

**Introduced by Senator Hancock**February 20, 2014

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An act to amend Sections 8421, 8421.5, 8422, 8423, 8425, 8426, 8427, 8482.55, 8482.8, 8483.3, 8483.7, 8483.75, 8483.76, 8484, 8484.1, 8484.7, and 8484.8 of, to add Sections 8482.1, 8484.65, and 8484.85 to, and to repeal Section 8428 of, the Education Code, relating to after school programs.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1221, as introduced, Hancock. After school programs.

(1) Existing law establishes the 21st Century High School After School Safety and Enrichment for Teens (ASSETs) program, and requires a high school after school program, established as specified, to consist of an academic assistance element and an enrichment element that include certain things. Existing law requires applicants for grants to ensure that certain requirements are fulfilled, as applicable, including a certification that each applicant or partner in the application agrees, among other things, to provide to the State Department of Education information on participating pupils' schoolday attendance rates, pupil test scores from a specified program, pupil achievement on the high school exit examination, as applicable, and program attendance.

This bill would instead require a certification that each applicant or partner in the application agrees, among other things, to provide to the department information on participating pupils' schoolday attendance rates and program attendance.

(2) Existing law requires priority for funding pursuant to the ASSETs program to be given to programs that serve pupils attending a school whose most recent score on the Academic Performance Index ranks the school in the lowest 3 deciles and programs that previously received

funding, as specified, for expansion of existing grants up to a certain per site maximum or to replace expiring grants that have satisfactorily met their projected attendance goals and demonstrated other positive outcomes regarding, but not limited to, performance on the high school exit examination, graduation rates, schoolday attendance, and positive behavioral changes.

This bill would instead require priority for funding to be given to programs that serve pupils attending a school whose most recent score on the Academic Performance Index ranks the school in the lowest 3 deciles and programs that previously received funding, as specified, for expansion of existing grants up to a certain per site maximum or to replace expiring grants that have satisfactorily met their projected attendance goals.

(3) Existing law establishes the After School Education and Safety Program (ASES). Existing law requires a high school after school program established pursuant to the ASSETs program and a program established pursuant to ASES to submit to the department annual outcome-based data for evaluation, including research-based indicators and measurable pupil outcomes, as specified. Existing law requires grantees to submit certain attendance information to demonstrate program effectiveness, and, to demonstrate program effectiveness based upon individual program focus, requires programs to select one or more measures, as specified, to be submitted annually. Existing law provides that those measures include positive behavioral changes, as specified, for programs established pursuant to the ASSETs program pupil performance on the high school exit examination and graduation rates, pupil performance on the Standardized Testing and Reporting Program (STAR Program) test, homework completion rates, and skill development, as specified.

This bill would instead require a high school after school program established pursuant to the ASSETs program and a program established pursuant to ASES to submit to the department annual outcome-based data for evaluation. The bill would require grantees to submit certain attendance information to demonstrate program effectiveness using the unique state pupil identifiers for participating pupils who are unduplicated pupils. The bill would require programs to submit evidence of a program quality improvement process that is based on the department's guidance on program quality standards, as specified. The bill, to the extent pupil level data is available, would authorize a program

to report on positive behavioral changes, as specified, and on program skill development consistent with the program elements, as specified.

(4) Existing law specifies that each school that establishes an ASES program is eligible to receive a 3-year direct grant. Existing law specifies the maximum total direct grant amount awarded annually and requires that a school that establishes a program, as specified, to be 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 period for a maximum of the lesser of 2 specified amounts.

This bill would replace a direct grant with an after school grant. The bill would specify the minimum total after school grant that may be awarded. The bill would replace a supplemental grant with a summer grant, as defined. The bill would specify the maximum total summer grant that may be awarded. The bill would also define the term “expanded learning.”

(5) Existing law provides that a school that establishes a program pursuant to specified provisions of ASES is eligible to receive a supplemental grant to operate the program, as specified, for a maximum of 30% of the total grant amount awarded, per school year, to the school. Existing law authorizes an existing after school supplemental grantee to operate a 3-hour or 6-hour per day program, but prohibits a grantee from receiving additional grant funds for the purposes of operating a 6-hour per day program.

This bill would instead provide that a school that establishes a program pursuant to specified provisions of ASES is eligible to receive a summer grant to operate the program, as specified, for a maximum of either 30% of the total grant amount awarded, per school year, to the school, or \$33,750 for each regular school year for each elementary school and \$45,000 for each regular school year for each middle or junior high school. The bill would also authorize an existing after school summer grantee to operate a 3-hour or 6-hour per day program.

(6) Existing law authorizes the State Department of Education to terminate a program established pursuant to the provisions of ASES if the program consistently fails to demonstrate measurable program outcomes, as defined, for 3 consecutive years. Existing law authorizes measurable program outcomes to be demonstrated by, but not be limited to, comparing pupils participating in the program to nonparticipating pupils at the same schoolsite and pupils participating in the program who demonstrate improvement on one or more indicators collected by the program, as specified. Existing law authorizes program effectiveness

to be demonstrated using performance levels from the STAR Program by specified documentation.

This bill would instead authorize measurable program outcomes to be demonstrated by, but not be limited to, comparing pupils participating in the program to nonparticipating pupils at the same schoolsite. The bill would repeal the authority to demonstrate program effectiveness using performance levels from the STAR Program by specified documentation.

(7) Existing law, to the extent consistent with federal and state privacy laws, authorizes local educational agency grantees funded pursuant to specified provisions to submit certain pupil data to an operator of an after school program with which the local educational agency has a contract, including STAR Program test scores and scores on individual California Standards Tests.

This bill would instead, to the extent consistent with federal and state privacy laws, authorize local educational agency grantees funded pursuant to specified provisions to submit certain pupil data to an operator of an after school program with which the local educational agency has a contract, including statewide test and assessment scores.

(8) Existing law prohibits a program established pursuant to the provisions of ASES located off school grounds from being approved unless safe transportation is provided to the pupils enrolled in the program.

This bill would authorize funding to be provided for transportation, as necessary, if a program is operated at a schoolsite located in an extreme rural census tract identified by the United States Census as isolated.

(9) Existing law states the intent of the Legislature that the 21st Century Community Learning Centers 21st CCLC program contained within a specified federal act complement ASES. Existing law requires at least 10% of the total amount appropriated pursuant to the 21st CCLC program, except as specified, to be available for direct grants to provide equitable access and participation in community learning center programs and to provide family literacy services, as specified. Existing law also requires at least 40% of the total amount appropriated pursuant to the 21st CCLC program, except as specified, be allocated to programs serving elementary and middle school pupils. Existing law requires core funding grants for programs serving middle and elementary school pupils in before and after school programs to be allocated according to

the same funding provisions, and subject to the same reporting and accountability provisions, as described in specified provisions of ASES.

This bill would instead require at least 5% of the total amount appropriated pursuant to the 21st CCLC program, except as specified, to be available for grants to provide equitable access and participation in community learning center programs. The bill would require after school and summer funding grants for programs serving middle and elementary school pupils to be allocated according to the same funding provisions, and subject to the same reporting and accountability provisions, as described in specified provisions of ASES. The bill would require priority to be given to grant applications that will provide year-round expanded learning programming, as defined. The bill would also require the State Department of Education to develop and submit a biennial report to the Legislature related to the pupils attending, and the program quality of, expanded learning programs, as defined, and would require the report to include data, as specified, and authorize the report to include aggregate reporting of certain information.

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 8421 of the Education Code is amended  
2 to read:

3 8421. There is hereby established the 21st Century High School  
4 After School Safety and Enrichment for Teens program. The  
5 purpose of the program is to create incentives for establishing  
6 locally driven after school enrichment programs that partner  
7 schools and communities to provide academic support and safe,  
8 constructive alternatives for high school pupils in the hours after  
9 the regular schoolday, and ~~to assist pupils in passing the high~~  
10 ~~school exit examination required for high school graduation~~  
11 ~~pursuant to Chapter 9 (commencing with Section 60850) of Part~~  
12 ~~33 of Division 4 of Title 2 for public school programs. that support~~  
13 *college and career readiness.*

14 (a) High school after school programs shall serve pupils in  
15 grades 9 to 12, inclusive.

16 (b) A high school after school program established pursuant to  
17 this article shall consist of the following two elements:

1 (1) (A) An academic assistance element that shall include, but  
2 need not be limited to, at least one of the following: preparation  
3 for the high school exit examination, tutoring, career exploration,  
4 homework assistance, or college preparation, including information  
5 about the Cal Grant Program established pursuant to Chapter 1.7  
6 (commencing with Section 69430) of Part 42 of Division 5 of Title  
7 3. The assistance shall be ~~aligned~~ *coordinated* with the regular  
8 academic programs of the pupils.

9 (B) For the purposes of this article, “career exploration” means  
10 activities that help pupils develop the knowledge and skills that  
11 are relevant to their career interests and reinforce academic content.

12 (2) An enrichment element that may include, but need not be  
13 limited to, community service, career and technical education, job  
14 readiness, opportunities for mentoring and tutoring younger pupils,  
15 service learning, arts, computer and technology training, physical  
16 fitness, and recreation activities.

17 (c) A program shall operate for a minimum of 15 hours per  
18 week.

19 (d) An entity may operate programs on one or multiple sites. If  
20 an entity plans to operate programs at multiple sites, only one  
21 application is required.

22 (e) A program may operate on a schoolsite or on another site  
23 approved by the department during the grant application process.  
24 A program located off school grounds shall not be approved unless  
25 both of the following criteria are met:

26 (1) Safe transportation is available to transport participating  
27 pupils if necessary.

28 (2) The program is at least as available and accessible as similar  
29 programs conducted on schoolsites.

30 (f) Applicants for grants pursuant to this article shall ensure that  
31 all of the following requirements are fulfilled, if applicable:

32 (1) The application includes a description of the activities that  
33 will be available for pupils and lists the program hours.

34 (2) The application includes an estimate of the following:

35 (A) The number of pupils expected to attend the program on a  
36 regular basis.

37 (B) The average hours of attendance per pupil.

38 (C) The percentage of pupils expected to attend the program  
39 less than three days a week, three days a week, and more than three  
40 days a week, for each quarter or semester during the grant period.

1 (3) The application documents the commitments of each partner  
2 to operate a program at a location or locations that are safe and  
3 accessible to participating pupils.

4 (4) The application certifies that pupils were involved in the  
5 design of the program and describes the extent of that involvement.

6 (5) The application identifies federal, state, and local programs  
7 that will be combined or coordinated with the high school after  
8 school program for the most effective use of public resources, and  
9 describes a plan for implementing the high school after school  
10 program beyond federal grant funding.

11 (6) The application has been approved by the school district, or  
12 the charter school governing body, and the principal of each  
13 participating school for each schoolsite or other site.

14 (7) The application includes a certification that the applicant  
15 has complied with the requirement in subdivision (b) of Section  
16 8422.

17 (8) The application includes a certification that each applicant  
18 or partner in the application agrees to do all of the following:

19 (A) Assume responsibility for the quality of the program.

20 (B) Follow all fiscal reporting and auditing standards required  
21 by the department.

22 (C) Provide the following information on participating pupils  
23 to the department:

24 (i) Schoolday attendance rates.

25 ~~(ii) Pupil test scores from the Standardized Testing and~~  
26 ~~Reporting Program established under Section 60640, reflecting~~  
27 ~~achievement in the areas addressed by required program elements,~~  
28 ~~if assessments have been established in that area.~~

29 ~~(iii) Pupil achievement on the high school exit examination as~~  
30 ~~applicable.~~

31 ~~(iv)~~

32 (ii) Program attendance.

33 (D) Acknowledge that program evaluations will be based upon  
34 the criteria in Section 8427.

35 (9) Certify that the applicant has complied with all federal  
36 requirements in preparing and submitting the application.

37 (g) The department shall not establish minimum attendance  
38 requirements for individual pupils.

1 (h) It is the intent of the Legislature, that, to the extent possible,  
2 the department require applicants to submit the information  
3 required by this section in a short and concise manner.

4 SEC. 2. Section 8421.5 of the Education Code is amended to  
5 read:

6 8421.5. (a) (1) The department shall provide notice to all  
7 schools eligible for grants under this article of the availability of  
8 those grants as well as the application process.

9 (2) The department shall make the application available through  
10 its Internet Web site. The department shall periodically review the  
11 applications on a competitive basis for funding on dates determined  
12 by the department.

13 (b) The department shall review all applications for their  
14 inclusion of the requirements of subdivision (f) of Section 8421  
15 and Section 8423.

16 ~~(e) (1) The department shall review those recommendations~~  
17 ~~made by the Advisory Committee on Before and After School~~  
18 ~~Programs pursuant to subparagraph (A) of paragraph (4) of~~  
19 ~~subdivision (h) of Section 8484.9 and present them to the state~~  
20 ~~board on or before May 30, 2007.~~

21 ~~(2) The state board shall adopt requirements for program~~  
22 ~~evaluation and review on or before August 1, 2007.~~

23 SEC. 3. Section 8422 of the Education Code is amended to  
24 read:

25 8422. (a) Priority for funding pursuant to this article shall be  
26 given to programs that:

27 (1) Serve pupils attending a school whose most recent score on  
28 the Academic Performance Index ranks the school in the lowest  
29 *3 three* deciles.

30 (2) Previously received funding pursuant to Section 8421, for  
31 expansion of existing grants up to the per site maximum established  
32 under paragraph (1) of subdivision (a) of Section 8426, or to  
33 replace expiring grants that have satisfactorily met their projected  
34 attendance goals and demonstrated other positive outcomes  
35 regarding, but not limited to, performance on the high school exit  
36 examination, graduation rates, schoolday attendance, and positive  
37 behavioral changes: *goals*.

38 (b) A program established pursuant to this article shall be  
39 planned through a collaborative process that includes parents,  
40 pupils, representatives of participating schools, governmental

1 agencies, including city and county parks and recreation  
2 departments, community organizations, law enforcement, and, if  
3 appropriate, the private sector.

4 (c) A program established pursuant to this article is not required  
5 to charge family fees or to conduct individual eligibility  
6 ~~determination~~ *determinations* based on need or income.

7 (d) A program established pursuant to this article shall have the  
8 option of operating under either of the following modes:

9 (1) After school only.

10 (2) After school and during any combination of before school,  
11 weekends, summer, intersession, and vacation.

12 SEC. 4. Section 8423 of the Education Code is amended to  
13 read:

14 8423. (a) The department shall select grantees to participate  
15 in the 21st Century High School After School Safety and  
16 Enrichment for Teens program from among applicants that apply  
17 on forms and in a manner prescribed by the department. To the  
18 extent possible, the selection of applicants by the department shall  
19 result in an equitable distribution of grant awards to applicants in  
20 northern, southern, and central California, and in urban, suburban,  
21 and rural areas of the state.

22 (b) The department shall consider the following criteria in  
23 awarding grants:

24 (1) Strength of the educational element and ~~alignment~~  
25 *coordination* with state academic standards, preparation for the  
26 high school exit examination, and other academic interventions.

27 (2) Strength of the enrichment element.

28 (3) Evidence of community collaboration, including  
29 demonstrated support of the principal and staff from participating  
30 schools.

31 (4) A description of the manner in which programs will provide  
32 a safe physical and emotional environment and opportunities for  
33 relationship building, and promote active pupil engagement.

34 (5) A description of the manner in which the program design  
35 will be periodically reexamined in order to maintain strong pupil  
36 interest.

37 (6) A description of plans to attract pupils, particularly pupils  
38 considered at risk or in need of academic support, on a regular  
39 basis.

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

1 (1) Completion of an assessment of pupils' preferences for  
2 program activities.

3 (2) Access to, and availability of, computers and technology.

4 (3) Inclusion of a nutritional snack, meal, or both, and a physical  
5 activity element.

6 (4) That the program will meet all of the evaluation  
7 requirements.

8 (5) Fiscal accountability.

9 SEC. 5. Section 8425 of the Education Code is amended to  
10 read:

11 8425. ~~The~~(a) *The* department shall implement this program  
12 only to the extent that federal funds are appropriated by the  
13 Legislature for purposes of the program. It is the intent of the  
14 Legislature that available federal funds be appropriated annually  
15 for the program established pursuant to this article; through the  
16 annual Budget Act.

17 ~~(a) Of the funds appropriated for the program in the first year,~~  
18 ~~two hundred fifty thousand dollars (\$250,000) shall be allocated~~  
19 ~~to the department to conduct a three-year evaluation of the~~  
20 ~~programs established pursuant to this article and to make~~  
21 ~~recommendations for future program expansion. The~~  
22 ~~recommendations shall be provided to the state board and the~~  
23 ~~Legislature on or before July 1, 2007.~~

24 (b) The department may spend up to 3 percent of the funds  
25 appropriated for purposes of this article to provide training by  
26 qualified and experienced personnel, to convene regular meetings  
27 among grantees, and to ensure quality program implementation  
28 and sustainability, including unscheduled site visits.

29 SEC. 6. Section 8426 of the Education Code is amended to  
30 read:

31 8426. (a) (1) A grantee that establishes a program pursuant  
32 to this chapter is eligible to receive a five-year grant of up to two  
33 hundred fifty thousand dollars (\$250,000) per year per site in a  
34 program, subject to semiannual attendance reporting. Funding for  
35 a grant shall be allocated in annual increments for a period of not  
36 more than five years, contingent upon the availability and  
37 appropriation of federal funds by the Legislature for those grants.

38 (2) The department shall notify new grantees of their award  
39 status and dollar amount of the award, if any, in writing on or  
40 before May 15 of each year in which new grants are awarded. The

1 grantee shall notify the department in writing of its acceptance of  
2 the grant.

3 (3) A first-year grant award shall be made no later than 60 days  
4 after enactment of the annual Budget Act and any authorizing  
5 legislation. A grant award for the second and subsequent fiscal  
6 years shall be made no later than 30 days after enactment of the  
7 annual Budget Act and any authorizing legislation.

8 (b) The department shall allocate 25 percent of the grant amount  
9 each year no later than 30 days after the grant award acceptance  
10 letter is received by the department.

11 (c) (1) Not more than 15 percent of each annual grant amount  
12 may be used by a grantee for administrative costs. For purposes  
13 of this article, administrative costs shall include indirect costs.  
14 Indirect costs shall not exceed the lesser of the following:

15 (A) The grantee's indirect cost rate, as approved by the  
16 department for the appropriate fiscal year.

17 (B) Five percent of the state program funding received pursuant  
18 to this article.

19 (2) In addition to the funding allowed for administrative costs  
20 pursuant to paragraph (1), up to 15 percent of the first year's annual  
21 grant award for each ~~core~~ *after school* grant recipient may be  
22 ~~utilized~~ *used* for startup costs.

23 (3) Funding made available pursuant to this subdivision shall  
24 not result in an increase in the total funding of a grantee above the  
25 approved grant amount.

26 (d) Grantees are subject to semiannual attendance reporting  
27 during each year of the grant.

28 (1) The department shall provide technical support for  
29 development of a program improvement plan for grantees under  
30 the following conditions:

31 (A) If actual pupil attendance falls below 75 percent of the  
32 proposed levels in any year of the grant.

33 (B) If the grantee fails, in any year of the grant, to demonstrate  
34 measurable outcomes pursuant to Section 8427.

35 (C) If the grantee fails in three consecutive years to demonstrate  
36 improved academic achievement among participating pupils as  
37 measured by data collected under paragraph (8) of subdivision (f)  
38 of Section 8421, *as that section read on January 1, 2014*.

1 (2) If the actual pupil attendance falls below 75 percent of the  
2 proposed attendance level at the end of the second year of the  
3 grant, the department may reduce funding for the grantee.

4 (3) The department shall adjust the grant level of any school in  
5 the program that is under its proposed attendance level by more  
6 than 15 percent in each of two consecutive years.

7 (4) In any year, after the first grant-year period, that the actual  
8 attendance level of a school within the program falls below 75  
9 percent of the proposed attendance level, the department shall  
10 perform a review of the program and may adjust the grant level  
11 as the department deems appropriate.

12 (e) Notwithstanding any other provision of this section or any  
13 other ~~provision~~ of law, the department may at any time terminate  
14 the grant of a school in a public school program that fails in three  
15 consecutive years to meet either of the following requirements:

16 (1) Demonstrate program outcomes pursuant to Section 8427.

17 (2) Attain 75 percent of its proposed attendance levels after  
18 having its program reviews and grant level adjusted by the  
19 department.

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

24 (g) (1) The administrator of a program may supplement, but  
25 not supplant, existing funding for after school programs with grant  
26 funds awarded pursuant to this article.

27 (2) In addition to administrative costs, a program participant  
28 may expend up to the greater of 6 percent of its state funding or  
29 seven thousand five hundred dollars (\$7,500) to collect outcome  
30 data for evaluation and for reports to the department.

31 (3) All state funding awarded to a program pursuant to this  
32 article that remains after subtracting the administrative costs,  
33 startup costs, and outcome data costs authorized by subdivisions  
34 (c) and (d) shall be allocated to the program site for direct services  
35 to pupils.

36 (h) When determining grant award amounts after each grant  
37 year, the department may consider whether a program is operating  
38 consistent with the terms of its application, including whether the  
39 number of pupils served on a regular basis is consistent with the  
40 number estimated, and may consider the strength of any

1 justifications or future plans offered by the program to address  
2 inconsistencies with the terms of the application. If the department  
3 finds that a program is not operating consistent with the terms of  
4 its application, the department may take appropriate action,  
5 including denying grant awards or reducing the level of grant  
6 funding.

7 SEC. 7. Section 8427 of the Education Code is amended to  
8 read:

9 8427. (a) A high school after school program established  
10 pursuant to this article shall submit to the department annual  
11 outcome-based data for ~~evaluation, including research-based~~  
12 ~~indicators and measurable pupil outcomes, including, but not~~  
13 ~~limited to, academic performance, school attendance, positive~~  
14 ~~behavioral changes, and, to the extent possible, performance on~~  
15 ~~the high school exit examination and graduation rates.~~ *evaluation.*

16 (1) To demonstrate program effectiveness, grantees shall submit  
17 ~~all, using the unique statewide pupil identifiers for participating~~  
18 ~~pupils who are unduplicated pupils, both of the following:~~

19 (A) ~~Participating pupil schoolday~~ *Schoolday* attendance on an  
20 annual basis.

21 (B) Program attendance on a ~~semi-annual~~ *semiannual* basis.

22 ~~(2) To demonstrate program effectiveness based upon individual~~  
23 ~~program focus, programs shall select one or more of the following~~  
24 ~~measures to be used for at least three consecutive years and~~  
25 ~~submitted annually:~~

26 ~~(2) Programs shall submit evidence of a program quality~~  
27 ~~improvement process that is based on the department's guidance~~  
28 ~~on program quality standards developed pursuant to paragraph~~  
29 ~~(4).~~

30 ~~(3) To the extent pupil level data is available, a program may~~  
31 ~~report on both of the following:~~

32 (A) Positive behavioral changes, as reported by schoolday  
33 teachers or after school staff who directly supervise pupils.

34 ~~(B) Pupil performance on the high school exit examination and~~  
35 ~~graduation rates.~~

36 ~~(C) Pupil performance on the Standardized Testing and~~  
37 ~~Reporting (STAR) Program test.~~

38 ~~(D) Homework completion rates.~~

39 ~~(E)~~

1 (B) Skill development consistent with the program elements,  
2 as reported by schoolday teachers or after school staff who directly  
3 supervise pupils.

4 ~~(F)~~

5 (4) The department may develop additional measures to  
6 demonstrate program effectiveness, *including, but not limited to,*  
7 *program quality standards.* ~~Any additions~~ Additions shall be  
8 developed in consultation with the advisory committee pursuant  
9 to Section 8484.9.

10 ~~(3)~~

11 (5) Programs shall submit information ~~adopted to the department~~  
12 through the process ~~outlined~~ *used* in subdivision (b) of Section  
13 8421.5.

14 (b) (1) If a program consistently fails to demonstrate measurable  
15 program outcomes for three consecutive years, the department  
16 may terminate the program pursuant to the process *described* in  
17 subdivision (e) of Section 8426. The department shall consider  
18 multiple outcomes and not rely on one outcome in isolation.

19 (2) For purposes of this subdivision, “consistently fails to  
20 demonstrate measurable program outcomes” means failure to meet  
21 program effectiveness requirements pursuant to the criteria in  
22 paragraphs (1) and (2) of subdivision (a).

23 (3) Measurable program outcomes may be demonstrated by,  
24 but are not limited to, the following methods:

25 (A) Comparing pupils participating in the program to  
26 nonparticipating pupils at the same schoolsite.

27 (B) Pupils participating in the program demonstrate  
28 improvement on one or more indicators collected by the program  
29 pursuant to this section.

30 (c) The department shall identify or develop standardized  
31 procedures and tools to collect the indicators in paragraphs (1) and  
32 (2) of subdivision (a) in accordance with the ~~process outlined in~~  
33 ~~paragraph (4)~~ *recommendations made pursuant to paragraph (5)*  
34 of subdivision (h) of Section 8484.9.

35 SEC. 8. Section 8428 of the Education Code is repealed.

36 ~~8428. (a) The department shall order an independent statewide~~  
37 ~~evaluation of the effectiveness of programs funded pursuant to~~  
38 ~~this article to be prepared and submitted to the Legislature. The~~  
39 ~~evaluation shall include a comparison of outcomes for participating~~

1 ~~pupils and similarly situated pupils who did not participate in a~~  
2 ~~program.~~

3 ~~(b) A report shall be submitted to the Governor and the~~  
4 ~~Legislature on or before October 1, 2011, providing data that~~  
5 ~~includes, but is not limited to, all of the following:~~

6 ~~(1) Data collected pursuant to Section 8427.~~

7 ~~(2) Data adopted through the process outlined in subdivision~~  
8 ~~(e) of Section 8421.5 and subdivision (e) of Section 8484.~~

9 ~~(3) Number and type of sites and grantees participating in the~~  
10 ~~program.~~

11 ~~(4) Pupil program attendance, as reported semiannually, and~~  
12 ~~pupil schoolday attendance, as reported annually.~~

13 ~~(5) Pupil program participation rates including, but not limited~~  
14 ~~to, all of the following:~~

15 ~~(A) The average hours of attendance per pupil.~~

16 ~~(B) The percentage of pupils that attend the program less than~~  
17 ~~three days a week, three days a week, and more than three days a~~  
18 ~~week.~~

19 ~~(C) The extent to which the program attracts pupils considered~~  
20 ~~at risk or in need of academic support.~~

21 ~~(6) Quality of the program, drawing on the research of the~~  
22 ~~Academy of Sciences on critical features of programs that support~~  
23 ~~healthy youth development.~~

24 SEC. 9. Section 8482.1 is added to the Education Code, to  
25 read:

26 8482.1. For purposes of this article, Article 19 (commencing  
27 with Section 8420), and Article 22.6 (commencing with Section  
28 8484.7), the following definitions shall apply:

29 (a) “Expanded learning” means before school, after school,  
30 summer, or intersession learning programs that focus on developing  
31 the academic, social, emotional, and physical needs and interests  
32 of pupils through hands-on, engaging learning experiences. It is  
33 the intent of the Legislature that expanded learning programs are  
34 pupil-centered, results driven, include community partners, and  
35 complement, but do not replicate, learning activities in the regular  
36 schoolday and school year.

37 (b) “Summer grant” means funding to operate any program in  
38 excess of 180 regular schooldays or during any combination of  
39 summer, intersession, or vacation periods.

1 SEC. 10. Section 8482.55 of the Education Code is amended  
2 to read:

3 8482.55. (a) To accomplish the purposes of the After School  
4 Education and Safety Program, commencing with the fiscal year  
5 beginning July 1, 2004, and for each fiscal year thereafter, all  
6 grants made pursuant to this article shall be awarded as set forth  
7 in this section.

8 (b) (1) Grants made to public schools pursuant to this article  
9 for the 2005–06 fiscal year shall continue to be funded in each  
10 subsequent fiscal year at the 2005–06 fiscal year level, after the  
11 adjustments provided in paragraphs (1) and (2) of subdivision (a)  
12 of Section 8483.7 and paragraphs (1) and (2) of subdivision (a) of  
13 Section 8483.75 have been made, before any other grants are  
14 funded under this article, provided those schools continue to make  
15 application for the grants and are otherwise qualified pursuant to  
16 this article. Receipt of a grant at the 2005–06 fiscal year level made  
17 pursuant to this subdivision shall not affect a school’s eligibility  
18 for additional grant funding as permitted in subdivisions (c) and  
19 (d) up to the maximum grants permitted in Sections 8483.7 and  
20 8483.75.

21 (2) (A) An elementary or middle school program grantee funded  
22 pursuant to Section 8484.8 shall apply to receive a new grant under  
23 this article in the 2006–07 fiscal year. These programs shall receive  
24 priority for funding before any new grant is funded pursuant to  
25 ~~this article~~, *article* if the program is otherwise qualified pursuant  
26 to this article. Notwithstanding the maximum grant amounts  
27 permitted in Sections 8483.7 and 8483.75, the grantee shall receive  
28 the same amount of grant funding that it was awarded pursuant to  
29 Section 8484.8 in the fiscal year ~~prior to~~ *before* the year for which  
30 the grantee requests funding pursuant to this article. The grantee  
31 shall apply to the department, and elect to receive funding under  
32 this article, on or before a date established by the department that  
33 is ~~prior to~~ *before* the date by which the department awards new  
34 grants pursuant to this article.

35 (B) Grantees funded pursuant to Section 8484.8 in the 2005–06  
36 fiscal year may elect to receive funding pursuant to this article  
37 after the 2006–07 fiscal year and shall be funded under the  
38 conditions outlined in subparagraph (A), if funds are available.

39 (c) Each public elementary, middle, and junior high school in  
40 the state shall be eligible to receive a ~~three-year~~ *three-year*

1 renewable ~~direct~~ *after school* grant for after school programs to  
2 be operated during the regular school year, as provided in  
3 subparagraph (A) of paragraph (1) of subdivision (a) of Section  
4 8483.7. In the case of schools serving a combination of elementary,  
5 middle, and junior high school pupils, the applicant may apply for  
6 a grant with funding based on the middle school grant maximum.  
7 The program shall comply with the elementary program and  
8 attendance requirements for pupils in the elementary grades. For  
9 purposes of this article, a school serving a combination of middle  
10 and junior high school and high school pupils shall be eligible to  
11 apply for a grant to serve pupils through grade 9. Except as  
12 provided in this subdivision, grants for after school programs made  
13 pursuant to this subdivision shall be subject to all other sections  
14 of this article. Grants for after school programs made pursuant to  
15 this subdivision shall not exceed one hundred twelve thousand  
16 five hundred dollars (\$112,500) for each regular school year for  
17 each elementary school or one hundred fifty thousand dollars  
18 (\$150,000) for each regular school year for each middle or junior  
19 high school. Except as provided in subdivision (f) of this section  
20 and subdivision (a) of Section 8482.5, each public elementary,  
21 middle, and junior high school in the state shall have equal priority  
22 of funding for grants for after school programs made pursuant to  
23 this subdivision. Receipt of a grant for an after school program  
24 made pursuant to this subdivision shall not affect a school's  
25 eligibility for additional grant funding as permitted in subdivision  
26 (d) up to the maximum grants permitted in Sections 8483.7 and  
27 8483.75. Grants made pursuant to this subdivision shall be funded  
28 after grants made pursuant to subdivision (b) and before any grants  
29 made pursuant to subdivision (d). Grants made pursuant to this  
30 subdivision shall be referred to as "After School Education and  
31 Safety Universal Grants."

32 (d) All funds remaining from the appropriation provided in  
33 Section 8483.5 after award of grants pursuant to subdivisions (b)  
34 and (c) shall be distributed pursuant to Sections 8483.7 and  
35 8483.75. Grants for programs made pursuant to this subdivision  
36 shall be subject to all other sections of this article. Priority for  
37 grants for programs made pursuant to this subdivision shall be  
38 established pursuant to subdivision (a) of Section 8482.5 and  
39 Section 8483.3.

1 (e) With the exception of schools previously funded under both  
2 this article and Section 8484.8, a school shall not receive grants  
3 in excess of the amounts provided in Sections 8483.7 and 8483.75.

4 (f) If in any fiscal year the appropriation made pursuant to  
5 Section 8483.5 is insufficient to fund all eligible schools who  
6 submit an eligible application for After School Education and  
7 Safety Universal Grants pursuant to subdivision (c), priority for  
8 After School Education and Safety Universal Grants shall be  
9 established pursuant to subdivision (a) of Sections 8482.5 and  
10 8483.3.

11 SEC. 11. Section 8482.8 of the Education Code is amended to  
12 read:

13 8482.8. (a) If there is a significant barrier to pupil participation  
14 in a program established pursuant to this article at the school of  
15 attendance for either the before school or the after school  
16 component, an applicant may request approval from the  
17 Superintendent, ~~prior to~~ *before* or during the grant application  
18 process, to provide services at another schoolsite for that  
19 component. An applicant that requests approval shall describe the  
20 manner in which the applicant intends to provide safe, supervised  
21 transportation between schoolsites; ensure communication among  
22 teachers in the regular school program, staff in the before school  
23 and after school components of the program, and parents of pupils;  
24 and ~~align~~ *coordinate* the educational and literacy component of  
25 the before and after school components of the program with the  
26 regular school programs of participating pupils.

27 (b) For purposes of this article, a significant barrier to pupil  
28 participation in the before *school* or *the* after school component  
29 of a program established pursuant to this chapter means either of  
30 the following:

31 (1) Fewer than 20 pupils participating in the component of the  
32 program.

33 (2) Extreme transportation constraints, including, but not limited  
34 to, desegregation bussing, bussing for magnet or open enrollment  
35 schools, or pupil dependence on public transportation.

36 (c) In addition to the authority to transfer funds among school  
37 programs pursuant to Sections 8483.7 and 8483.75, and in addition  
38 to the flexibility provided by subdivisions (a) and (b), a program  
39 grantee that is temporarily prevented from operating a program  
40 established pursuant to this article at the program site due to natural

1 disaster, civil unrest, or imminent danger to pupils or staff may  
2 shift program funds to the sites of other programs established  
3 pursuant to this article to meet attendance targets during that time  
4 period.

5 (d) If a program grantee is temporarily prevented from operating  
6 its entire program due to natural disaster, civil unrest, or imminent  
7 danger to pupils or staff, the department may recommend, and the  
8 state board may approve, a request by the grantee for payment  
9 equal to the amount of funding the grantee would have received  
10 if it had been able to operate its entire program during that time  
11 period.

12 (e) Upon the request of a program grantee, the state board may  
13 approve other unforeseen events as qualifying a program grantee  
14 to use the authority provided by subdivisions (c) and (d).

15 SEC. 12. Section 8483.3 of the Education Code, as amended  
16 by Section 3 of Chapter 706 of the Statutes of 2013, is amended  
17 to read:

18 8483.3. (a) The department shall select applicants to participate  
19 in the program established pursuant to this article from among  
20 applicants that apply on forms and in a manner prescribed by the  
21 department. It is the intent of the Legislature that the manner  
22 prescribed by the department, to the extent possible, allow for short  
23 and concise applicant responses. To the extent possible, the  
24 selection of applicants by the department shall result in an equitable  
25 distribution of grant awards pursuant to Section 8483.7 to  
26 applicants in northern, southern, and central California, and in  
27 urban, suburban, and rural areas of California.

28 (b) The department shall consider the following in selecting  
29 schools to participate in the program established pursuant to this  
30 article:

31 (1) Percentage of pupils eligible for free and ~~reduced~~  
32 *reduced-price* lunch.

33 (2) Other indicators of need for the program, including, but not  
34 limited to, socioeconomic status of the neighborhoods in which  
35 participating pupils reside, the percentage of English language  
36 learners at the school, and the availability of programs in the  
37 community in which participating pupils reside.

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

39 (1) Inclusion of an educational element.

- 1 (2) Inclusion of an enrichment element. These opportunities  
2 may include arts, career technical education, recreation, technology,  
3 and other activities to support positive youth development.
- 4 (3) That the program will provide a safe physical and emotional  
5 environment ~~and~~, opportunities for relationship building, and  
6 promote active pupil engagement.
- 7 (4) Staff training and development will be provided.
- 8 (5) Integration with the regular schoolday and other ~~extended~~  
9 *expanded* learning opportunities.
- 10 (6) Community collaboration, including, but not limited to,  
11 demonstrated support of the schoolsite principal and staff.
- 12 (7) Opportunities for physical activity.
- 13 (8) Inclusion of a nutritional snack, meal, or both.
- 14 (9) Fiscal accountability.
- 15 (10) Availability of required local matching funds.
- 16 (11) That the program will meet all of the evaluation  
17 requirements.
- 18 (d) Subdivision (b) does not apply to an applicant school that  
19 meets the priority criteria described in subdivision (a) of Section  
20 8482.5.
- 21 SEC. 13. Section 8483.7 of the Education Code is amended to  
22 read:
- 23 8483.7. (a) (1) (A) Each school that establishes a program  
24 pursuant to this article is eligible to receive a three-year ~~direct after~~  
25 *school* grant, that shall be awarded in three one-year increments  
26 and is subject to semiannual attendance reporting and requirements  
27 as described in Section 8482.3 once every three years.
- 28 (i) The department shall provide technical support for  
29 development of a program improvement plan for grantees under  
30 the following conditions:
- 31 (I) If actual pupil attendance falls below 75 percent of the target  
32 attendance level in any year of the grant.
- 33 (II) If the grantee fails, in any year of the grant, to demonstrate  
34 measurable outcomes pursuant to Section 8484.
- 35 (ii) The department shall adjust the grant level of any school  
36 within the program that is under its targeted attendance level by  
37 more than 15 percent in each of two consecutive years.
- 38 (iii) In any year after the initial grant year, if the actual  
39 attendance level of a school within the program falls below 75  
40 percent of the target attendance level, the department shall perform

1 a review of the program and adjust the grant level as the department  
2 deems appropriate.

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

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

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

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

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

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

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

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

1 of seven dollars and fifty cents (\$7.50) per projected pupil per day  
2 of staff development, with a maximum of three staff development  
3 days per year. A program may provide the three days of staff  
4 development during regular program hours using funds from the  
5 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) *The minimum total after school grant amount that may be*  
32 *awarded pursuant to this section shall be computed by multiplying*  
33 *the applicable rate per pupil per day of pupil attendance by 20*  
34 *pupils being served for 180 regular schooldays.*

35 (4)

36 (5) A school that establishes a program pursuant to this section  
37 is eligible to receive a ~~supplemental~~ *summer* grant to operate the  
38 program in excess of 180 regular schooldays or during any  
39 combination of summer, intersession, or vacation periods for a  
40 maximum of the lesser of the following amounts:

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

2 (B) Thirty percent of the total grant amount awarded to the  
3 school per school year pursuant to subparagraph (C) of paragraph  
4 (1).

5 (C) *Notwithstanding subparagraphs (A) and (B), the maximum*  
6 *total summer grant that may be awarded annually pursuant to this*  
7 *paragraph shall be thirty-three thousand seven hundred fifty*  
8 *dollars (\$33,750) for each regular school year for each elementary*  
9 *school and forty-five thousand dollars (\$45,000) for each regular*  
10 *school year for each middle or junior high school.*

11 ~~(5)~~

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

17 ~~(6)~~

18 (7) (A) A grantee may allocate, with departmental approval,  
19 up to 125 percent of the maximum total grant amount for an  
20 individual school, so long as the maximum total grant amount for  
21 all school programs administered by the program grantee is not  
22 exceeded.

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

28 (b) The administrator of a program established pursuant to this  
29 article may supplement, but not supplant, existing funding for after  
30 school programs with grant funds awarded pursuant to this article.  
31 State categorical funds for remedial education activities shall not  
32 be used to make the required contribution of local funds for those  
33 after school programs.

34 (c) Up to 15 percent of the initial year's grant amount for each  
35 grant recipient may be ~~utilized~~ *used* for startup costs. Under no  
36 circumstance shall funding for startup costs result in an increase  
37 in the grant recipient's total funding above the approved grant  
38 amount.

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

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

7 SEC. 14. Section 8483.75 of the Education Code is amended  
8 to read:

9 8483.75. (a) (1) (A) Each school that establishes a before  
10 school program component pursuant to Section 8483.1 is eligible  
11 to receive a ~~three-year~~ *three-year* renewable ~~direct after school~~  
12 grant, that shall be awarded in three one-year increments and is  
13 subject to semiannual attendance reporting and renewal as required  
14 by the department. Before school programs established pursuant  
15 to this section shall be subject to the same reporting and  
16 accountability provisions described in subparagraph (A) of  
17 paragraph (1) of subdivision (a) of Section 8483.7.

18 (B) The maximum total grant amount awarded annually pursuant  
19 to this paragraph shall be thirty-seven thousand five hundred dollars  
20 (\$37,500) for each regular school year for each elementary school  
21 and forty-nine thousand dollars (\$49,000) for each regular school  
22 year for each middle or junior high school.

23 (C) The Superintendent shall determine the total annual ~~direct~~  
24 *after school* grant amount for which a site is eligible based on a  
25 formula of five dollars (\$5) per pupil per day that the program  
26 plans to serve, with a maximum total grant of twenty-five dollars  
27 (\$25) per projected pupil per week.

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

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

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

38 (3) A school that establishes a program pursuant to this section  
39 is eligible to receive a ~~supplemental~~ *summer* grant to operate the  
40 program in excess of 180 regular schooldays during any

1 combination of summer, intersession, or vacation periods for a  
2 maximum of 30 percent of the total grant amount awarded to the  
3 school per school year under this subdivision.

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

9 (5) (A) The department may award up to 125 percent of the  
10 maximum total grant amount for an individual school, so long as  
11 the maximum total grant amount for all school programs  
12 administered by the program grantee is not exceeded.

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

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

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

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

32 SEC. 15. Section 8483.76 of the Education Code is amended  
33 to read:

34 8483.76. (a) A school that establishes a program pursuant to  
35 Section 8483.7 or 8483.75 is eligible to receive a ~~supplemental~~  
36 *summer* grant to operate the program in excess of 180 regular  
37 schooldays or during any combination of summer, intersession,  
38 or vacation periods for a maximum of *either* 30 percent of the total  
39 grant amount awarded, per school year, to the school, *or*  
40 *thirty-three thousand seven hundred fifty dollars (\$33,750) for*

1 *each regular school year for each elementary school and forty-five*  
2 *thousand dollars (\$45,000) for each regular school year for each*  
3 *middle or junior high school.*

4 (b) An existing after school ~~supplemental~~ *summer* grantee may  
5 operate a three-hour or a six-hour per day ~~program, but is not~~  
6 ~~eligible to receive additional grant funds for the purpose of~~  
7 ~~operating a six-hour per day program pursuant to this section.~~  
8 *program.* If the grantee operates a six-hour per day program, the  
9 target attendance level for the purpose of grant reductions pursuant  
10 to subparagraph (A) of paragraph (1) of subdivision (a) of Section  
11 8483.7 shall be computed as if the grant award were based upon  
12 the lesser of fifteen dollars (\$15) per day of pupil attendance or  
13 30 percent of the total grant awarded to the school per school year.  
14 ~~It is the intent of the Legislature that a grantee who serves~~  
15 ~~additional pupils by operating a longer day program not receive~~  
16 ~~additional funding for this purpose.~~

17 (c) A ~~supplemental~~ *summer* grantee that operates a program  
18 pursuant to this section may change the location of the program  
19 to address the needs of pupils and school closures. The program  
20 may be conducted at an offsite location or at an alternate schoolsite.  
21 The ~~supplemental~~ *summer* grantee shall give notice to the  
22 department of the change of location and shall include a plan to  
23 provide safe transportation pursuant to Section 8484.6.

24 (d) A ~~supplemental~~ *summer* grantee that operates a program  
25 pursuant to this section may open eligibility to every pupil  
26 attending a school in the *school* district. Priority for enrollment  
27 shall be given to the pupils enrolled in the school that receives the  
28 grant.

29 (e) A ~~supplemental~~ *summer* grantee operating a six-hour per  
30 day program shall provide for each needy pupil at least one  
31 nutritionally adequate free or reduced-price meal during each  
32 program day.

33 (f) A ~~supplemental~~ *summer* grantee that operates a six-hour per  
34 day program is required to submit, for prior approval by the  
35 department, a revised program plan that includes all of the  
36 following:

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

1 (2) An attendance and early release policy for the program that  
2 is consistent with the local educational agency’s early release  
3 policy for the regular schoolday.

4 SEC. 16. Section 8484 of the Education Code is amended to  
5 read:

6 8484. (a) As required by the department, programs established  
7 pursuant to this article shall submit annual outcome-based data for  
8 evaluation, ~~including research-based indicators and measurable~~  
9 ~~pupil outcomes for academic performance, attendance, and positive~~  
10 ~~behavioral changes.~~ *evaluation.* The department may consider  
11 these outcomes when determining eligibility for grant renewal.

12 (1) To demonstrate program effectiveness, grantees shall submit,  
13 *using the unique statewide pupil identifiers, for participating pupils*  
14 *who are unduplicated pupils,* both of the following:

15 (A) Schoolday attendance on an annual basis.

16 (B) Program attendance *on a semiannual basis.*

17 ~~(2) To demonstrate program effectiveness based upon individual~~  
18 ~~program focus, programs shall submit one or more of the following~~  
19 ~~measures annually:~~

20 *(2) Programs shall submit evidence of a program quality*  
21 *improvement process that is based on the department’s guidance*  
22 *on program quality standards developed pursuant to paragraph*  
23 *(4).*

24 *(3) To the extent pupil level data is available, a program may*  
25 *report on both of the following:*

26 (A) Positive behavioral changes, as reported by schoolday  
27 teachers or after school staff who directly supervise pupils.

28 ~~(B) Pupil Standardized Testing and Reporting (STAR) Program~~  
29 ~~test scores.~~

30 ~~(C) Homework completion rates as reported by schoolday~~  
31 ~~teachers or after school staff who directly supervise pupils.~~

32 ~~(D)~~

33 *(B) Skill development consistent with the program elements,*  
34 *as reported by schoolday teachers or after school staff who directly*  
35 *supervise pupils.*

36 ~~(E)~~

37 *(4) The department may develop additional measures for this*  
38 ~~paragraph. Any additions~~ *paragraph, including, but not limited*  
39 *to, program quality standards. Additions shall be developed in*

1 consultation with the evaluation committee of the advisory  
2 committee.

3 ~~(3)~~

4 (5) Programs shall submit information adopted through the  
5 process outlined in subdivision (c).

6 (b) (1) If a program consistently fails to demonstrate measurable  
7 program outcomes for three consecutive years, the department  
8 may terminate the program as described in subdivision (a) of  
9 Section 8483.7. The department shall consider multiple outcomes  
10 and not rely on one outcome in isolation.

11 (2) For purposes of this section, “consistently fails to  
12 demonstrate measurable program outcomes” means failure to meet  
13 program effectiveness requirements pursuant to the criteria in  
14 paragraphs (1) and (2) of subdivision (a).

15 (3) Measurable program outcomes may be demonstrated by,  
16 but are not limited to, ~~the following methods:~~ *comparing pupils*  
17 *participating in the program to nonparticipating pupils at the same*  
18 *schoolsite.*

19 ~~(A) Comparing pupils participating in the program to~~  
20 ~~nonparticipating pupils at the same schoolsite.~~

21 ~~(B) Pupils participating in the program demonstrate~~  
22 ~~improvement on one or more indicators collected by the program~~  
23 ~~pursuant to this paragraph.~~

24 ~~(4) For purposes of subparagraph (B) of paragraph (2) of~~  
25 ~~subdivision (a), program effectiveness may be demonstrated using~~  
26 ~~performance levels from the STAR Program by any of the~~  
27 ~~following:~~

28 ~~(A) The grantee documents that the percentage of pupils~~  
29 ~~performing at the far below basic level declined.~~

30 ~~(B) The grantee documents that the percentage of pupils~~  
31 ~~performing above the far below basic and below basic levels~~  
32 ~~increased.~~

33 ~~(C) The grantee documents that the percentage of pupils who~~  
34 ~~performed at or above the basic level increased.~~

35 ~~(D) The grantee documents that pupils participating in the~~  
36 ~~program performed better in a year-to-year comparison of the~~  
37 ~~results of the STAR Program than their peers who were not~~  
38 ~~participating in the program.~~

39 (c) The department shall develop standardized procedures and  
40 tools to collect the indicators in paragraphs (1) and (2) of

1 subdivision (a). The department shall consult with the evaluation  
2 committee of the Advisory Committee on Before and After School  
3 Programs pursuant to Section 8484.9.

4 SEC. 17. Section 8484.1 of the Education Code is amended to  
5 read:

6 8484.1. To the extent consistent with federal and state privacy  
7 laws, local educational agency grantees funded pursuant to this  
8 article and Article 22.6 (commencing with Section 8484.7) may  
9 submit the following pupil data to an operator of an after school  
10 program with which the local educational agency has a contract:

- 11 (a) Schoolday attendance data.
- 12 ~~(b) Standardized Testing and Reporting (STAR) Program test~~  
13 ~~scores, and scores on individual California Standards Tests.~~
- 14 (b) *Statewide test and assessment scores.*
- 15 (c) High school exit examination scores.
- 16 (d) English language development test placement or  
17 reclassification scores.

18 (e) California Healthy Kids Survey results in aggregate form.

19 SEC. 18. Section 8484.65 is added to the Education Code,  
20 immediately following Section 8484.6, to read:

21 8484.65. If a program is operated at a schoolsite located in an  
22 extreme rural census tract identified by the United States Census  
23 as isolated, funding may be provided for transportation, as  
24 necessary.

25 SEC. 19. Section 8484.7 of the Education Code is amended to  
26 read:

27 8484.7. It is the intent of the Legislature that the 21st Century  
28 Community Learning Centers program contained within the federal  
29 No Child Left Behind Act of 2001-~~P.L.~~ (*Public Law* 107-110)  
30 complement the After School Education and Safety Program  
31 established by Article 22.5 (commencing with Section 8482) to  
32 provide *year-round opportunities for expanded learning, as defined*  
33 *in Section 8482.1, and to support* the local flexibility needed to  
34 implement federal 21st Century Community Learning Centers  
35 programs through ~~direct~~ *after school* grants as specified in this  
36 article.

37 SEC. 20. Section 8484.8 of the Education Code is amended to  
38 read:

39 8484.8. In accordance with Part B of Title IV of the federal  
40 No Child Left Behind Act of 2001-~~P.L.~~ (*Public Law* 107-110),

1 funds appropriated in Item 6110-197-0890 of Section 2.00 of the  
2 Budget Act of 2002 are available for expenditure as follows, with  
3 any subsequent allocations for these purposes to be determined in  
4 the annual Budget Act:

5 (a) Beginning with the 2006–07 fiscal year, 5 percent of the  
6 federal funds appropriated through this article shall be available  
7 to the department for purposes of providing technical assistance,  
8 evaluation, and training services, and for contracting for local  
9 technical assistance, for carrying out programs related to 21st  
10 Century Community Learning Centers programs.

11 (1) The department shall provide directly, or contract for,  
12 technical assistance for new programs and any program that is not  
13 meeting attendance or performance goals, or both, and requests  
14 that assistance.

15 (2) (A) Training and support shall include, but is not limited  
16 to, the development and distribution of voluntary guidelines for  
17 physical activity programs established pursuant to ~~paragraph (2) of~~  
18 ~~subdivision (e) subparagraph (B) of paragraph (1) of subdivision~~  
19 *(c)* of Section 8482.3, that expand the learning opportunities of  
20 the schoolday.

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

23 (3) *In accordance with Part B of Title IV of the federal No Child*  
24 *Left Behind Act of 2001 (Public Law 107-110), funding for*  
25 *programs that promote parent involvement and family literacy are*  
26 *an allowable use of these funds.*

27 (b) (1) At least ~~10~~ 5 percent of the total amount appropriated  
28 pursuant to this article, after funds have been allocated pursuant  
29 to subdivision (a), shall be available for ~~direct grants for either of~~  
30 ~~the following purposes:~~

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

35 ~~(B) Grants to provide family literacy services, in an amount not~~  
36 ~~to exceed twenty thousand dollars (\$20,000) per site, per year, for~~  
37 ~~schoolsites that identify such a need for families of 21st Century~~  
38 ~~Community Learning Centers program pupils, and that demonstrate~~  
39 ~~a fiscal hardship by certifying that existing resources, including,~~  
40 ~~but not limited to, funding for Title III of the federal No Child Left~~

1 ~~Behind Act of 2001, Chapter 3 (commencing with Section 300)~~  
2 ~~of Part 1, adult education, community college, and the federal Even~~  
3 ~~Start Program are not available or are insufficient to serve these~~  
4 ~~families. An assurance that the funds received pursuant to this~~  
5 ~~subdivision are expended only for those services and supports for~~  
6 ~~which they were granted shall be required.~~

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

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

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

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

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

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

39 (c) At least 50 percent of the total amount appropriated pursuant  
40 to this article, after funds have been allocated pursuant to

1 subdivision (a), shall be allocated on a priority basis for ~~direct~~ *after*  
2 *school* grants to community learning centers serving high school  
3 pupils funded pursuant to Section 8421.

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

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

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

30 (3) *Priority shall be given to grant applications that will provide*  
31 *year-round expanded learning programming, including programs*  
32 *that complement existing funded programs. Year-round expanded*  
33 *learning programs are defined as any combination of an applicant*  
34 *that provides year-round programming, an applicant that offers*  
35 *summer programming to complement existing after school*  
36 *programs, or an applicant that offers after school programs to*  
37 *complement existing summer programs. The applicant is not*  
38 *required to be the same entity that operates the existing program.*

39 (3)

1 (4) (A) Funding for a grant shall be allocated in annual  
2 increments for a period not to exceed five years, subject to annual  
3 reporting and recertification as required by the department. The  
4 department shall establish a payment system to accommodate  
5 upfront payments. The department shall notify new grantees, whose  
6 grant awards are contingent upon the appropriation of funds for  
7 those grants, in writing no later than May 15 of each year in which  
8 new grants are awarded. A first-year grant award shall be made  
9 no later than 60 days after enactment of the annual Budget Act  
10 and any authorizing legislation. A grant award for the second and  
11 subsequent fiscal years shall be made no later than 30 days after  
12 enactment of the annual Budget Act and any authorizing legislation.  
13 The grantee shall notify the department in writing of its acceptance  
14 of the grant.

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

22 (C) In addition to the funding allowed for administrative costs  
23 under subparagraph (B), up to 15 percent of the initial annual grant  
24 award for each ~~core~~ *after school* grant recipient may be ~~utilized~~  
25 *used* for startup costs.

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

29 ~~(4)~~

30 (5) A grantee shall identify the federal, state, and local programs  
31 that will be combined or coordinated with the proposed program  
32 for the most effective use of public resources, and shall prepare a  
33 plan for continuing the program beyond federal grant funding.

34 ~~(5)~~

35 (6) A grantee shall submit semiannual attendance data and  
36 results to facilitate evaluation and compliance in accordance with  
37 provisions established by the department.

38 ~~(6)~~

39 (7) A program receiving a grant under this subdivision is not  
40 assured of grant renewal from future state or federal funding at

1 the conclusion of the grant period. However, priority for funding  
2 pursuant to this subdivision shall be given to programs with  
3 expiring grants, if those programs have satisfactorily met projected  
4 pupil outcomes pursuant to subdivision (a) of Section 8484.

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

9 (g) Notwithstanding any other ~~provision of~~ law, and contingent  
10 upon the availability of funding, the department may adjust the  
11 ~~core after school~~ grant cap of any grantee based upon one or both  
12 of the following:

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

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

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

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

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

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

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

1 (3) Fifteen percent to summer programs serving elementary and  
2 middle school pupils.

3 (k) This article shall be operative only to the extent that federal  
4 funds are made available for the purposes of this article. It is the  
5 intent of the Legislature that this article not be considered a  
6 precedent for general fund augmentation of either the state  
7 administered, federally funded program of this article, or any other  
8 state funded before or after school program.

9 SEC. 21. Section 8484.85 is added to the Education Code, to  
10 read:

11 8484.85. The department shall develop, and submit in  
12 compliance with Section 9795 of the Government Code, a biennial  
13 report to the Legislature related to the pupils attending, and the  
14 program quality of, expanded learning programs. The report shall  
15 include data that is derived by matching the unique statewide pupil  
16 identifiers with data in the department's data systems and may  
17 include, but is not limited to, aggregate reporting of all of the  
18 following information:

19 (a) The number, geographical distribution, and type of sites and  
20 grantees participating in expanded learning programs.

21 (b) Pupil program attendance and pupil schoolday attendance.

22 (c) Statewide test and assessment scores.

23 (d) Pupil demographics and characteristics.

24 (e) Pupil behavior changes and skill development.

25 (f) The quality of the programs based on the department's  
26 guidance on program quality standards developed pursuant to  
27 paragraph (4) of subdivision (a) of Section 8427.