

AMENDED IN SENATE JULY 15, 2010

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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~~ Section 8483.9 of the Education Code, relating to after school programs.

LEGISLATIVE COUNSEL'S DIGEST

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

*Existing law 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. Existing law requires the State Department of Education to apportion moneys, from those continuously appropriated for purposes of after school programs, to program applicants in the form of grants according to a specified priority scheme and specifies maximum grant amounts for 3-year direct grants for before and after school programs. Existing law limits the amount of state funds a program participant may expend on administrative costs to 15% of the participant's funding. Existing law requires a program participant receiving state funding 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 to be included as direct services, provided that at least 85% of the site supervisor's time is spent at the program site.*

~~(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.~~

~~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, 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.~~

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.~~

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

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

30 ~~(vi) The department may terminate the grant of any site or~~  
31 ~~program that does not comply with fiscal reporting, attendance~~  
32 ~~reporting, or outcomes reporting requirements established by the~~  
33 ~~department and pursuant to Section 8484. The department may~~  
34 ~~withhold the grant allocation for a program or site if the prior grant~~  
35 ~~year's fiscal or attendance reporting remain outstanding, until the~~  
36 ~~reports have been filed with the department.~~

37 ~~(vii) Notwithstanding any other provision of this subdivision~~  
38 ~~or any other provision of law, after the technical assistance required~~

1 under clause (i) has been provided, the department may at any time  
2 terminate the grant of any school in a program that fails for three  
3 consecutive years to meet either of the following requirements:

4 (I) Demonstrate measurable program outcomes pursuant to  
5 Section 8484.

6 (II) Attain 75 percent of its proposed attendance level after  
7 having had its program reviewed and grant level adjusted by the  
8 department.

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

12 (C) The maximum total direct grant amount awarded annually  
13 pursuant to this paragraph shall be one hundred twelve thousand  
14 five hundred dollars (\$112,500) for each regular school year for  
15 each elementary school and one hundred fifty thousand dollars  
16 (\$150,000) for each regular school year for each middle or junior  
17 high school. The superintendent shall determine the total annual  
18 direct grant amount for which a site is eligible based on a formula  
19 of seven dollars and fifty cents (\$7.50) per pupil per day of pupil  
20 attendance that the program plans to serve, with a maximum total  
21 grant of thirty-seven dollars and fifty cents (\$37.50) per projected  
22 pupil per week, and a formula of seven dollars and fifty cents  
23 (\$7.50) per projected pupil per day of staff development, with a  
24 maximum of three staff development days per year. A program  
25 may provide the three days of staff development during regular  
26 program hours using funds from the total grant award.

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

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

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

37 (3) The maximum total grant amounts set forth in subparagraph  
38 (C) of paragraph (1) may be increased from any funds made  
39 available for this purpose in the annual Budget Act for participating  
40 schools that have pupils on waiting lists for the program. Grants

1 may be increased by the lesser of an amount that is either 25  
2 percent of the current maximum total grant amount or equal to the  
3 proportion of pupils unserved by the program as measured by  
4 documented waiting lists as of January 1 of the previous grant  
5 year, compared to the actual after school enrollment on the same  
6 date. The amount of the required cash or in-kind matching funds  
7 shall be increased accordingly. First priority for an increased  
8 maximum grant pursuant to this paragraph shall be given to schools  
9 that qualify for funding pursuant to subdivision (b) of Section  
10 8482.55. Second priority shall be given to schools that receive  
11 funding priority pursuant to subdivision (f) of Section 8482.55.

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

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

18 (B) Thirty percent of the total grant amount awarded to the  
19 school per school year pursuant to subparagraph (C) of paragraph  
20 (1).

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

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

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

38 (B) A program grantee that transfers funds for purposes of  
39 administering a program pursuant to subparagraph (A) shall have  
40 an established waiting list for enrollment, and may transfer only

1 from another school program that has met a minimum of 70 percent  
2 of its attendance goal.

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

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

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

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

20 SEC. 2. Section 8483.75 of the Education Code is amended to  
21 read:

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

31 (B) The maximum total grant amount awarded annually pursuant  
32 to this paragraph shall be thirty-seven thousand five hundred dollars  
33 (\$37,500) for each regular school year for each elementary school  
34 and forty-nine thousand dollars (\$49,000) for each regular school  
35 year for each middle or junior high school.

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

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

5 ~~(A) For elementary schools, multiply seventy-five dollars (\$75)~~  
6 ~~by the number of pupils enrolled at the schoolsite for the normal~~  
7 ~~school day program that exceeds 600.~~

8 ~~(B) For middle schools, multiply seventy-five dollars (\$75) by~~  
9 ~~the number of pupils enrolled at the schoolsite for the normal~~  
10 ~~school day program that exceeds 900.~~

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

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

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

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

37 ~~(b) The administrator of a program established pursuant to this~~  
38 ~~article may supplement, but not supplant, existing funding for~~  
39 ~~before-school programs with grant funds awarded pursuant to this~~  
40 ~~article. State categorical funds for remedial education activities~~

1 shall not be used to make the required contribution of local funds  
2 for those before school programs.

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

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

11 ~~SEC. 3.~~

12 *SECTION 1.* Section 8483.9 of the Education Code, as amended  
13 by Section 6 of Chapter 553 of the Statutes of 2005, is amended  
14 to read:

15 8483.9. (a) A program participant receiving funding pursuant  
16 to this article may expend on indirect costs no more than the lesser  
17 of the following:

- 18 (1) The school district's indirect cost rate, as approved by the
- 19 department for the appropriate fiscal year.
- 20 (2) Five percent of the state program funding received pursuant
- 21 to this article.

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

27 (c) A program participant receiving state funding pursuant to  
28 this program shall ensure that no less than 85 percent of that  
29 funding is allocated to schoolsites for direct services to pupils. The  
30 cost of a program site supervisor selected pursuant to Section  
31 8483.4 shall be included as direct services, provided that at least  
32 85 percent of the site supervisor's time is spent at the program site.

33 ~~SEC. 4. The Legislature finds and declares that this act furthers~~  
34 ~~the purposes of the After School Education and Safety Program~~  
35 ~~Act of 2002.~~