

AMENDED IN SENATE JULY 15, 2009

AMENDED IN ASSEMBLY JUNE 1, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

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 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, which 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.

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

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

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

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

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

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

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

30 (I) Demonstrate measurable program outcomes pursuant to
31 Section 8484.

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

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

38 (C) The maximum total direct grant amount awarded annually
39 pursuant to this paragraph shall be one hundred twelve thousand
40 five hundred dollars (\$112,500) for each regular school year for

1 each elementary school and one hundred fifty thousand dollars
2 (\$150,000) for each regular school year for each middle or junior
3 high school. The superintendent shall determine the total annual
4 direct grant amount for which a site is eligible based on a formula
5 of seven dollars and fifty cents (\$7.50) per pupil per day of pupil
6 attendance that the program plans to serve, with a maximum total
7 grant of thirty-seven dollars and fifty cents (\$37.50) per projected
8 pupil per week, and a formula of seven dollars and fifty cents
9 (\$7.50) per projected pupil per day of staff development, with a
10 maximum of three staff development days per year. A program
11 may provide the three days of staff development during regular
12 program hours using funds from the total grant award.

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

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

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

23 (3) The maximum total grant amounts set forth in subparagraph
24 (C) of paragraph (1) may be increased from any funds made
25 available for this purpose in the annual Budget Act for participating
26 schools that have pupils on waiting lists for the program. Grants
27 may be increased by the lesser of an amount that is either 25
28 percent of the current maximum total grant amount or equal to the
29 proportion of pupils unserved by the program as measured by
30 documented waiting lists as of January 1 of the previous grant
31 year, compared to the actual after school enrollment on the same
32 date. The amount of the required cash or in-kind matching funds
33 shall be increased accordingly. First priority for an increased
34 maximum grant pursuant to this paragraph shall be given to schools
35 that qualify for funding pursuant to subdivision (b) of Section
36 8482.55. Second priority shall be given to schools that receive
37 funding priority pursuant to subdivision (f) of Section 8482.55.

38 (4) A school that establishes a program pursuant to this section
39 is eligible to receive a supplemental grant to operate the program
40 in excess of 180 regular schooldays or during any combination of

1 summer, intersession, or vacation periods for a maximum of the
2 lesser of the following amounts:

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

4 (B) Thirty percent of the total grant amount awarded to the
5 school per school year pursuant to subparagraph (C) of paragraph
6 (1).

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

17 (5) (A) *Each program shall provide an amount of cash or
18 in-kind local funds equal to not less than one-third of the total
19 grant from the school district, governmental agencies, community
20 organizations, or the private sector. Facilities or space usage may
21 fulfill not more than 25 percent of the required local contribution,
22 except as provided in subparagraph (B).*

23 (B) *For the 2009–10 and 2010–11 fiscal years, each program
24 shall provide an amount of cash or in-kind local funds equal to
25 not less than 15 percent of the total grant from the school district,
26 governmental agencies, community organizations, or the private
27 sector. Facilities or space usage may fulfill not more than 15
28 percent of the required local contribution.*

29 (6) (A) A grantee may allocate, with departmental approval,
30 up to 125 percent of the maximum total grant amount for an
31 individual school, so long as the maximum total grant amount for
32 all school programs administered by the program grantee is not
33 exceeded.

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

39 (b) The administrator of a program established pursuant to this
40 article may supplement, but not supplant, existing funding for after

1 school programs with grant funds awarded pursuant to this article.
2 State categorical funds for remedial education activities shall not
3 be used to make the required contribution of local funds for those
4 after school programs.

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

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

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

16 SEC. 2. Section 8483.75 of the Education Code is amended to
17 read:

18 8483.75. (a) (1) (A) Each school that establishes a before
19 school program component pursuant to Section 8483.1 is eligible
20 to receive a three year renewable direct grant, which shall be
21 awarded in three one-year increments and is subject to semiannual
22 attendance reporting and renewal as required by the department.
23 Before school programs established pursuant to this section shall
24 be subject to the same reporting and accountability provisions
25 described in subparagraph (A) of paragraph (1) of subdivision (a)
26 of Section 8483.7.

27 (B) The maximum total grant amount awarded annually pursuant
28 to this paragraph shall be thirty-seven thousand five hundred dollars
29 (\$37,500) for each regular school year for each elementary school
30 and forty-nine thousand dollars (\$49,000) for each regular school
31 year for each middle or junior high school.

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

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

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

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

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

13 (4) ~~For~~(A) *Each program shall provide an amount of cash or*
14 *in-kind local funds equal to not less than one-third of the total*
15 *grant from the school district, governmental agencies, community*
16 *organizations, or the private sector. Facilities or space usage may*
17 *fulfill not more than 25 percent of the required local contribution.*

18 (B) *For the 2009–10 and 2010–11 fiscal years, each program*
19 *shall provide an amount of cash or in-kind local funds equal to not*
20 *less than 15 percent of the total grant from the school district,*
21 *governmental agencies, community organizations, or the private*
22 *sector. Facilities or space usage may fulfill not more than 15*
23 *percent of the required local contribution.*

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

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

33 (b) The administrator of a program established pursuant to this
34 article may supplement, but not supplant, existing funding for
35 before school programs with grant funds awarded pursuant to this
36 article. State categorical funds for remedial education activities
37 shall not be used to make the required contribution of local funds
38 for those before school programs.

39 (c) Up to 15 percent of the initial year's grant amount for each
40 grant recipient may be utilized for startup costs. Under no

1 circumstance shall funding for startup costs result in an increase
2 in the grant recipient's total funding above the approved grant
3 amount.

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

7 SEC. 3. Section 8483.9 of the Education Code, as amended by
8 Section 6 of Chapter 553 of the Statutes of 2005, is amended to
9 read:

10 8483.9. (a) A program participant receiving funding pursuant
11 to this article may expend on indirect costs no more than the lesser
12 of the following:

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

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

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

22 (c) A program participant receiving state funding pursuant to
23 this program shall ensure that no less than 85 percent of that
24 funding is allocated to schoolsites for direct services to pupils. The
25 cost of a program site supervisor selected pursuant to Section
26 8483.4 shall be included as direct services, provided that at least
27 85 percent of the site supervisor's time is spent at the program site.

28 SEC. 4. The Legislature finds and declares that this act furthers
29 the purposes of the After School Education and Safety Program
30 Act of 2002.