

AMENDED IN SENATE APRIL 26, 2011

AMENDED IN SENATE APRIL 6, 2011

SENATE BILL

No. 614

Introduced by Senator Kehoe
(Principal coauthor: Senator Alquist)

February 18, 2011

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

LEGISLATIVE COUNSEL'S DIGEST

SB 614, as amended, 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 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~~-no.
State-mandated local program: no.

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

1 SECTION 1. Section 8483.3 of the Education Code, as
2 amended by Section 18 of Chapter 380 of the Statutes of 2006, is
3 amended to read:

4 8483.3. (a) The department shall select applicants to participate
5 in the program established pursuant to this article from among
6 applicants that apply on forms and in a manner prescribed by the
7 department. It is the intent of the Legislature that the manner
8 prescribed by the department, to the extent possible, allow for short
9 and concise applicant responses. To the extent possible, the
10 selection of applicants by the department shall result in an equitable
11 distribution of grant awards pursuant to Section 8483.7 to
12 applicants in northern, southern, and central California, and in
13 urban, suburban, and rural areas of California.

14 (b) The department shall consider the following in selecting
15 schools to participate in the program established pursuant to this
16 article:

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

18 (2) Other indicators of need for the program, including, but not
19 limited to, socioeconomic status of the neighborhoods in which
20 participating pupils reside, the percentage of English language
21 learners at the school, and the availability of programs in the
22 community in which participating pupils reside.

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

24 (1) Inclusion of an educational element.

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

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

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

1 (5) Integration with the regular schoolday and other extended
2 learning opportunities.

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

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

7 (8) Inclusion of a nutritional snack.

8 (9) Fiscal accountability.

9 (10) Availability of required local matching funds.

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

12 (d) Subdivision (b) does not apply to an applicant school that
13 meets the priority criteria described in subdivision (a) of Section
14 8482.5.

15 ~~SEC. 2. Section 8483.7 of the Education Code is amended to~~
16 ~~read:~~

17 ~~8483.7. (a) (1) (A) Each school that establishes a program~~
18 ~~pursuant to this article is eligible to receive a three-year direct~~
19 ~~grant, that shall be awarded in three one-year increments and is~~
20 ~~subject to semiannual attendance reporting and requirements as~~
21 ~~described in Section 8482.3 once every three years.~~

22 ~~(i) The department shall provide technical support for~~
23 ~~development of a program improvement plan for grantees under~~
24 ~~the following conditions:~~

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

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

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

32 ~~(iii) In any year after the initial grant year, if the actual~~
33 ~~attendance level of a school within the program falls below 75~~
34 ~~percent of the target attendance level, the department shall perform~~
35 ~~a review of the program and adjust the grant level as the department~~
36 ~~deems appropriate.~~

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

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

4 ~~(vi) The department may terminate the grant of any site or~~
5 ~~program that does not comply with fiscal reporting, attendance~~
6 ~~reporting, or outcomes reporting requirements established by the~~
7 ~~department and pursuant to Section 8484. The department may~~
8 ~~withhold the grant allocation for a program or site if the prior grant~~
9 ~~year's fiscal or attendance reporting remains outstanding, until the~~
10 ~~reports have been filed with the department.~~

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

16 ~~(I) Demonstrate measurable program outcomes pursuant to~~
17 ~~Section 8484.~~

18 ~~(II) Attain 75 percent of its proposed attendance level after~~
19 ~~having had its program reviewed and grant level adjusted by the~~
20 ~~department.~~

21 ~~(B) Direct grants may be awarded to applicants that have~~
22 ~~demonstrated readiness to begin operation of a program or to~~
23 ~~expand existing programs.~~

24 ~~(C) The maximum total direct grant amount awarded annually~~
25 ~~pursuant to this paragraph shall be one hundred twelve thousand~~
26 ~~five hundred dollars (\$112,500) for each regular school year for~~
27 ~~each elementary school and one hundred fifty thousand dollars~~
28 ~~(\$150,000) for each regular school year for each middle or junior~~
29 ~~high school. The Superintendent shall determine the total annual~~
30 ~~direct grant amount for which a site is eligible based on a formula~~
31 ~~of seven dollars and fifty cents (\$7.50) per pupil per day of pupil~~
32 ~~attendance that the program plans to serve, with a maximum total~~
33 ~~grant of thirty-seven dollars and fifty cents (\$37.50) per projected~~
34 ~~pupil per week, and a formula of seven dollars and fifty cents~~
35 ~~(\$7.50) per projected pupil per day of staff development, with a~~
36 ~~maximum of three staff development days per year. A program~~
37 ~~may provide the three days of staff development during regular~~
38 ~~program hours using funds from the total grant award.~~

39 ~~(2) For large schools, the maximum total grant amounts~~
40 ~~described in paragraph (1) may be increased based on the following~~

1 formulas, up to a maximum amount of twice the respective limits
2 specified in paragraph (1):

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

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

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

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

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

30 (B) Thirty percent of the total grant amount awarded to the
31 school per school year pursuant to subparagraph (C) of paragraph
32 (1).

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

38 (6) (A) A grantee may allocate, with departmental approval,
39 up to 125 percent of the maximum total grant amount for an
40 individual school, so long as the maximum total grant amount for

1 all school programs administered by the program grantee is not
2 exceeded.

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

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

14 (c) Up to 15 percent of the initial year's grant amount for each
15 grant recipient may be used 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) Up to 5 percent of the annual grant amount for each grant
20 recipient may be used for training program staff to provide age-
21 and gender-appropriate self-defense and safety awareness training.

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

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

28 SEC. 3.

29 SEC. 2. The Legislature finds and declares that this act furthers
30 the purposes of the After School Education and Safety Program
31 Act of 2002.