

AMENDED IN SENATE APRIL 1, 2009

SENATE BILL

No. 798

Introduced by Senator DeSaulnier

February 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 amended, 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 *specified high school after school programs and programs serving elementary and middle school pupils* 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.

The bill would require all school sites operating during the summer that are eligible to provide free meals and snacks to participating children through the United States Department of Agriculture’s Summer Food Service Program to offer free meals and snacks, as specified.

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 SEC. 2. Section 8484.8 is added to the Education Code, to
- 3 read:
- 4 8484.8. Federal funds through the 21st Century Community
- 5 Learning Centers Program shall be allocated pursuant to the
- 6 provisions of this section. Grant awards under this section shall
- 7 be restricted to those applications that propose primarily to serve
- 8 pupils that attend schoolwide programs, as described in federal
- 9 law. Competitive priority shall be given to applications that propose
- 10 to serve children and youth in schools designated as being in need
- 11 of improvement under subdivision (b) of Section 6316 of the
- 12 federal No Child Left Behind Act of 2001, and that are jointly
- 13 submitted by school districts and community-based organizations.
- 14 (a) Five percent of the federal funds appropriated for purposes
- 15 of this article for the 2010–11 fiscal year, or any subsequent fiscal
- 16 year, shall be available to the department for purposes of providing
- 17 technical assistance, evaluation, and training services, for
- 18 contracting for local technical assistance, and for carrying out
- 19 programs related to 21st Century Community Learning Centers
- 20 Programs.
- 21 (1) The department shall provide directly, or contract for,
- 22 technical assistance for new programs and any program that is not

1 meeting attendance or performance goals, or both, and requests
2 that assistance.

3 (2) Training and assistance shall include, but are not limited to,
4 the development and distribution of voluntary guidelines for
5 physical activity programs established pursuant to paragraph (2)
6 of subdivision (c) of Section 8482.3, that expand the learning
7 opportunities of the schoolday.

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

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

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

20 (B) An amount equal to 35 percent of the amount, if any, by
21 which the total amount appropriated for the current fiscal year
22 pursuant to this article exceeds the total amount appropriated for
23 the 2008–09 fiscal year pursuant to this article.

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

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

32 (B) An amount equal to ~~65~~ 50 percent of the amount, if any, by
33 which the total amount appropriated for the current fiscal year
34 pursuant to this article exceeds the total amount appropriated for
35 the 2008–09 fiscal year pursuant to this article.

36 (3) *Of the amounts appropriated for purposes of this article for*
37 *any fiscal year that remain after funds have been allocated*
38 *pursuant to subdivision (a), an amount equal to 15 percent of the*
39 *amount, if any, by which the total appropriated for the current*
40 *fiscal year pursuant to this article exceeds the total amount*

1 *appropriated for the 2008–09 fiscal year pursuant to this article*
2 *shall be allocated to summer programs serving elementary and*
3 *middle school pupils.*

4 (c) The administrators of ~~a~~ *an elementary or middle school*
5 program established pursuant to this article may apply for funding
6 pursuant to one of the following options:

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

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

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

31 (d) Core funding grants for programs serving middle and
32 elementary school pupils in before and after school programs shall
33 be allocated according to the same funding provisions, and subject
34 to the same reporting and accountability provisions, as described
35 in Sections 8483.7 and 8483.75, except that the per day rates and
36 the cash or in-kind match requirements shall not apply. The
37 maximum direct grant amounts awarded annually pursuant to this
38 subdivision for after school programs shall be one hundred fifty
39 thousand dollars (\$150,000) for each regular school year for each
40 elementary school and two hundred thousand dollars (\$200,000)

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

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

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

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

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

38 (f) A grantee shall identify the federal, state, and local programs
39 that will be combined or coordinated with the proposed program

1 for the most effective use of public resources, and shall prepare a
2 plan for continuing the program beyond federal grant funding.

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

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

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

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

17 (k) ~~School~~ *Elementary and middle school* sites serving an
18 average daily attendance of 55 pupils or less shall be entitled to
19 supplemental compensation, on a sliding scale, in order to ensure
20 their capacity to meet all federal grant requirements.

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

24 (m) If funds remain after all of the priority allocations required
25 pursuant to subdivisions (a) and (b) have been made, the
26 department may use that money to fund additional qualified grant
27 applications under paragraph (1) of subdivision (b), in order to
28 ensure that all federal funds received for those purposes are
29 expended for those purposes. If funds remain after additional
30 qualified grant applications are approved for funding pursuant to
31 paragraph (1) of subdivision (b), the department may award the
32 remaining funds for additional qualified grant applications pursuant
33 to paragraph (2) of that subdivision. *If there are insufficient*
34 *qualified grant applications to fully expend funds allocated*
35 *pursuant to paragraph (3) of subdivision (b), the department may*
36 *award the remaining funds for additional qualified grant*
37 *applications pursuant to paragraph (2) of subdivision (b).*

38 (n) The department periodically shall review the appropriateness
39 of the percentages in paragraphs (1) ~~and (2)~~, (2), *and* (3) of

1 subdivision (b), and may adjust the percentages with the consent
2 of the Advisory Committee on Before and After School Programs.

3 *(o) All sites operating during the summer that are eligible to*
4 *provide free meals and snacks to participating children through*
5 *the United States Department of Agriculture's Summer Food*
6 *Service Program shall offer free meals and snacks through the*
7 *federal Summer Food Service Program or the federal Seamless*
8 *Summer Option.*

9 *(p) Subdivisions (c) and (d) shall become operative when the*
10 *department determines that sufficient federal funds are available*
11 *to ensure that the cumulative number of pupils that can be served*
12 *at the rates established in subdivisions (c) and (d) is equal to or*
13 *greater than the cumulative number of pupils that could be served*
14 *under the rates that applied in the 2008–09 fiscal year.*

15 ~~(o)~~

16 *(q) This article shall be operative only to the extent that federal*
17 *funds are made available for the purposes of this article. It is the*
18 *intent of the Legislature that this article not be considered a*
19 *precedent for general fund augmentation of either the*
20 *state-administered, federally funded program of this article, or any*
21 *other state-funded before or after school program.*

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