

AMENDED IN SENATE JANUARY 11, 2010

AMENDED IN SENATE APRIL 29, 2009

AMENDED IN SENATE APRIL 1, 2009

SENATE BILL

No. 798

Introduced by Senator DeSaulnier

February 27, 2009

An act to ~~repeal and add~~ *amend* 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~~ *require that, in any fiscal year the total amount appropriated for that fiscal year under this program exceeds the amount appropriated for the program for the 2008–09 fiscal year, the excess*

amount be allocated for direct grants to community learning centers in accordance with a prescribed schedule.

~~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.~~

~~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 amended
2 to read:

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

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

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

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

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

12 (b) (1) At least 10 percent of the total amount appropriated
13 pursuant to this article, after funds have been allocated pursuant
14 to subdivision (a), shall be available for direct grants for either of
15 the following purposes:

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

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

32 (2) For the purposes of subparagraph (A) of paragraph (1), the
33 department shall determine the requirements for eligibility for a
34 grant, consistent with the following:

35 (A) Consistent with the local partnership approach inherent in
36 Article 22.5 (commencing with Section 8482), grants awarded
37 under this subdivision shall provide supplemental assistance to
38 programs. It is not intended that a grant fund the full anticipated
39 costs of the services provided by a community learning center
40 program.

1 (B) In determining the need for a grant pursuant to this
2 subdivision, the department shall base its determination on a needs
3 assessment and a determination that existing resources are not
4 available to meet these needs, including, but not limited to, a
5 description of how the needs, strengths, and resources of the
6 community have been assessed, currently available resources, and
7 the justification for additional resources for that purpose.

8 (C) The department shall award grants for a specific purpose,
9 as justified by the applicant.

10 (3) To be eligible to receive a grant under this subdivision, the
11 designated public agency representative for the applicant shall
12 certify that an annual fiscal audit will be conducted and that
13 adequate, accurate records will be kept. In addition, each applicant
14 shall provide the department with the assurance that funds received
15 under this subdivision are expended only for those services and
16 supports for which they are granted. The department shall require
17 grant recipients to submit annual budget reports, and the department
18 may withhold funds in subsequent years if direct grant funds are
19 expended for purposes other than as awarded.

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

24 (c) At least 50 percent of the total amount appropriated pursuant
25 to this article, after funds have been allocated pursuant to
26 subdivision (a), shall be allocated on a priority basis for direct
27 grants to community learning centers serving high school pupils
28 funded pursuant to Section 8421.

29 (d) Grant awards under this section shall be restricted to those
30 applications that propose primarily to serve pupils that attend
31 schoolwide programs, as described in Title I of the federal No
32 Child Left Behind Act of 2001. Competitive priority shall be given
33 to applications that propose to serve children and youth in schools
34 designated as being in need of improvement under subsection (b)
35 of Section 6316 of Title 20 of the United States Code, and that are
36 jointly submitted by school districts and community-based
37 organizations.

38 (e) (1) At least 40 percent of the total amount appropriated
39 pursuant to this article, after funds have been allocated pursuant
40 to subdivision (a), shall be allocated to programs serving

1 elementary and middle school pupils. The administrators of a
2 program established pursuant to this article may operate during
3 regular school days for a minimum of 15 hours per week and any
4 combination of summer, intersession, or vacation periods for a
5 minimum of three hours per day for the regular school year
6 pursuant to Section 8483.7. Grantees administering comprehensive
7 programs established pursuant to Section 8482.3 are also eligible
8 for funding for summer, intersession, or vacation periods pursuant
9 to this section.

10 (2) Core funding grants for programs serving middle and
11 elementary school pupils in before and after school programs shall
12 be allocated according to the same funding provisions, and subject
13 to the same reporting and accountability provisions, as described
14 in Sections 8483.7 and 8483.75.

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

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

36 (C) In addition to the funding allowed for administrative costs
37 under subparagraph (B), up to 15 percent of the initial annual grant
38 award for each core grant recipient may be utilized for startup
39 costs.

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

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

22 (1) Amendments made to this section by Chapter 555 of the
23 Statutes of 2005.

24 (2) The demonstrated pupil attendance pattern of the grantee.
25 The department may adjust grant awards pursuant to subparagraph
26 (A) of paragraph (1) of subdivision (a) of Section 8483.7.

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

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

39 (j) *In any fiscal year in which the total amount appropriated*
40 *for that fiscal year pursuant to this article exceeds the total amount*

1 *appropriated for the 2008–09 fiscal year pursuant to this article,*
2 *the excess amount shall be allocated on a priority basis for direct*
3 *grants to community learning centers funded pursuant to Section*
4 *8421 as follows:*

5 *(1) Thirty-five percent to community learning centers serving*
6 *high school pupils.*

7 *(2) Fifty percent to community learning centers serving*
8 *elementary and middle school pupils.*

9 *(3) Fifteen percent to summer programs serving elementary*
10 *and middle school pupils.*

11 *(j)*

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

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**All matter omitted in this version of the bill
appears in the bill as amended in the
Senate, April 29, 2009. (JR11)**