

AMENDED IN SENATE MARCH 21, 2011

SENATE BILL

No. 429

Introduced by Senator DeSaulnier

February 16, 2011

An act to amend Section 8484.8 of the Education Code, relating to community learning centers. An act to amend Sections 8483.7 and 8483.75 of, and to add Section 8483.76 to, the Education Code, relating to child care.

LEGISLATIVE COUNSEL'S DIGEST

SB 429, as amended, DeSaulnier. ~~Education: community learning centers: funding.~~ *Child care: After School Education and Safety Program: supplemental grants.*

Existing law provides that each school that establishes a program pursuant to the After School Education and Safety Program is eligible to receive a three-year direct grant, as specified, and is eligible to receive a supplemental grant to operate the program in excess of 180 regular schooldays or during any combination of summer, intersession, or vacation periods, as specified.

This bill would delete the provisions pertaining to the supplemental grant.

Existing law provides that every school that establishes a before school program component is eligible to receive a 3-year renewable direct grant, as specified, and is eligible to receive a supplemental grant to operate the program in excess of 180 schooldays during any combination of summer, intersession, or vacation periods, as specified.

This bill would delete the provisions pertaining to the supplemental grant.

This bill would instead provide that any school that establishes a program pursuant to either of the provisions above is eligible to receive a supplemental grant to operate the program in excess of 180 regular schooldays or during any combination of summer, intersession, or vacation periods for a maximum of 30% of the total grant amount awarded to the school, as specified. The bill would allow supplemental grantees to change the location of the program and to open eligibility for the program, as specified. The bill would also require a supplemental grantee operating a 6-hour extended day program to submit, for prior approval by the State Department of Education, a revised program plan, as specified.

~~Existing law provides that specified funds are available for carrying out programs related to the 21st Century Community Learning Centers programs, as specified.~~

~~This bill would make technical, nonsubstantive changes to those provisions:~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8483.7 of the Education Code is amended
 2 to read:

3 8483.7. (a) (1) (A) Each school that establishes a program
 4 pursuant to this article is eligible to receive a three-year direct
 5 grant, that shall be awarded in three one-year increments and is
 6 subject to semiannual attendance reporting and requirements as
 7 described in Section 8482.3 once every three years.

8 (i) The department shall provide technical support for
 9 development of a program improvement plan for grantees under
 10 the following conditions:

11 (I) If actual pupil attendance falls below 75 percent of the target
 12 attendance level in any year of the grant.

13 (II) If the grantee fails, in any year of the grant, to demonstrate
 14 measurable outcomes pursuant to Section 8484.

15 (ii) The department shall adjust the grant level of any school
 16 within the program that is under its targeted attendance level by
 17 more than 15 percent in each of two consecutive years.

18 (iii) In any year after the initial grant year, if the actual
 19 attendance level of a school within the program falls below 75

1 percent of the target attendance level, the department shall perform
2 a review of the program and adjust the grant level as the department
3 deems appropriate.

4 (iv) The department shall create a process to allow a grantee to
5 voluntarily lower its annual grant amount if one or more sites are
6 unable to meet the proposed pupil attendance levels by the end of
7 the second year of the grant.

8 (v) A grantee who has had its grant amount reduced may
9 subsequently request an increase in funding up to the maximum
10 grant amounts provided under this subdivision.

11 (vi) The department may terminate the grant of any site or
12 program that does not comply with fiscal reporting, attendance
13 reporting, or outcomes reporting requirements established by the
14 department and pursuant to Section 8484. The department may
15 withhold the grant allocation for a program or site if the prior grant
16 year's fiscal or attendance reporting remains outstanding, until the
17 reports have been filed with the department.

18 (vii) Notwithstanding any other provision of this subdivision
19 or any other provision of law, after the technical assistance required
20 under clause (i) has been provided, the department may at any time
21 terminate the grant of any school in a program that fails for three
22 consecutive years to meet either of the following requirements:

23 (I) Demonstrate measurable program outcomes pursuant to
24 Section 8484.

25 (II) Attain 75 percent of its proposed attendance level after
26 having had its program reviewed and grant level adjusted by the
27 department.

28 (B) Direct grants may be awarded to applicants that have
29 demonstrated readiness to begin operation of a program or to
30 expand existing programs.

31 (C) The maximum total direct grant amount awarded annually
32 pursuant to this paragraph shall be one hundred twelve thousand
33 five hundred dollars (\$112,500) for each regular school year for
34 each elementary school and one hundred fifty thousand dollars
35 (\$150,000) for each regular school year for each middle or junior
36 high school. The Superintendent shall determine the total annual
37 direct grant amount for which a site is eligible based on a formula
38 of seven dollars and fifty cents (\$7.50) per pupil per day of pupil
39 attendance that the program plans to serve, with a maximum total
40 grant of thirty-seven dollars and fifty cents (\$37.50) per projected

1 pupil per week, and a formula of seven dollars and fifty cents
2 (\$7.50) per projected pupil per day of staff development, with a
3 maximum of three staff development days per year. A program
4 may provide the three days of staff development during regular
5 program hours using funds from the total grant award.

6 (2) For large schools, the maximum total grant amounts
7 described in paragraph (1) may be increased based on the following
8 formulas, up to a maximum amount of twice the respective limits
9 specified in paragraph (1):

10 (A) For elementary schools, multiply one hundred thirteen
11 dollars (\$113) by the number of pupils enrolled at the schoolsite
12 for the normal schoolday program that exceeds 600.

13 (B) For middle schools, multiply one hundred thirteen dollars
14 (\$113) by the number of pupils enrolled at the schoolsite for the
15 normal schoolday program that exceeds 900.

16 (3) The maximum total grant amounts set forth in subparagraph
17 (C) of paragraph (1) may be increased from any funds made
18 available for this purpose in the annual Budget Act for participating
19 schools that have pupils on waiting lists for the program. Grants
20 may be increased by the lesser of an amount that is either 25
21 percent of the current maximum total grant amount or equal to the
22 proportion of pupils unserved by the program as measured by
23 documented waiting lists as of January 1 of the previous grant
24 year, compared to the actual after school enrollment on the same
25 date. The amount of the required cash or in-kind matching funds
26 shall be increased accordingly. First priority for an increased
27 maximum grant pursuant to this paragraph shall be given to schools
28 that qualify for funding pursuant to subdivision (b) of Section
29 8482.55. Second priority shall be given to schools that receive
30 funding priority pursuant to subdivision (f) of Section 8482.55.

31 ~~(4) A school that establishes a program pursuant to this section
32 is eligible to receive a supplemental grant to operate the program
33 in excess of 180 regular schooldays or during any combination of
34 summer, intersession, or vacation periods for a maximum of the
35 lesser of the following amounts:~~

36 ~~(A) Seven dollars and fifty cents (\$7.50) per day per pupil.~~

37 ~~(B) Thirty percent of the total grant amount awarded to the
38 school per school year pursuant to subparagraph (C) of paragraph
39 (1).~~

40 (5)

1 (4) Each program shall provide an amount of cash or in-kind
2 local funds equal to not less than one-third of the total grant from
3 the school district, governmental agencies, community
4 organizations, or the private sector. Facilities or space usage may
5 fulfill not more than 25 percent of the required local contribution.

6 ~~(6)~~

7 (5) (A) A grantee may allocate, with departmental approval,
8 up to 125 percent of the maximum total grant amount for an
9 individual school, so long as the maximum total grant amount for
10 all school programs administered by the program grantee is not
11 exceeded.

12 (B) A program grantee that transfers funds for purposes of
13 administering a program pursuant to subparagraph (A) shall have
14 an established waiting list for enrollment, and may transfer only
15 from another school program that has met a minimum of 70 percent
16 of its attendance goal.

17 (b) The administrator of a program established pursuant to this
18 article may supplement, but not supplant, existing funding for after
19 school programs with grant funds awarded pursuant to this article.
20 State categorical funds for remedial education activities shall not
21 be used to make the required contribution of local funds for those
22 after school programs.

23 (c) Up to 15 percent of the initial year's grant amount for each
24 grant recipient may be utilized for startup costs. Under no
25 circumstance shall funding for startup costs result in an increase
26 in the grant recipient's total funding above the approved grant
27 amount.

28 (d) For each year of the grant, the department shall award the
29 total grant amount for that year not later than 30 days after the date
30 the grantee accepts the grant.

31 (e) The department may adjust the amount of a direct grant,
32 awarded to a new applicant pursuant to this section, on the basis
33 of the program start date, as determined by the department.

34 *SEC. 2. Section 8483.75 of the Education Code is amended to*
35 *read:*

36 8483.75. (a) (1) (A) Each school that establishes a before
37 school program component pursuant to Section 8483.1 is eligible
38 to receive a three year renewable direct grant, that shall be awarded
39 in three one-year increments and is subject to semiannual
40 attendance reporting and renewal as required by the department.

1 Before school programs established pursuant to this section shall
2 be subject to the same reporting and accountability provisions
3 described in subparagraph (A) of paragraph (1) of subdivision (a)
4 of Section 8483.7.

5 (B) The maximum total grant amount awarded annually pursuant
6 to this paragraph shall be thirty-seven thousand five hundred dollars
7 (\$37,500) for each regular school year for each elementary school
8 and forty-nine thousand dollars (\$49,000) for each regular school
9 year for each middle or junior high school.

10 (C) The Superintendent shall determine the total annual direct
11 grant amount for which a site is eligible based on a formula of five
12 dollars (\$5) per pupil per day that the program plans to serve, with
13 a maximum total grant of twenty-five dollars (\$25) per projected
14 pupil per week.

15 (2) For large schools, the maximum total grant amounts
16 described in paragraph (1) may be increased based on the following
17 formulas, up to a maximum amount of twice the respective limits
18 specified in paragraph (1):

19 (A) For elementary schools, multiply seventy-five dollars (\$75)
20 by the number of pupils enrolled at the schoolsite for the normal
21 schoolday program that exceeds 600.

22 (B) For middle schools, multiply seventy-five dollars (\$75) by
23 the number of pupils enrolled at the schoolsite for the normal
24 schoolday program that exceeds 900.

25 ~~(3) A school that establishes a program pursuant to this article
26 is eligible to receive a supplemental grant to operate the program
27 in excess of 180 schooldays during any combination of summer,
28 intersession, or vacation periods for a maximum of 30 percent of
29 the total grant amount awarded to the school per school year under
30 this subdivision.~~

31 ~~(4)~~

32 (3) Each program shall provide an amount of cash or in-kind
33 local funds equal to not less than one-third of the total grant from
34 the school district, governmental agencies, community
35 organizations, or the private sector. Facilities or space usage may
36 fulfill not more than 25 percent of the required local contribution.

37 ~~(5)~~

38 (4) (A) The department may award up to 125 percent of the
39 maximum total grant amount for an individual school, so long as

1 the maximum total grant amount for all school programs
2 administered by the program grantee is not exceeded.

3 (B) A program grantee that is awarded funds pursuant to
4 subparagraph (A) shall have an established waiting list for
5 enrollment, and may receive funds only from another school
6 program that has met a minimum of 70 percent of its attendance
7 goal.

8 (b) The administrator of a program established pursuant to this
9 article may supplement, but not supplant, existing funding for
10 before school programs with grant funds awarded pursuant to this
11 article. State categorical funds for remedial education activities
12 shall not be used to make the required contribution of local funds
13 for those before school programs.

14 (c) Up to 15 percent of the initial year's grant amount for each
15 grant recipient may be utilized for startup costs. Under no
16 circumstance shall funding for startup costs result in an increase
17 in the grant recipient's total funding above the approved grant
18 amount.

19 (d) For each year of the grant, the department shall award the
20 total grant amount for that year not later than 30 days after the date
21 the grantee accepts the grant.

22 *SEC. 3. Section 8483.76 is added to the Education Code, to*
23 *read:*

24 *8483.76. (a) A school that establishes a program pursuant to*
25 *Section 8483.7 or 8483.75 is eligible to receive a supplemental*
26 *grant to operate the program in excess of 180 regular schooldays*
27 *or during any combination of summer, intersession, or vacation*
28 *periods for a maximum of 30 percent of the total grant amount*
29 *awarded to the school.*

30 *(b) An existing after school supplemental grantee may operate*
31 *a three-hour or a six-hour program without receiving additional*
32 *grant funds. If the grantee operates a six-hour per day program,*
33 *the target attendance level for the purpose of grant reductions*
34 *pursuant to subparagraph (A) of paragraph (1) of subdivision (a)*
35 *of Section 8483.7 shall be computed as if the grant award were*
36 *based upon a formula of fifteen dollars (\$15.00) per day of pupil*
37 *attendance.*

38 *(c) A supplemental grantee that operates a program pursuant*
39 *to this section may change the location of the program to address*
40 *the needs of pupils and school closures. The program may be*

1 conducted at an offsite location or at an alternate schoolsite. The
 2 supplemental grantee shall give notice to the department of the
 3 change of location and shall include a plan to provide safe
 4 transportation pursuant to Section 8484.6.

5 (d) A supplemental grantee that operates a program pursuant
 6 to this section may open eligibility to every pupil attending a school
 7 in the district. If the program is conducted at a schoolsite, priority
 8 for enrollment shall be given to the pupils in the attendance area
 9 of the school.

10 (e) A supplemental grantee operating a six-hour program shall
 11 provide for each needy pupil one nutritionally adequate free or
 12 reduced-price meal during each program day pursuant to Section
 13 49550.

14 (f) A supplemental grantee that operates a six-hour extended
 15 day program is required to submit, for prior approval by the
 16 department, a revised program plan that includes all of the
 17 following:

18 (1) A plan for provision of the free or reduced-price meal
 19 required by subdivision (e).

20 (2) An attendance and early release policy for the program that
 21 is consistent with the local educational agency's early release
 22 policy for the regular school day.

23 ~~SECTION 1. Section 8484.8 of the Education Code is amended~~
 24 ~~to read:~~

25 ~~8484.8.— Consistent with Part B of Title IV of the federal No~~
 26 ~~Child Left Behind Act of 2001 (P.L. 107-110), funds appropriated~~
 27 ~~in Item 6110-197-0890 of Section 2.00 of the Budget Act of 2002~~
 28 ~~are available for expenditure as follows, with any subsequent~~
 29 ~~allocations for these purposes to be determined in the annual~~
 30 ~~Budget Act:~~

31 ~~(a) Beginning with the 2006-07 fiscal year, 5 percent of the~~
 32 ~~federal funds appropriated through this article shall be available~~
 33 ~~to the department for purposes of providing technical assistance,~~
 34 ~~evaluation, and training services, and for contracting for local~~
 35 ~~technical assistance, for carrying out programs related to 21st~~
 36 ~~Century Community Learning Centers programs.~~

37 ~~(1) The department shall provide directly, or contract for,~~
 38 ~~technical assistance for new programs and any program that is not~~
 39 ~~meeting attendance or performance goals, or both, and requests~~
 40 ~~that assistance.~~

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

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

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

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

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

28 ~~(2) For the purposes of subparagraph (A) of paragraph (1), the~~
29 ~~department shall determine the requirements for eligibility for a~~
30 ~~grant, consistent with the following:~~

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

37 ~~(B) In determining the need for a grant pursuant to this~~
38 ~~subdivision, the department shall base its determination on a needs~~
39 ~~assessment and a determination that existing resources are not~~
40 ~~available to meet these needs, including, but not limited to, a~~

1 description of how the needs, strengths, and resources of the
2 community have been assessed, currently available resources, and
3 the justification for additional resources for that purpose.

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

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

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

20 ~~(e) At least 50 percent of the total amount appropriated pursuant~~
21 ~~to this article, after funds have been allocated pursuant to~~
22 ~~subdivision (a), shall be allocated on a priority basis for direct~~
23 ~~grants to community learning centers serving high school pupils~~
24 ~~funded pursuant to Section 8421.~~

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

34 ~~(e) (1) At least 40 percent of the total amount appropriated~~
35 ~~pursuant to this article, after funds have been allocated pursuant~~
36 ~~to subdivision (a), shall be allocated to programs serving~~
37 ~~elementary and middle school pupils. The administrators of a~~
38 ~~program established pursuant to this article may operate during~~
39 ~~regular schooldays for a minimum of 15 hours per week and any~~
40 ~~combination of summer, intersession, or vacation periods for a~~

1 minimum of three hours per day for the regular school year
2 pursuant to Section 8483.7. Grantees administering comprehensive
3 programs established pursuant to Section 8482.3 are also eligible
4 for funding for summer, intersession, or vacation periods pursuant
5 to this section.

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

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

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

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

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

39 ~~(4) A grantee shall identify the federal, state, and local programs~~
40 ~~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 ~~(5) 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 ~~(6) 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. However, priority for funding~~
9 ~~pursuant to this subdivision shall be given to programs with~~
10 ~~expiring grants, if those programs have satisfactorily met projected~~
11 ~~pupil outcomes pursuant to subdivision (a) of Section 8484.~~

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

16 ~~(g) Notwithstanding any other provision of law, and contingent~~
17 ~~upon the availability of funding, the department may adjust the~~
18 ~~core grant cap of any grantee based upon one or both of the~~
19 ~~following:~~

20 ~~(1) Amendments made to this section by Chapter 555 of the~~
21 ~~Statutes of 2005.~~

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

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

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

37 ~~(j) In any fiscal year in which the total state appropriation for~~
38 ~~that fiscal year exceeds the total state appropriation for the 2008-09~~
39 ~~fiscal year after funds have been allocated pursuant to subdivision~~
40 ~~(a), the excess amount shall be allocated on a priority basis for~~

1 ~~direct grants to community learning centers funded pursuant to~~
2 ~~Section 8421 as follows:~~

3 ~~(1) Thirty-five percent to community learning centers serving~~
4 ~~high school pupils.~~

5 ~~(2) Fifty percent to community learning centers serving~~
6 ~~elementary and middle school pupils.~~

7 ~~(3) Fifteen percent to summer programs serving elementary and~~
8 ~~middle school pupils.~~

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