

AMENDED IN SENATE APRIL 29, 2009

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**SENATE BILL**

**No. 798**

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**Introduced by Senator DeSaulnier**

February 27, 2009

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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, *after consulting with the Advisory Committee on Before and After School Programs*, 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

1 programs related to 21st Century Community Learning Centers  
2 Programs.

3 (1) The department shall provide directly, or contract for,  
4 technical assistance for new programs and any program that is not  
5 meeting attendance or performance goals, or both, and requests  
6 that assistance.

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

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

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

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

24 (B) An amount equal to 35 percent of the amount, if any, by  
25 which the total amount appropriated for the current fiscal year  
26 pursuant to this article exceeds the total amount appropriated for  
27 the 2008–09 fiscal year pursuant to this article.

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

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

36 (B) An amount equal to 50 percent of the amount, if any, by  
37 which the total amount appropriated for the current fiscal year  
38 pursuant to this article exceeds the total amount appropriated for  
39 the 2008–09 fiscal year pursuant to this article.

1 (3) Of the amounts appropriated for purposes of this article for  
2 any fiscal year that remain after funds have been allocated pursuant  
3 to subdivision (a), an amount equal to 15 percent of the amount,  
4 if any, by which the total appropriated for the current fiscal year  
5 pursuant to this article exceeds the total amount appropriated for  
6 the 2008–09 fiscal year pursuant to this article shall be allocated  
7 to summer programs serving elementary and middle school pupils.

8 (c) The administrators of an elementary or middle school  
9 program established pursuant to this article may apply for funding  
10 pursuant to one of the following 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 30 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) Elementary and middle school sites serving an average daily  
23 attendance of 55 pupils or less shall be entitled to supplemental  
24 compensation, on a sliding scale, in order to ensure their capacity  
25 to meet all federal grant 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. If there are insufficient  
39 qualified grant applications to fully expend funds allocated pursuant  
40 to paragraph (3) of subdivision (b), the department may award the

1 remaining funds for additional qualified grant applications pursuant  
2 to paragraph (2) of subdivision (b).

3 (n) The department periodically shall review the appropriateness  
4 of the percentages in paragraphs (1), (2), and (3) of subdivision  
5 (b), and ~~may adjust the percentages with the consent of,~~ *after*  
6 *consulting with* the Advisory Committee on Before and After  
7 School Programs, *may adjust the percentages.*

8 (o) All sites operating during the summer that are eligible to  
9 provide free meals and snacks to participating children through  
10 the United States Department of Agriculture’s Summer Food  
11 Service Program shall offer free meals and snacks through the  
12 federal Summer Food Service Program or the federal Seamless  
13 Summer Option.

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

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

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