is evaluated and expanded, it may limit its participant eligibility and shall be budgeted separately from the regular educational program.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$15,668,860, or so much thereof as may be necessary for fiscal year 1990-1991, to implement the pilot after-school program known as the A+ program, as developed by the department of education. The sum appropriated shall be expended by the department of education solely and only to implement the pilot A+ program; provided that student eligibility for and continued enrollment in the program shall be determined in accordance with the criteria set forth in this Act; and provided further that the program shall be operated in accordance with the standards and procedures set forth in this Act; and provided further that in the event that appropriate federal funds become available to the department of education after the effective date of this Act, the department shall utilize such federal funds for the A+ program.

SECTION 5. Participation in the pilot A+ program shall be limited to public elementary school students enrolled in kindergarten through grade six who:

- (1) Come from households headed by a single working parent or guardian or two working parents or guardians;
- (2) Are children of persons who work in the pilot A+ program;
- (3) Are children of parents who attend school or job training for career development; or
- (4) Are recommended by the school on the basis of educational need, subject to available resources.

If the pilot A+ program or space is not available at the school the students attend, eligible students may enroll in a pilot A+ program at a different site, but the parent or parents of the student must arrange and pay for transportation to and from that program site.

SECTION 6. The pilot A+ program shall operate from the first full school day through the last full school day of the 1990-1991 school year, on each regular school day from the close of the regular school day until 5:30 p.m., or until a time determined by the individual school. The pilot A+ program shall not operate during public school vacation periods, holidays, teacher institute day, or on any regular public school half day. Students, including those exempt from payment of the monthly fee, may be assessed a \$5 late pick-up fee for every fifteen-minute interval after the official daily closing time that a child is picked up late.

Students may be precluded from continued participation in the pilot A+ program for failure to pay the monthly nonrefundable fee, chronic late pick-ups, or conduct which disrupts the pilot program's activities or jeopardizes the safety or welfare of the pilot A+ program's staff or participants. The site coordinator at each school shall meet with the students and parents of students whose continued participation in the pilot A+ program may be questionable, to apprise them of the problems which may result in termination, and to afford them a reasonable time in which to take corrective action.

SECTION 7. The department of education may hire staff on a part-time basis, exempt from chapters 76 and 77, as may be necessary for carrying out the purposes of this pilot A + program. The department of education may request criminal history record clearance of pilot A + program staff through the Hawaii criminal justice data center and from other state or national criminal data files.

SECTION 8. Each respective school shall have the option to administer the pilot A + program directly or to subcontract for services with a private entity; provided that any privately contracted services shall be substantially equivalent to or better in quality than those which are provided by other pilot A + programs.

The procedures for contracting for private services shall be established by the department of education.

The monthly fees charged by the private provider shall be the same as charged by other pilot A + programs. The private provider shall be reimbursed by the department of education on a monthly basis at a rate not to exceed the per pupil costs of pilot A + programs at other department of education operated sites, after discounting for monthly fees collected from each appropriate pupil. The school shall provide the private contractor with appropriate school facilities at no cost.

Nothing shall restrict the private provider from providing before-school, vacation care, transportation, or other extra services at an additional fee.

SECTION 9. Students who qualify for the school free or reduced-price lunch program shall be exempt from pilot A + program fees. Other students shall pay a nonrefundable fee of \$25 each month in advance.

SECTION 10. The pilot A + program is encouraged to make optimum use of the educational facilities and resources that are available at the sites and are not in conflict with the goals and objectives of the department of education's regular education and after-school instructional programs. Notwithstanding any other law to the contrary, moneys appropriated to the department of education for other educational programs shall not be transferred to augment the appropriation for the pilot A + program.

SECTION 11. No budget restrictions shall be made to the pilot A + program except after public informational meetings are conducted by the board of education.

SECTION 12. The department of education shall evaluate the pilot A + program to assess its effect on, among other things:

- (1) Student growth and development, both academic and personal;
- (2) Functioning of the regular school program; and
- (3) The morale, workload, and effectiveness of school staff.

The department of education shall prepare a report on the enrollment and costs (direct and indirect) of the pilot A + program, and concerns and problems in the program, both current and anticipated.

The evaluation and report required in this section shall be transmitted to the legislature no later than twenty days prior to the convening of the regular session of 1991.

SECTION 13. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the

ACT 334

invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 14. This Act shall take effect upon its approval; provided that section 4 shall take effect on July 1, 1990.

(Approved July 9, 1990.)