

AMENDED IN ASSEMBLY JUNE 1, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 434**

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**Introduced by Assembly Member Block**

February 24, 2009

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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 amended, 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. *The act further requires that facilities or space usage may fulfill not more than 25% of the required local contribution.*

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. *The bill would also provide that facilities or space usage may fulfill not more than 15% of the required local contribution.*

(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. *The act further requires that facilities or space usage may fulfill not more than 25% of the required local contribution.*

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. *The bill would also provide that facilities or space usage may fulfill not more than 15% of the required local contribution.*

(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~~ which shall be awarded in three one-year increments  
6 and is subject to semiannual attendance reporting and requirements  
7 as 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.

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

4 (iii) In any year after the initial grant year, if the actual  
5 attendance level of a school within the program falls below 75  
6 percent of the target attendance level, the department shall perform  
7 a review of the program and adjust the grant level as the department  
8 deems appropriate.

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

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

16 (vi) The department may terminate the grant of any site or  
17 program that does not comply with fiscal reporting, attendance  
18 reporting, or outcomes reporting requirements established by the  
19 department and pursuant to Section 8484. The department may  
20 withhold the grant allocation for a program or site if the prior grant  
21 year's fiscal or attendance reporting remain outstanding, until the  
22 reports have been filed with the department.

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

28 (I) Demonstrate measurable program outcomes pursuant to  
29 Section 8484.

30 (II) Attain 75 percent of its proposed attendance level after  
31 having had its program reviewed and grant level adjusted by the  
32 department.

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

36 (C) The maximum total direct grant amount awarded annually  
37 pursuant to this paragraph shall be one hundred twelve thousand  
38 five hundred dollars (\$112,500) for each regular school year for  
39 each elementary school and one hundred fifty thousand dollars  
40 (\$150,000) for each regular school year for each middle or junior

1 high school. The superintendent shall determine the total annual  
2 direct grant amount for which a site is eligible based on a formula  
3 of seven dollars and fifty cents (\$7.50) per pupil per day of pupil  
4 attendance that the program plans to serve, with a maximum total  
5 grant of thirty-seven dollars and fifty cents (\$37.50) per projected  
6 pupil per week, and a formula of seven dollars and fifty cents  
7 (\$7.50) per projected pupil per day of staff development, with a  
8 maximum of three staff development days per year. A program  
9 may provide the three days of staff development during regular  
10 program hours using funds from the total grant award.

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

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

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

21 (3) The maximum total grant amounts set forth in subparagraph  
22 (C) of paragraph (1) may be increased from any funds made  
23 available for this purpose in the annual Budget Act for participating  
24 schools that have pupils on waiting lists for the program. Grants  
25 may be increased by the lesser of an amount that is either 25  
26 percent of the current maximum total grant amount or equal to the  
27 proportion of pupils unserved by the program as measured by  
28 documented waiting lists as of January 1 of the previous grant  
29 year, compared to the actual after school enrollment on the same  
30 date. The amount of the required cash or in-kind matching funds  
31 shall be increased accordingly. First priority for an increased  
32 maximum grant pursuant to this paragraph shall be given to schools  
33 that qualify for funding pursuant to subdivision (b) of Section  
34 8482.55. Second priority shall be given to schools that receive  
35 funding priority pursuant to subdivision (f) of Section 8482.55.

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

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

2 (B) Thirty percent of the total grant amount awarded to the  
3 school per school year pursuant to subparagraph (C) of paragraph  
4 (1).

5 (5) Each program shall provide an amount of cash or in-kind  
6 local funds equal to not less than one-third of the total grant from  
7 the school district, governmental agencies, community  
8 organizations, or the private sector, except for the 2009–10 and  
9 2010–11 fiscal years, each program shall be required to provide  
10 an amount of cash or in-kind local funds equal to not less than 15  
11 percent of the total grant from the school district, governmental  
12 agencies, community organizations, or the private sector. Facilities  
13 or space usage may fulfill not more than ~~25~~ 15 percent of the  
14 required local contribution.

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

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

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

31 (c) Up to 15 percent of the initial year’s grant amount for each  
32 grant recipient may be utilized for startup costs. Under no  
33 circumstance shall funding for startup costs result in an increase  
34 in the grant recipient’s total funding above the approved grant  
35 amount.

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

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

4 SEC. 2. Section 8483.75 of the Education Code is amended to  
5 read:

6 8483.75. (a) (1) (A) Each school that establishes a before  
7 school program component pursuant to Section 8483.1 is eligible  
8 to receive a three year renewable direct grant, ~~that~~ *which* shall be  
9 awarded in three one-year increments and is subject to semiannual  
10 attendance reporting and renewal as required by the department.  
11 Before school programs established pursuant to this section shall  
12 be subject to the same reporting and accountability provisions  
13 described in subparagraph (A) of paragraph (1) of subdivision (a)  
14 of Section 8483.7.

15 (B) The maximum total grant amount awarded annually pursuant  
16 to this paragraph shall be thirty-seven thousand five hundred dollars  
17 (\$37,500) for each regular school year for each elementary school  
18 and forty-nine thousand dollars (\$49,000) for each regular school  
19 year for each middle or junior high school.

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

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

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

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

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

1 (4) For the 2009–10 and 2010–11 fiscal years, each program  
2 shall provide an amount of cash or in-kind local funds equal to not  
3 less than 15 percent of the total grant from the school district,  
4 governmental agencies, community organizations, or the private  
5 sector. Facilities or space usage may fulfill not more than ~~25~~ 15  
6 percent of the required local contribution.

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

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

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

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

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

30 SEC. 3. Section 8483.9 of the Education Code, as amended by  
31 Section 6 of Chapter 553 of the Statutes of 2005, is amended to  
32 read:

33 8483.9. (a) A program participant receiving funding pursuant  
34 to this article may expend on indirect costs no more than the lesser  
35 of the following:

36 (1) The school district’s indirect cost rate, as approved by the  
37 department for the appropriate fiscal year.

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

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

6 (c) A program participant receiving state funding pursuant to  
7 this program shall ensure that no less than 85 percent of that  
8 funding is allocated to schoolsites for direct services to pupils. The  
9 cost of a program site supervisor selected pursuant to Section  
10 8483.4 shall be included as direct services, provided that at least  
11 85 percent of the site supervisor’s time is spent at the program site.

12 SEC. 4. The Legislature finds and declares that this act furthers  
13 the purposes of the After School Education and Safety Program  
14 Act of 2002.

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