

AMENDED IN ASSEMBLY JUNE 24, 2010
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 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~~ *program*.

Existing law, in accordance with the 21st Century Community Learning Centers ~~Program~~ *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 require that, in any fiscal year the total ~~amount appropriated~~ *federal appropriation* for that fiscal year under this program exceeds the ~~amount appropriated for the program~~ *total federal appropriation* for the 2008–09 fiscal year, the excess amount be allocated for direct grants to community learning centers in accordance with a prescribed schedule.

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.

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

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

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

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

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

34 (B) Grants to provide family literacy services, in an amount not
35 to exceed twenty thousand dollars (\$20,000) per site, per year, for
36 schoolsites that identify such a need for families of 21st Century
37 Community Learning Centers program pupils, and that demonstrate
38 a fiscal hardship by certifying that existing resources, including,

1 but not limited to, funding for Title III of the federal No Child Left
2 Behind Act of 2001, Chapter 3 (commencing with Section 300)
3 of Part 1, adult education, community college, and the federal Even
4 Start Program are not available or are insufficient to serve these
5 families. An assurance that the funds received pursuant to this
6 subdivision are expended only for those services and supports for
7 which they were granted shall be required.

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

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

17 (B) In determining the need for a grant pursuant to this
18 subdivision, the department shall base its determination on a needs
19 assessment and a determination that existing resources are not
20 available to meet these needs, including, but not limited to, a
21 description of how the needs, strengths, and resources of the
22 community have been assessed, currently available resources, and
23 the justification for additional resources for that purpose.

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

26 (3) To be eligible to receive a grant under this subdivision, the
27 designated public agency representative for the applicant shall
28 certify that an annual fiscal audit will be conducted and that
29 adequate, accurate records will be kept. In addition, each applicant
30 shall provide the department with the assurance that funds received
31 under this subdivision are expended only for those services and
32 supports for which they are granted. The department shall require
33 grant recipients to submit annual budget reports, and the department
34 may withhold funds in subsequent years if direct grant funds are
35 expended for purposes other than as awarded.

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

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

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

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

27 (2) Core funding grants for programs serving middle and
28 elementary school pupils in before and after school programs shall
29 be allocated according to the same funding provisions, and subject
30 to the same reporting and accountability provisions, as described
31 in Sections 8483.7 and 8483.75.

32 (3) (A) Funding for a grant shall be allocated in annual
33 increments for a period not to exceed five years, subject to annual
34 reporting and recertification as required by the department. The
35 department shall establish a payment system to accommodate
36 upfront payments. The department shall notify new grantees, whose
37 grant awards are contingent upon the appropriation of funds for
38 those grants, in writing no later than May 15 of each year in which
39 new grants are awarded. A first-year grant award shall be made
40 no later than 60 days after enactment of the annual Budget Act

1 and any authorizing legislation. A grant award for the second and
2 subsequent fiscal years shall be made no later than 30 days after
3 enactment of the annual Budget Act and any authorizing legislation.
4 The grantee shall notify the department in writing of its acceptance
5 of the grant.

6 (B) For the first year of a grant, the department shall allocate
7 25 percent of the grant for that year no later than 30 days after the
8 grantee accepts the grant. For the second and subsequent years of
9 the grant, the department shall allocate 25 percent of the grant for
10 that year no later than 30 days after the annual Budget Act becomes
11 effective. The grantee shall not use more than 15 percent of an
12 annual grant award for administrative costs.

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

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

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

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

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

30 (f) A total annual grant award for core funding and direct grants
31 for a site serving elementary or middle school pupils shall be fifty
32 thousand dollars (\$50,000) per year or more, consistent with federal
33 requirements.

34 (g) Notwithstanding any other provision of law, and contingent
35 upon the availability of funding, the department may adjust the
36 core grant cap of any grantee based upon one or both of the
37 following:

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

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

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

7 (i) If funds remain after all of the priority allocations required
8 pursuant to subdivisions (a), (b), (c), and (e) have been made, the
9 department may use that money to fund additional qualified grant
10 applications under subdivision (c), in order to ensure that all federal
11 funds received for these purposes are expended for these purposes.
12 If funds remain after additional qualified grant applications are
13 approved for funding pursuant to subdivision (c), the department
14 may award the remaining funds for additional qualified grant
15 applications pursuant to subdivisions (b) and (e).

16 (j) In any fiscal year in which the ~~total amount appropriated for~~
17 ~~that fiscal year pursuant to this article exceeds the total amount~~
18 ~~appropriated for the 2008–09 fiscal year pursuant to this article,~~
19 *total federal appropriation for that fiscal year exceeds the total*
20 *federal appropriation for the 2008–09 fiscal year,* the excess
21 amount shall be allocated on a priority basis for direct grants to
22 community learning centers funded pursuant to Section 8421 as
23 follows:

24 (1) Thirty-five percent to community learning centers serving
25 high school pupils.

26 (2) Fifty percent to community learning centers serving
27 elementary and middle school pupils.

28 (3) Fifteen percent to summer programs serving elementary and
29 middle school pupils.

30 (k) This article shall be operative only to the extent that federal
31 funds are made available for the purposes of this article. It is the
32 intent of the Legislature that this article not be considered a
33 precedent for general fund augmentation of either the state
34 administered, federally funded program of this article, or any other
35 state funded before or after school program.