

ASSEMBLY BILL

No. 434

Introduced by Assembly Member Block

February 24, 2009

An act to amend Sections 8483.7, 8483.75, and 8483.9 of the Education Code, relating to after school programs.

LEGISLATIVE COUNSEL'S DIGEST

AB 434, as introduced, Block. After school programs.

(1) The After School Education and Safety Program Act of 2002, enacted by the initiative measure Proposition 49, 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 authorizes the administrators of a program established pursuant to the act to operate during any combination of summer, intersession, or vacation periods for a minimum of 3 hours per day for the regular school year.

The After School Education and Safety Program Act of 2002 requires the department to apportion moneys, from those continuously appropriated under the act, for purposes of after school programs to program applicants in the form of grants according to a specified priority scheme. The act specifies maximum grant amounts for 3-year direct grants for before and after school programs. The act requires each program to provide an amount of cash or in-kind local funds equal to not less than $\frac{1}{3}$ of the total grant from the school district, governmental agencies, community organizations, or the private sector.

This bill would reduce to 15% the amount of cash or in-kind local funds required to be provided by each program for the 2009–10 and 2010–11 fiscal years.

(2) The After School Education and Safety Program Act of 2002 limits the amount of state funds a program participant may expend on administrative costs to 15% of the participant’s funding. The act requires a program participant receiving state funding under the act to ensure that no less than 85% of that funding is allocated to schoolsites for direct services to pupils.

This bill would authorize the cost of a program site supervisor selected under the After School Education and Safety Program Act of 2002 to be included as direct services, provided that at least 85% of the site supervisor’s time is spent at the program site.

(3) This bill would include a finding and declaration of the Legislature that its provisions further the purposes of the After School Education and Safety Program Act of 2002.

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 8483.7 of the Education Code is amended
2 to read:

3 8483.7. (a) (1) (A) Each school that establishes a program
4 pursuant to this article is eligible to receive a three-year direct
5 grant, that shall be awarded in three one-year increments and is
6 subject to semiannual attendance reporting and requirements as
7 described in Section 8482.3 once every three years.

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

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

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

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

18 (iii) In any year after the initial grant year, if the actual
19 attendance level of a school within the program falls below 75
20 percent of the target attendance level, the department shall perform
21 a review of the program and adjust the grant level as the department
22 deems appropriate.

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

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

8 (vi) The department may terminate the grant of any site or
9 program that does not comply with fiscal reporting, attendance
10 reporting, or outcomes reporting requirements established by the
11 department and pursuant to Section 8484. The department may
12 withhold the grant allocation for a program or site if the prior grant
13 year's fiscal or attendance reporting remain outstanding, until the
14 reports have been filed with the department.

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

20 (I) Demonstrate measurable program outcomes pursuant to
21 Section 8484.

22 (II) Attain 75 percent of its proposed attendance level after
23 having had its program reviewed and grant level adjusted by the
24 department.

25 (B) Direct grants may be awarded to applicants that have
26 demonstrated readiness to begin operation of a program or to
27 expand existing programs.

28 (C) The maximum total direct grant amount awarded annually
29 pursuant to this paragraph shall be one hundred twelve thousand
30 five hundred dollars (\$112,500) for each regular school year for
31 each elementary school and one hundred fifty thousand dollars
32 (\$150,000) for each regular school year for each middle or junior
33 high school. The superintendent shall determine the total annual
34 direct grant amount for which a site is eligible based on a formula
35 of seven dollars and fifty cents (\$7.50) per pupil per day of pupil
36 attendance that the program plans to serve, with a maximum total
37 grant of thirty-seven dollars and fifty cents (\$37.50) per projected
38 pupil per week, and a formula of seven dollars and fifty cents
39 (\$7.50) per projected pupil per day of staff development, with a
40 maximum of three staff development days per year. A program

1 may provide the three days of staff development during regular
2 program hours using funds from the total grant award.

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

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

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

13 (3) The maximum total grant amounts set forth in subparagraph
14 (C) of paragraph (1) may be increased from any funds made
15 available for this purpose in the annual Budget Act for participating
16 schools that have pupils on waiting lists for the program. Grants
17 may be increased by the lesser of an amount that is either 25
18 percent of the current maximum total grant amount or equal to the
19 proportion of pupils unserved by the program as measured by
20 documented waiting lists as of January 1 of the previous grant
21 year, compared to the actual after school enrollment on the same
22 date. The amount of the required cash or in-kind matching funds
23 shall be increased accordingly. First priority for an increased
24 maximum grant pursuant to this paragraph shall be given to schools
25 that qualify for funding pursuant to subdivision (b) of Section
26 8482.55. Second priority shall be given to schools that receive
27 funding priority pursuant to subdivision (f) of Section 8482.55.

28 (4) A school that establishes a program pursuant to this section
29 is eligible to receive a supplemental grant to operate the program
30 in excess of 180 regular schooldays or during any combination of
31 summer, intersession, or vacation periods for a maximum of the
32 lesser of the following amounts:

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

34 (B) Thirty percent of the total grant amount awarded to the
35 school per school year pursuant to subparagraph (C) of paragraph
36 (1).

37 (5) Each program shall provide an amount of cash or in-kind
38 local funds equal to not less than one-third of the total grant from
39 the school district, governmental agencies, community
40 organizations, or the private sector, *except for the 2009–10 and*

1 2010–11 fiscal years, each program shall be required to provide
2 an amount of cash or in-kind local funds equal to not less than 15
3 percent of the total grant from the school district, governmental
4 agencies, community organizations, or the private sector. Facilities
5 or space usage may fulfill not more than 25 percent of the required
6 local contribution.

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

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

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

23 (c) Up to 15 percent of the initial year’s grant amount for each
24 grant recipient may be utilized for startup costs. Under no
25 circumstance shall funding for startup costs result in an increase
26 in the grant recipient’s total funding above the approved grant
27 amount.

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

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

34 SEC. 2. Section 8483.75 of the Education Code is amended to
35 read:

36 8483.75. (a) (1) (A) Each school that establishes a before
37 school program component pursuant to Section 8483.1 is eligible
38 to receive a three year renewable direct grant, that shall be awarded
39 in three one-year increments and is subject to semiannual
40 attendance reporting and renewal as required by the department.

1 Before school programs established pursuant to this section shall
2 be subject to the same reporting and accountability provisions
3 described in subparagraph (A) of paragraph (1) of subdivision (a)
4 of Section 8483.7.

5 (B) The maximum total grant amount awarded annually pursuant
6 to this paragraph shall be thirty-seven thousand five hundred dollars
7 (\$37,500) for each regular school year for each elementary school
8 and forty-nine thousand dollars (\$49,000) for each regular school
9 year for each middle or junior high school.

10 (C) The Superintendent shall determine the total annual direct
11 grant amount for which a site is eligible based on a formula of five
12 dollars (\$5) per pupil per day that the program plans to serve, with
13 a maximum total grant of twenty-five dollars (\$25) per projected
14 pupil per week.

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

19 (A) For elementary schools, multiply seventy-five dollars (\$75)
20 by the number of pupils enrolled at the schoolsite for the normal
21 schoolday program that exceeds 600.

22 (B) For middle schools, multiply seventy-five dollars (\$75) by
23 the number of pupils enrolled at the schoolsite for the normal
24 schoolday program that exceeds 900.

25 (3) A school that establishes a program pursuant to this article
26 is eligible to receive a supplemental grant to operate the program
27 in excess of 180 schooldays during any combination of summer,
28 intersession, or vacation periods for a maximum of 30 percent of
29 the total grant amount awarded to the school per school year under
30 this subdivision.

31 (4) ~~Each~~ *For the 2009–10 and 2010–11 fiscal years, each*
32 program shall provide an amount of cash or in-kind local funds
33 equal to not less than ~~one-third~~ *15 percent* of the total grant from
34 the school district, governmental agencies, community
35 organizations, or the private sector. Facilities or space usage may
36 fulfill not more than 25 percent of the required local contribution.

37 (5) (A) The department may award up to 125 percent of the
38 maximum total grant amount for an individual school, so long as
39 the maximum total grant amount for all school programs
40 administered by the program grantee is not exceeded.

1 (B) A program grantee that is awarded funds pursuant to
2 subparagraph (A) shall have an established waiting list for
3 enrollment, and may receive funds only from another school
4 program that has met a minimum of 70 percent of its attendance
5 goal.

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

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

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

20 SEC. 3. Section 8483.9 of the Education Code, as amended by
21 Section 6 of Chapter 553 of the Statutes of 2005, is amended to
22 read:

23 8483.9. (a) A program participant receiving funding pursuant
24 to this article may expend on indirect costs no more than the lesser
25 of the following:

26 (1) The school district's indirect cost rate, as approved by the
27 department for the appropriate fiscal year.

28 (2) Five percent of the state program funding received pursuant
29 to this article.

30 (b) A program participant receiving state funding pursuant to
31 this article may expend no more than 15 percent of that funding
32 on administrative costs, which funding need not be earned through
33 pupil attendance. For purposes of this section, administrative costs
34 shall include indirect costs, as described in subdivision (a).

35 (c) A program participant receiving state funding pursuant to
36 this program shall ensure that no less than 85 percent of that
37 funding is allocated to schoolsites for direct services to pupils. *The*
38 *cost of a program site supervisor selected pursuant to Section*
39 *8483.4 shall be included as direct services, provided that at least*

1 *85 percent of the site supervisor's time is spent at the program*
2 *site.*
3 SEC. 4. The Legislature finds and declares that this act furthers
4 the purposes of the After School Education and Safety Program
5 Act of 2002.

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