

AMENDED IN ASSEMBLY AUGUST 16, 2010

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**

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**Introduced by Senator DeSaulnier**

February 27, 2009

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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.

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~~

*This bill would require ~~that~~, in any fiscal year in which the total federal state appropriation for that fiscal year under this program exceeds the total federal state appropriation for the 2008–09 fiscal year after certain funds have been allocated, that the excess amount be allocated for direct grants to community learning centers in accordance with a prescribed schedule. The bill would require priority for funds allocated to programs*

*servicing elementary and middle school pupils to be given to programs that previously received funding to replace expiring grants, subject to specified requirements.*

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

1 twenty-five thousand dollars (\$25,000) per site, per year, according  
2 to needs determined by the local community.

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

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

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

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

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

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

1 may withhold funds in subsequent years if direct grant funds are  
2 expended for purposes other than as awarded.

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

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

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

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

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

38 (3) (A) Funding for a grant shall be allocated in annual  
39 increments for a period not to exceed five years, subject to annual  
40 reporting and recertification as required by the department. The

1 department shall establish a payment system to accommodate  
2 upfront payments. The department shall notify new grantees, whose  
3 grant awards are contingent upon the appropriation of funds for  
4 those grants, in writing no later than May 15 of each year in which  
5 new grants are awarded. A first-year grant award shall be made  
6 no later than 60 days after enactment of the annual Budget Act  
7 and any authorizing legislation. A grant award for the second and  
8 subsequent fiscal years shall be made no later than 30 days after  
9 enactment of the annual Budget Act and any authorizing legislation.  
10 The grantee shall notify the department in writing of its acceptance  
11 of the grant.

12 (B) For the first year of a grant, the department shall allocate  
13 25 percent of the grant for that year no later than 30 days after the  
14 grantee accepts the grant. For the second and subsequent years of  
15 the grant, the department shall allocate 25 percent of the grant for  
16 that year no later than 30 days after the annual Budget Act becomes  
17 effective. The grantee shall not use more than 15 percent of an  
18 annual grant award for administrative costs.

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

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

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

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

33 (6) A program receiving a grant under this subdivision is not  
34 assured of grant renewal from future state or federal funding at  
35 the conclusion of the grant period. *However, priority for funding*  
36 *pursuant to this subdivision shall be given to programs that*  
37 *previously received funding pursuant to this subdivision to replace*  
38 *expiring grants, if those programs have satisfactorily met projected*  
39 *pupil outcomes pursuant to subdivision (a) of Section 8484.*

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

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

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

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

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

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

26 (j) In any fiscal year in which the total ~~federal~~ *state* appropriation  
27 for that fiscal year exceeds the total ~~federal~~ *state* appropriation for  
28 the 2008–09 fiscal year *after funds have been allocated pursuant*  
29 *to subdivision (a)*, the excess amount shall be allocated on a priority  
30 basis for direct grants to community learning centers funded  
31 pursuant to Section 8421 as follows:

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

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

36 (3) Fifteen percent to summer programs serving elementary and  
37 middle school pupils.

38 (k) This article shall be operative only to the extent that federal  
39 funds are made available for the purposes of this article. It is the  
40 intent of the Legislature that this article not be considered a

- 1 precedent for general fund augmentation of either the state
- 2 administered, federally funded program of this article, or any other
- 3 state funded before or after school program.

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