

Introduced by Senator KehoeFebruary 18, 2011

An act to amend Sections 8482.5, 8483.3, and 8483.7 of the Education Code, relating to child care.

LEGISLATIVE COUNSEL'S DIGEST

SB 614, as introduced, Kehoe. Child care: After School Education and Safety Program: age- and gender-appropriate self-defense and safety awareness training.

Existing law, the After School Education and Safety Program Act of 2002, enacted by initiative statute, establishes the After School Education and Safety Program to serve pupils in kindergarten and grades 1 to 9, inclusive, at participating public elementary, middle, junior high, and charter schools. The existing act provides a formula for determining an amount to be continuously appropriated from the General Fund to the State Department of Education for purposes of the program. Existing law requires applicants for grants pursuant to the program to certify that the program will provide opportunities for physical activity.

This bill would specify that those opportunities for physical activity may include age- and gender-appropriate self-defense and safety awareness training. The bill would provide that current grant recipients that offer age- and gender-appropriate self-defense and safety awareness training programs would have priority for receiving continued funding over other current grant recipients, and qualified new applicants that offer age- and gender-appropriate self-defense and safety awareness training programs have priority for receiving funding over other new applicants that do not offer this type of program, except as specified. The bill would also provide that up to 5% of the annual grant amount

for each grant recipient may be used for training program staff to provide age- and gender-appropriate self-defense and safety awareness training.

The existing act authorizes the Legislature to amend certain of its provisions to further its purposes by majority vote of each house.

This bill would set forth a legislative finding and declaration that the proposed amendments further the purposes of the existing act.

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 8482.5 of the Education Code is amended
 2 to read:

3 8482.5. (a) Priority for funding programs established pursuant
 4 to this article shall be given to schools where a minimum of 50
 5 percent of the pupils in elementary schools and 50 percent of the
 6 pupils in middle and junior high schools are eligible for free or
 7 reduced cost meals through the school lunch program of the United
 8 States Department of Agriculture.

9 *(b) Current grant recipients that offer age- and*
 10 *gender-appropriate self-defense and safety awareness training*
 11 *programs shall have priority for receiving continued funding over*
 12 *other current grant recipients. Qualified new applicants that offer*
 13 *age- and gender-appropriate self-defense and safety awareness*
 14 *training programs shall have priority for receiving funding over*
 15 *other new applicants that do not offer this type of program. The*
 16 *priority for funding described in this subdivision is secondary to*
 17 *the priority for funding described in subdivision (a).*

18 ~~(b)~~

19 (c) Every program established pursuant to this article shall be
 20 planned through a collaborative process that includes parents,
 21 youth, and representatives of participating public schools,
 22 governmental agencies, such as city and county parks and
 23 recreation departments, local law enforcement, community
 24 organizations, and the private sector.

25 SEC. 2. Section 8483.3 of the Education Code, as amended by
 26 Section 18 of Chapter 380 of the Statutes of 2006, is amended to
 27 read:

28 8483.3. (a) The department shall select applicants to participate
 29 in the program established pursuant to this article from among

1 applicants that apply on forms and in a manner prescribed by the
2 department. It is the intent of the Legislature that the manner
3 prescribed by the department, to the extent possible, allow for short
4 and concise applicant responses. To the extent possible, the
5 selection of applicants by the department shall result in an equitable
6 distribution of grant awards pursuant to Section 8483.7 to
7 applicants in northern, southern, and central California, and in
8 urban, suburban, and rural areas of California.

9 (b) The department shall consider the following in selecting
10 schools to participate in the program established pursuant to this
11 article:

12 (1) Percentage of pupils eligible for free and reduced lunch.

13 (2) Other indicators of need for the program, including, but not
14 limited to, socioeconomic status of the neighborhoods in which
15 participating pupils reside, the percentage of English language
16 learners at the school, and the availability of programs in the
17 community in which participating pupils reside.

18 (c) The application shall certify all of the following:

19 (1) Inclusion of an educational element.

20 (2) Inclusion of an enrichment element. These opportunities
21 may include arts, career technical education, recreation, technology,
22 and other activities to support positive youth development.

23 (3) That the program will provide a safe physical and emotional
24 environment and opportunities for relationship building, and
25 promote active pupil engagement.

26 (4) Staff training and development will be provided.

27 (5) Integration with the regular schoolday and other extended
28 learning opportunities.

29 (6) Community collaboration, including, but not limited to,
30 demonstrated support of the schoolsite principal and staff.

31 (7) Opportunities for physical activity, *which may include age-*
32 *and gender-appropriate self-defense and safety awareness training.*

33 (8) Inclusion of a nutritional snack.

34 (9) Fiscal accountability.

35 (10) Availability of required local matching funds.

36 (11) That the program will meet all of the evaluation
37 requirements.

38 (d) Subdivision (b) does not apply to an applicant school that
39 meets the priority criteria described in subdivision (a) of Section
40 8482.5.

1 SEC. 3. Section 8483.7 of the Education Code is amended to
2 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
20 percent of the target attendance level, the department shall perform
21 a review of the program and adjust the grant level as the department
22 deems appropriate.

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

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

30 (vi) The department may terminate the grant of any site or
31 program that does not comply with fiscal reporting, attendance
32 reporting, or outcomes reporting requirements established by the
33 department and pursuant to Section 8484. The department may
34 withhold the grant allocation for a program or site if the prior grant
35 year's fiscal or attendance reporting remains outstanding, until the
36 reports have been filed with the department.

37 (vii) Notwithstanding any other provision of this subdivision
38 or any other provision of law, after the technical assistance required
39 under clause (i) has been provided, the department may at any time

1 terminate the grant of any school in a program that fails for three
2 consecutive years to meet either of the following requirements:

3 (I) Demonstrate measurable program outcomes pursuant to
4 Section 8484.

5 (II) Attain 75 percent of its proposed attendance level after
6 having had its program reviewed and grant level adjusted by the
7 department.

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

11 (C) The maximum total direct grant amount awarded annually
12 pursuant to this paragraph shall be one hundred twelve thousand
13 five hundred dollars (\$112,500) for each regular school year for
14 each elementary school and one hundred fifty thousand dollars
15 (\$150,000) for each regular school year for each middle or junior
16 high school. The Superintendent shall determine the total annual
17 direct grant amount for which a site is eligible based on a formula
18 of seven dollars and fifty cents (\$7.50) per pupil per day of pupil
19 attendance that the program plans to serve, with a maximum total
20 grant of thirty-seven dollars and fifty cents (\$37.50) per projected
21 pupil per week, and a formula of seven dollars and fifty cents
22 (\$7.50) per projected pupil per day of staff development, with a
23 maximum of three staff development days per year. A program
24 may provide the three days of staff development during regular
25 program hours using funds from the total grant award.

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

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

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

36 (3) The maximum total grant amounts set forth in subparagraph
37 (C) of paragraph (1) may be increased from any funds made
38 available for this purpose in the annual Budget Act for participating
39 schools that have pupils on waiting lists for the program. Grants
40 may be increased by the lesser of an amount that is either 25

1 percent of the current maximum total grant amount or equal to the
2 proportion of pupils unserved by the program as measured by
3 documented waiting lists as of January 1 of the previous grant
4 year, compared to the actual after school enrollment on the same
5 date. The amount of the required cash or in-kind matching funds
6 shall be increased accordingly. First priority for an increased
7 maximum grant pursuant to this paragraph shall be given to schools
8 that qualify for funding pursuant to subdivision (b) of Section
9 8482.55. Second priority shall be given to schools that receive
10 funding priority pursuant to subdivision (f) of Section 8482.55.

11 (4) A school that establishes a program pursuant to this section
12 is eligible to receive a supplemental grant to operate the program
13 in excess of 180 regular schooldays or during any combination of
14 summer, intersession, or vacation periods for a maximum of the
15 lesser of the following amounts:

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

17 (B) Thirty percent of the total grant amount awarded to the
18 school per school year pursuant to subparagraph (C) of paragraph
19 (1).

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

25 (6) (A) A grantee may allocate, with departmental approval,
26 up to 125 percent of the maximum total grant amount for an
27 individual school, so long as the maximum total grant amount for
28 all school programs administered by the program grantee is not
29 exceeded.

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

35 (b) The administrator of a program established pursuant to this
36 article may supplement, but not supplant, existing funding for after
37 school programs with grant funds awarded pursuant to this article.
38 State categorical funds for remedial education activities shall not
39 be used to make the required contribution of local funds for those
40 after school programs.

1 (c) Up to 15 percent of the initial year's grant amount for each
2 grant recipient may be ~~utilized~~ *used* for startup costs. Under no
3 circumstance shall funding for startup costs result in an increase
4 in the grant recipient's total funding above the approved grant
5 amount.

6 (d) *Up to 5 percent of the annual grant amount for each grant*
7 *recipient may be used for training program staff to provide age-*
8 *and gender-appropriate self-defense and safety awareness training.*

9 ~~(e)~~

10 (e) For each year of the grant, the department shall award the
11 total grant amount for that year not later than 30 days after the date
12 the grantee accepts the grant.

13 ~~(e)~~

14 (f) The department may adjust the amount of a direct grant,
15 awarded to a new applicant pursuant to this section, on the basis
16 of the program start date, as determined by the department.

17 SEC. 4. The Legislature finds and declares that this act furthers
18 the purposes of the After School Education and Safety Program
19 Act of 2002.