

Introduced by Senator DeSaulnierFebruary 27, 2009

An act to repeal and add Section 8484.8 of the Education Code, relating to before and after school programs.

LEGISLATIVE COUNSEL'S DIGEST

SB 798, as introduced, DeSaulnier. Before and after school programs: 21st Century Community Learning Centers Program.

Existing law, in accordance with the 21st Century Community Learning Centers Program contained in the federal No Child Left Behind Act of 2001, allocates funds appropriated by the Budget Act of 2002 and prescribes requirements related to the allocation of funds, including provisions governing the allocation of funds appropriated by the Budget Act.

The bill would, as of January 1, 2010, revise the criteria and priorities for allocating those funds. The bill would revise the percentage of funds required to be allocated to programs established under the act, as specified, and would establish per-day rates for the operation of year-round programs, programs operating during the regular school year, and programs operating during summer or intersession periods, as specified.

The bill would specify that per-day rates and cash or in-kind match requirements would not apply for core funding grants for programs serving middle and elementary school pupils in before and after school programs. The bill would establish maximum direct grant amounts awarded under the act.

The bill would delete a provision authorizing the department to adjust the core grant cap, and would require the department to give funding priority to grantees that are reapplying for grants, as specified. The bill

would provide for supplemental compensation for school sites serving an average daily attendance of 55 pupils or less. The bill would require the department to periodically review the appropriateness of the percentages for allocation of funds, and would authorize the department to adjust the percentages with the consent of the Advisory Committee on Before and After School Programs.

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 Section 8484.8 of the Education Code is repealed.
2 ~~8484.8.— In accordance with Part B of Title IV of the federal~~
3 ~~No Child Left Behind Act of 2001 (P.L. 107-110), funds~~
4 ~~appropriated in Item 6110-197-0890 of Section 2.00 of the Budget~~
5 ~~Act of 2002 are available for expenditure as follows, with any~~
6 ~~subsequent allocations for these purposes to be determined in the~~
7 ~~annual Budget Act:~~

8 ~~(a) Beginning with the 2006–07 fiscal year, 5 percent of the~~
9 ~~federal funds appropriated through this article shall be available~~
10 ~~to the department for purposes of providing technical assistance,~~
11 ~~evaluation, and training services, and for contracting for local~~
12 ~~technical assistance, for carrying out programs related to 21st~~
13 ~~Century Community Learning Centers programs.~~

14 ~~(1) The department shall provide directly, or contract for,~~
15 ~~technical assistance for new programs and any program that is not~~
16 ~~meeting attendance or performance goals, or both, and requests~~
17 ~~that assistance.~~

18 ~~(2) (A) Training and support shall include, but is not limited~~
19 ~~to, the development and distribution of voluntary guidelines for~~
20 ~~physical activity programs established pursuant to paragraph (2) of~~
21 ~~subdivision (c) of Section 8482.3, that expand the learning~~
22 ~~opportunities of the schoolday.~~

23 ~~(B) The department shall distribute these voluntary guidelines~~
24 ~~for physical activity programs on or before July 1, 2009.~~

25 ~~(b) (1) At least 10 percent of the total amount appropriated~~
26 ~~pursuant to this article, after funds have been allocated pursuant~~
27 ~~to subdivision (a), shall be available for direct grants for either of~~
28 ~~the following purposes:~~

1 ~~(A) Grants to provide equitable access and participation in~~
2 ~~community learning center programs, in an amount not to exceed~~
3 ~~twenty-five thousand dollars (\$25,000) per site, per year, according~~
4 ~~to needs determined by the local community.~~

5 ~~(B) Grants to provide family literacy services, in an amount not~~
6 ~~to exceed twenty thousand dollars (\$20,000) per site, per year, for~~
7 ~~schoolsites that identify such a need for families of 21st Century~~
8 ~~Community Learning Centers program pupils, and that demonstrate~~
9 ~~a fiscal hardship by certifying that existing resources, including,~~
10 ~~but not limited to, funding for Title III of the federal No Child Left~~
11 ~~Behind Act of 2001, Chapter 3 (commencing with Section 300)~~
12 ~~of Part 1, adult education, community college, and the federal Even~~
13 ~~Start Program are not available or are insufficient to serve these~~
14 ~~families. An assurance that the funds received pursuant to this~~
15 ~~subdivision are expended only for those services and supports for~~
16 ~~which they were granted shall be required.~~

17 ~~(2) For the purposes of subparagraph (A) of paragraph (1), the~~
18 ~~department shall determine the requirements for eligibility for a~~
19 ~~grant, consistent with the following:~~

20 ~~(A) Consistent with the local partnership approach inherent in~~
21 ~~Article 22.5 (commencing with Section 8482), grants awarded~~
22 ~~under this subdivision shall provide supplemental assistance to~~
23 ~~programs. It is not intended that a grant fund the full anticipated~~
24 ~~costs of the services provided by a community learning center~~
25 ~~program.~~

26 ~~(B) In determining the need for a grant pursuant to this~~
27 ~~subdivision, the department shall base its determination on a needs~~
28 ~~assessment and a determination that existing resources are not~~
29 ~~available to meet these needs, including, but not limited to, a~~
30 ~~description of how the needs, strengths, and resources of the~~
31 ~~community have been assessed, currently available resources, and~~
32 ~~the justification for additional resources for that purpose.~~

33 ~~(C) The department shall award grants for a specific purpose,~~
34 ~~as justified by the applicant.~~

35 ~~(3) To be eligible to receive a grant under this subdivision, the~~
36 ~~designated public agency representative for the applicant shall~~
37 ~~certify that an annual fiscal audit will be conducted and that~~
38 ~~adequate, accurate records will be kept. In addition, each applicant~~
39 ~~shall provide the department with the assurance that funds received~~
40 ~~under this subdivision are expended only for those services and~~

1 supports for which they are granted. The department shall require
2 grant recipients to submit annual budget reports, and the department
3 may withhold funds in subsequent years if direct grant funds are
4 expended for purposes other than as awarded.

5 ~~(4) The department shall require grant recipients to submit~~
6 ~~quarterly expenditure reports, and the department may withhold~~
7 ~~funds in subsequent years if access or literacy grant funds are~~
8 ~~expended for purposes other than as granted.~~

9 ~~(e) At least 50 percent of the total amount appropriated pursuant~~
10 ~~to this article, after funds have been allocated pursuant to~~
11 ~~subdivision (a), shall be allocated on a priority basis for direct~~
12 ~~grants to community learning centers serving high school pupils~~
13 ~~funded pursuant to Section 8421.~~

14 ~~(d) Grant awards under this section shall be restricted to those~~
15 ~~applications that propose primarily to serve pupils that attend~~
16 ~~schoolwide programs, as described in Title I of the federal No~~
17 ~~Child Left Behind Act of 2001. Competitive priority shall be given~~
18 ~~to applications that propose to serve children and youth in schools~~
19 ~~designated as being in need of improvement under subsection (b)~~
20 ~~of Section 6316 of Title 20 of the United States Code, and that are~~
21 ~~jointly submitted by school districts and community-based~~
22 ~~organizations.~~

23 ~~(e) (1) At least 40 percent of the total amount appropriated~~
24 ~~pursuant to this article, after funds have been allocated pursuant~~
25 ~~to subdivision (a), shall be allocated to programs serving~~
26 ~~elementary and middle school pupils. The administrators of a~~
27 ~~program established pursuant to this article may operate during~~
28 ~~regular school days for a minimum of 15 hours per week and any~~
29 ~~combination of summer, intersession, or vacation periods for a~~
30 ~~minimum of three hours per day for the regular school year~~
31 ~~pursuant to Section 8483.7. Grantees administering comprehensive~~
32 ~~programs established pursuant to Section 8482.3 are also eligible~~
33 ~~for funding for summer, intersession, or vacation periods pursuant~~
34 ~~to this section.~~

35 ~~(2) Core funding grants for programs serving middle and~~
36 ~~elementary school pupils in before and after school programs shall~~
37 ~~be allocated according to the same funding provisions, and subject~~
38 ~~to the same reporting and accountability provisions, as described~~
39 ~~in Sections 8483.7 and 8483.75.~~

1 ~~(3) (A) Funding for a grant shall be allocated in annual~~
2 ~~increments for a period not to exceed five years, subject to annual~~
3 ~~reporting and recertification as required by the department. The~~
4 ~~department shall establish a payment system to accommodate~~
5 ~~upfront payments. The department shall notify new grantees, whose~~
6 ~~grant awards are contingent upon the appropriation of funds for~~
7 ~~those grants, in writing no later than May 15 of each year in which~~
8 ~~new grants are awarded. A first-year grant award shall be made~~
9 ~~no later than 60 days after enactment of the annual Budget Act~~
10 ~~and any authorizing legislation. A grant award for the second and~~
11 ~~subsequent fiscal years shall be made no later than 30 days after~~
12 ~~enactment of the annual Budget Act and any authorizing legislation.~~
13 ~~The grantee shall notify the department in writing of its acceptance~~
14 ~~of the grant.~~

15 ~~(B) For the first year of a grant, the department shall allocate~~
16 ~~25 percent of the grant for that year no later than 30 days after the~~
17 ~~grantee accepts the grant. For the second and subsequent years of~~
18 ~~the grant, the department shall allocate 25 percent of the grant for~~
19 ~~that year no later than 30 days after the annual Budget Act becomes~~
20 ~~effective. The grantee shall not use more than 15 percent of an~~
21 ~~annual grant award for administrative costs.~~

22 ~~(C) In addition to the funding allowed for administrative costs~~
23 ~~under subparagraph (B), up to 15 percent of the initial annual grant~~
24 ~~award for each core grant recipient may be utilized for startup~~
25 ~~costs.~~

26 ~~(D) Under no circumstance shall funding made available~~
27 ~~pursuant to subparagraphs (B) and (C) result in an increase in the~~
28 ~~total funding of a grantee above the approved grant amount.~~

29 ~~(4) A grantee shall identify the federal, state, and local programs~~
30 ~~that will be combined or coordinated with the proposed program~~
31 ~~for the most effective use of public resources, and shall prepare a~~
32 ~~plan for continuing the program beyond federal grant funding.~~

33 ~~(5) A grantee shall submit semiannual attendance data and~~
34 ~~results to facilitate evaluation and compliance in accordance with~~
35 ~~provisions established by the department.~~

36 ~~(6) A program receiving a grant under this subdivision is not~~
37 ~~assured of grant renewal from future state or federal funding at~~
38 ~~the conclusion of the grant period.~~

39 ~~(f) A total annual grant award for core funding and direct grants~~
40 ~~for a site serving elementary or middle school pupils shall be fifty~~

1 thousand dollars (\$50,000) per year or more, consistent with federal
2 requirements:

3 ~~(g) Notwithstanding any other provision of law, and contingent~~
4 ~~upon the availability of funding, the department may adjust the~~
5 ~~core grant cap of any grantee based upon one or both of the~~
6 ~~following:~~

7 ~~(1) Amendments made to this section by Chapter 555 of the~~
8 ~~Statutes of 2005.~~

9 ~~(2) The demonstrated pupil attendance pattern of the grantee.~~
10 ~~The department may adjust grant awards pursuant to subparagraph~~
11 ~~(A) of paragraph (1) of subdivision (a) of Section 8483.7.~~

12 ~~(h) Funds received but unexpended under this article may be~~
13 ~~carried forward to subsequent years consistent with federal~~
14 ~~requirements. In year one, the full grant may be retained.~~

15 ~~(i) If funds remain after all of the priority allocations required~~
16 ~~pursuant to subdivisions (a), (b), (c), and (e) have been made, the~~
17 ~~department may use that money to fund additional qualified grant~~
18 ~~applications under subdivision (e), in order to ensure that all federal~~
19 ~~funds received for these purposes are expended for these purposes.~~
20 ~~If funds remain after additional qualified grant applications are~~
21 ~~approved for funding pursuant to subdivision (e), the department~~
22 ~~may award the remaining funds for additional qualified grant~~
23 ~~applications pursuant to subdivisions (b) and (e).~~

24 ~~(j) This article shall be operative only to the extent that federal~~
25 ~~funds are made available for the purposes of this article. It is the~~
26 ~~intent of the Legislature that this article not be considered a~~
27 ~~precedent for general fund augmentation of either the state~~
28 ~~administered, federally funded program of this article, or any other~~
29 ~~state funded before or after school program.~~

30 SEC. 2. Section 8484.8 is added to the Education Code, to
31 read:

32 8484.8. Federal funds through the 21st Century Community
33 Learning Centers Program shall be allocated pursuant to the
34 provisions of this section. Grant awards under this section shall
35 be restricted to those applications that propose primarily to serve
36 pupils that attend schoolwide programs, as described in federal
37 law. Competitive priority shall be given to applications that propose
38 to serve children and youth in schools designated as being in need
39 of improvement under subdivision (b) of Section 6316 of the

1 federal No Child Left Behind Act of 2001, and that are jointly
2 submitted by school districts and community-based organizations.

3 (a) Five percent of the federal funds appropriated for purposes
4 of this article for the 2010–11 fiscal year, or any subsequent fiscal
5 year, shall be available to the department for purposes of providing
6 technical assistance, evaluation, and training services, for
7 contracting for local technical assistance, and for carrying out
8 programs related to 21st Century Community Learning Centers
9 Programs.

10 (1) The department shall provide directly, or contract for,
11 technical assistance for new programs and any program that is not
12 meeting attendance or performance goals, or both, and requests
13 that assistance.

14 (2) Training and assistance shall include, but are not limited to,
15 the development and distribution of voluntary guidelines for
16 physical activity programs established pursuant to paragraph (2)
17 of subdivision (c) of Section 8482.3, that expand the learning
18 opportunities of the schoolday.

19 (3) References in subdivision (b) to the amounts appropriated
20 for purposes of this article for the 2008–09 fiscal year, or any
21 subsequent fiscal year, shall be deemed to exclude the amounts
22 allocated pursuant to this subdivision.

23 (b) (1) Of the amounts appropriated for purposes of this article
24 for any fiscal year that remain after funds have been allocated
25 pursuant to subdivision (a), the following amounts shall be
26 allocated on a priority basis for direct grants to community learning
27 centers serving high school pupils funded pursuant to Section 8421:

28 (A) An amount equal to 50 percent of the total amount
29 appropriated for purposes of this article for the 2008–09 fiscal year
30 or for the current fiscal year, whichever is less.

31 (B) An amount equal to 35 percent of the amount, if any, by
32 which the total amount appropriated for the current fiscal year
33 pursuant to this article exceeds the total amount appropriated for
34 the 2008–09 fiscal year pursuant to this article.

35 (2) Of the amounts appropriated for purposes of this article for
36 any fiscal year that remain after funds have been allocated pursuant
37 to subdivision (a), the following amounts shall be allocated to
38 community learning centers serving elementary and middle school
39 pupils funded pursuant to Section 8421:

1 (A) An amount equal to 50 percent of the total amount
2 appropriated for purposes of this article for the 2008–09 fiscal year
3 or for the current fiscal year, whichever is less.

4 (B) An amount equal to 65 percent of the amount, if any, by
5 which the total amount appropriated for the current fiscal year
6 pursuant to this article exceeds the total amount appropriated for
7 the 2008–09 fiscal year pursuant to this article.

8 (c) The administrators of a program established pursuant to this
9 article may apply for funding pursuant to one of the following
10 options:

11 (1) The program may operate during the regular school year for
12 a minimum of three hours per day and 15 hours per week, at a rate
13 of ten dollars (\$10) per day for after school, and for a minimum
14 of one and one-half hours per day, at a rate of seven dollars (\$7)
15 per day for before school.

16 (2) The program may operate year round at the rate established
17 in paragraph (1) and a minimum of six hours per day and thirty
18 hours per week during the nonregular school year that includes
19 intersession, vacation, summer and weekend periods at a rate of
20 twenty dollars (\$20) per day. If the program chooses to operate
21 year round for a minimum of three hours per day and 15 hours per
22 week for after school, the rate shall be ten dollars (\$10) per day,
23 and for a minimum of one and one-half hours per day for before
24 school, the rate shall be seven dollars (\$7) per day. In its application
25 for year-round programming, an applicant shall describe any plans
26 it has to consolidate pupils on school sites that will remain open
27 during the summer, intersession, or vacation periods.

28 (3) The program may operate during summer or intersession
29 periods only at a rate of twenty dollars (\$20) per day for a
30 minimum of six hours per day and 30 hours per week. In its
31 application for a summer or intersession program, an applicant
32 shall describe the sites it shall use for programming and how it
33 intends to coordinate with each child’s home school to correlate
34 its academic services with the child’s academic needs.

35 (d) Core funding grants for programs serving middle and
36 elementary school pupils in before and after school programs shall
37 be allocated according to the same funding provisions, and subject
38 to the same reporting and accountability provisions, as described
39 in Sections 8483.7 and 8483.75, except that the per day rates and
40 the cash or in-kind match requirements shall not apply. The

1 maximum direct grant amounts awarded annually pursuant to this
2 subdivision for after school programs shall be one hundred fifty
3 thousand dollars (\$150,000) for each regular school year for each
4 elementary school and two hundred thousand dollars (\$200,000)
5 for each regular school year for each middle or junior high school.
6 The maximum total grant amount awarded annually pursuant to
7 this subdivision for before school programs shall be fifty-two
8 thousand five hundred dollars (\$52,500) for each regular school
9 year for each elementary school and sixty-eight thousand six
10 hundred dollars (\$68,600) for each regular school year for each
11 middle or junior high school. The maximum grants for summer
12 school, intersession, and vacation programs shall be 50 percent of
13 the grantee's maximum grant amount for the regular school year.

14 (e) (1) Funding for a grant shall be allocated in annual
15 increments for a period not to exceed five years, subject to annual
16 reporting and recertification as required by the department. The
17 department shall establish a payment system to accommodate
18 upfront payments. The department shall notify new grantees, whose
19 grant awards are contingent upon the appropriation of funds for
20 those grants, in writing, no later than May 15 of each year in which
21 new grants are awarded. A first-year grant award shall be made
22 no later than 60 days after enactment of the annual Budget Act
23 and any authorizing legislation. A grant award for the second and
24 subsequent fiscal years shall be made no later than 30 days after
25 enactment of the annual Budget Act and any authorizing legislation.
26 The grantee shall notify the department in writing of its acceptance
27 of the grant.

28 (2) For the first year of a grant, the department shall allocate 25
29 percent of the grant for that year no later than 30 days after the
30 grantee accepts the grant. For the second and subsequent years of
31 the grant, the department shall allocate 25 percent of the grant for
32 that year no later than 30 days after the annual Budget Act becomes
33 effective. The grantee shall not use more than 15 percent of an
34 annual grant award for administrative costs.

35 (3) In addition to the funding allowed for administrative costs
36 under paragraph (2), up to 15 percent of the initial annual grant
37 award for each core grant recipient may be utilized for startup
38 costs including administrative costs.

1 (4) Under no circumstance shall funding made available pursuant
2 to paragraphs (2) and (3) result in an increase in the total funding
3 of a grantee above the approved grant amount.

4 (f) A grantee shall identify the federal, state, and local programs
5 that will be combined or coordinated with the proposed program
6 for the most effective use of public resources, and shall prepare a
7 plan for continuing the program beyond federal grant funding.

8 (g) A grantee shall submit semiannual attendance data and
9 results to facilitate evaluation and compliance in accordance with
10 provisions established by the department.

11 (h) A program receiving a grant under this subdivision is not
12 assured of grant renewal from future state or federal funding at
13 the conclusion of the grant period.

14 (i) A total annual grant award for core funding and direct grants
15 for a site serving elementary or middle school pupils shall be fifty
16 thousand dollars (\$50,000) per year or more, consistent with federal
17 requirements.

18 (j) The department shall give funding priority to grantees that
19 are reapplying for grants pursuant to this subdivision and, as
20 determined by the department, have demonstrated positive
21 outcomes for their pupils in the prior grant.

22 (k) School sites serving an average daily attendance of 55 pupils
23 or less shall be entitled to supplemental compensation, on a sliding
24 scale, in order to ensure their capacity to meet all federal grant
25 requirements.

26 (l) Funds received but unexpended under this article may be
27 carried forward to subsequent fiscal years consistent with federal
28 requirements. In year one, the full grant may be retained.

29 (m) If funds remain after all of the priority allocations required
30 pursuant to subdivisions (a) and (b) have been made, the
31 department may use that money to fund additional qualified grant
32 applications under paragraph (1) of subdivision (b), in order to
33 ensure that all federal funds received for those purposes are
34 expended for those purposes. If funds remain after additional
35 qualified grant applications are approved for funding pursuant to
36 paragraph (1) of subdivision (b), the department may award the
37 remaining funds for additional qualified grant applications pursuant
38 to paragraph (2) of that subdivision.

39 (n) The department periodically shall review the appropriateness
40 of the percentages in paragraphs (1) and (2) of subdivision (b),

1 and may adjust the percentages with the consent of the Advisory
2 Committee on Before and After School Programs.

3 (o) This article shall be operative only to the extent that federal
4 funds are made available for the purposes of this article. It is the
5 intent of the Legislature that this article not be considered a
6 precedent for general fund augmentation of either the
7 state-administered, federally funded program of this article, or any
8 other state-funded before or after school program.

9 SEC. 3. Sections 1 and 2 of this act shall become operative
10 July 1, 2010.

O