

AMENDED IN SENATE MARCH 27, 2014

SENATE BILL

No. 1221

Introduced by Senator Hancock

February 20, 2014

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 amended, 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, would require programs to submit social, behavioral, or skill development outcome measures by unique statewide pupil identifiers, based on a list of field-recognized and research-based tools and assessments developed by the department, 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 *additional* funding to be provided for transportation, as ~~necessary~~, *specified*, if a program is operated at a schoolsite located in an ~~extreme rural census tract identified by the United States Census as isolated area that has a population density of less than 11 persons per square mile.~~

(9) Existing law states the intent of the Legislature that the 21st Century Community Learning Centers ~~21st CCLC~~ (*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 that support college and career readiness.
- 10 (a) High school after school programs shall serve pupils in
- 11 grades 9 to 12, inclusive.

- 1 (b) A high school after school program established pursuant to
2 this article shall consist of the following two elements:
- 3 (1) (A) An academic assistance element that shall include, but
4 need not be limited to, at least one of the following: preparation
5 for the high school exit examination, tutoring, career exploration,
6 homework assistance, or college preparation, including information
7 about the Cal Grant Program established pursuant to Chapter 1.7
8 (commencing with Section 69430) of Part 42 of Division 5 of Title
9 3. The assistance shall be coordinated with the regular academic
10 programs of the pupils.
- 11 (B) For purposes of this article, “career exploration” means
12 activities that help pupils develop the knowledge and skills that
13 are relevant to their career interests and reinforce academic content.
- 14 (2) An enrichment element that may include, but need not be
15 limited to, community service, career and technical education, job
16 readiness, opportunities for mentoring and tutoring younger pupils,
17 service learning, arts, computer and technology training, physical
18 fitness, and recreation activities.
- 19 (c) A program shall operate for a minimum of 15 hours per
20 week.
- 21 (d) An entity may operate programs on one or multiple sites. If
22 an entity plans to operate programs at multiple sites, only one
23 application is required.
- 24 (e) A program may operate on a schoolsite or on another site
25 approved by the department during the grant application process.
26 A program located off school grounds shall not be approved unless
27 both of the following criteria are met:
- 28 (1) Safe transportation is available to transport participating
29 pupils if necessary.
- 30 (2) The program is at least as available and accessible as similar
31 programs conducted on schoolsites.
- 32 (f) Applicants for grants pursuant to this article shall ensure that
33 all of the following requirements are fulfilled, if applicable:
- 34 (1) The application includes a description of the activities that
35 will be available for pupils and lists the program hours.
- 36 (2) The application includes an estimate of the following:
- 37 (A) The number of pupils expected to attend the program on a
38 regular basis.
- 39 (B) The average hours of attendance per pupil.

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

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

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

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

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

17 (7) The application includes a certification that the applicant
18 has complied with the requirement in subdivision (b) of Section
19 8422.

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

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

23 (B) Follow all fiscal reporting and auditing standards required
24 by the department.

25 (C) Provide the following information on participating pupils
26 to the department:

27 (i) Schoolday attendance rates.

28 (ii) Program attendance.

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

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

33 (g) The department shall not establish minimum attendance
34 requirements for individual pupils.

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

38 SEC. 2. Section 8421.5 of the Education Code is amended to
39 read:

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

4 (2) The department shall make the application available through
5 its Internet Web site. The department shall periodically review the
6 applications on a competitive basis for funding on dates determined
7 by the department.

8 (b) The department shall review all applications for their
9 inclusion of the requirements of subdivision (f) of Section 8421
10 and Section 8423.

11 SEC. 3. Section 8422 of the Education Code is amended to
12 read:

13 8422. (a) Priority for funding pursuant to this article shall be
14 given to programs that:

15 (1) Serve pupils attending a school whose most recent score on
16 the Academic Performance Index ranks the school in the lowest
17 three deciles.

18 (2) Previously received funding pursuant to Section 8421, for
19 expansion of existing grants up to the per site maximum established
20 under paragraph (1) of subdivision (a) of Section 8426, or to
21 replace expiring grants that have satisfactorily met their projected
22 attendance goals.

23 (b) A program established pursuant to this article shall be
24 planned through a collaborative process that includes parents,
25 pupils, representatives of participating schools, governmental
26 agencies, including city and county parks and recreation
27 departments, community organizations, law enforcement, and, if
28 appropriate, the private sector.

29 (c) A program established pursuant to this article is not required
30 to charge family fees or to conduct individual eligibility
31 determinations based on need or income.

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

34 (1) After school only.

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

37 SEC. 4. Section 8423 of the Education Code is amended to
38 read:

39 8423. (a) The department shall select grantees to participate
40 in the 21st Century High School After School Safety and

1 Enrichment for Teens program from among applicants that apply
2 on forms and in a manner prescribed by the department. To the
3 extent possible, the selection of applicants by the department shall
4 result in an equitable distribution of grant awards to applicants in
5 northern, southern, and central California, and in urban, suburban,
6 and rural areas of the state.

7 (b) The department shall consider the following criteria in
8 awarding grants:

9 (1) Strength of the educational element and coordination with
10 state academic standards, preparation for the high school exit
11 examination, and other academic interventions.

12 (2) Strength of the enrichment element.

13 (3) Evidence of community collaboration, including
14 demonstrated support of the principal and staff from participating
15 schools.

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

19 (5) A description of the manner in which the program design
20 will be periodically reexamined in order to maintain strong pupil
21 interest.

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

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

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

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

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

31 (4) That the program will meet all of the evaluation
32 requirements.

33 (5) Fiscal accountability.

34 SEC. 5. Section 8425 of the Education Code is amended to
35 read:

36 8425. (a) The department shall implement this program only
37 to the extent that federal funds are appropriated by the Legislature
38 for purposes of the program. It is the intent of the Legislature that
39 available federal funds be appropriated annually for the program
40 established pursuant to this article through the annual Budget Act.

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

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

8 8426. (a) (1) A grantee that establishes a program pursuant
 9 to this chapter is eligible to receive a five-year grant of up to two
 10 hundred fifty thousand dollars (\$250,000) per year per site in a
 11 program, subject to semiannual attendance reporting. Funding for
 12 a grant shall be allocated in annual increments for a period of not
 13 more than five years, contingent upon the availability and
 14 appropriation of federal funds by the Legislature for those grants.

15 (2) The department shall notify new grantees of their award
 16 status and dollar amount of the award, if any, in writing on or
 17 before May 15 of each year in which new grants are awarded. The
 18 grantee shall notify the department in writing of its acceptance of
 19 the grant.

20 (3) A first-year grant award shall be made no later than 60 days
 21 after enactment of the annual Budget Act and any authorizing
 22 legislation. A grant award for the second and subsequent fiscal
 23 years shall be made no later than 30 days after enactment of the
 24 annual Budget Act and any authorizing legislation.

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

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

32 (A) The grantee’s indirect cost rate, as approved by the
 33 department for the appropriate fiscal year.

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

36 (2) In addition to the funding allowed for administrative costs
 37 pursuant to paragraph (1), up to 15 percent of the first year’s annual
 38 grant award for each after school grant recipient may be used for
 39 startup costs.

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

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

6 (1) The department shall provide technical support for
7 development of a program improvement plan for grantees under
8 the following conditions:

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

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

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

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

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

23 (4) In any year, after the first grant-year period, that the actual
24 attendance level of a school within the program falls below 75
25 percent of the proposed attendance level, the department shall
26 perform a review of the program and may adjust the grant level
27 as the department deems appropriate.

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

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

33 (2) Attain 75 percent of its proposed attendance levels after
34 having its program reviews and grant level adjusted by the
35 department.

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

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

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

8 (3) All state funding awarded to a program pursuant to this
9 article that remains after subtracting the administrative costs,
10 startup costs, and outcome data costs authorized by subdivisions
11 (c) and (d) shall be allocated to the program site for direct services
12 to pupils.

13 (h) When determining grant award amounts after each grant
14 year, the department may consider whether a program is operating
15 consistent with the terms of its application, including whether the
16 number of pupils served on a regular basis is consistent with the
17 number estimated, and may consider the strength of any
18 justifications or future plans offered by the program to address
19 inconsistencies with the terms of the application. If the department
20 finds that a program is not operating consistent with the terms of
21 its application, the department may take appropriate action,
22 including denying grant awards or reducing the level of grant
23 funding.

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

26 8427. (a) A high school after school program established
27 pursuant to this article shall submit to the department annual
28 outcome-based data for evaluation.

29 (1) To demonstrate program effectiveness, grantees shall submit,
30 using the unique statewide pupil identifiers for participating pupils
31 who are unduplicated pupils, both of the following:

- 32 (A) Schoolday attendance on an annual basis.
- 33 (B) Program attendance on a semiannual basis.

34 (2) Programs shall submit evidence of a program quality
35 improvement process that is based on the department’s guidance
36 on program quality standards developed pursuant to paragraph (4).

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

- 39 ~~(A) Positive behavioral changes, as reported by schoolday~~
40 ~~teachers or after school staff who directly supervise pupils.~~

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 *(3) Programs shall submit social, behavioral, or skill*
5 *development outcome measures by unique statewide pupil*
6 *identifiers, based on a list of field-recognized and research-based*
7 *tools and assessments developed by the department. These pupil*
8 *outcomes related to specific social-emotional competencies include,*
9 *but are not necessarily limited to, social skills, self-control,*
10 *empathy, perseverance, conflict resolution, and*
11 *school-connectedness. The menu of tools and assessments shall*
12 *lend themselves to program evaluation and continuous*
13 *improvement processes so that they can be easily combined to*
14 *match the focus and context of the wide variation of funded*
15 *expanded learning programs. No one tool or assessment shall be*
16 *given priority, and this list of tools and assessments shall be*
17 *reviewed and updated annually to include future additions used*
18 *in the field and validated by research. This reporting requirement*
19 *shall be implemented by the department no later than the 2015–16*
20 *school year.*

21 (4) The department may develop additional measures to
22 demonstrate program effectiveness, including, but not limited to,
23 program quality standards. Additions shall be developed in
24 consultation with the advisory committee pursuant to Section
25 8484.9.

26 (5) Programs shall submit information to the department through
27 the process used in subdivision (b) of Section 8421.5.

28 (b) (1) If a program consistently fails to demonstrate measurable
29 program outcomes for three consecutive years, the department
30 may terminate the program pursuant to the process described in
31 subdivision (e) of Section 8426. The department shall consider
32 multiple outcomes and not rely on one outcome in isolation.

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

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

39 (A) Comparing pupils participating in the program to
40 nonparticipating pupils at the same schoolsite.

1 (B) Pupils participating in the program demonstrate
2 improvement on one or more indicators collected by the program
3 pursuant to this section.

4 (c) The department shall identify or develop standardized
5 procedures and tools to collect the indicators in paragraphs (1) and
6 (2) of subdivision (a) in accordance with the recommendations
7 made pursuant to paragraph (5) of subdivision (h) of Section
8 8484.9.

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

10 SEC. 9. Section 8482.1 is added to the Education Code, to
11 read:

12 8482.1. For purposes of this article, Article 19 (commencing
13 with Section 8420), and Article 22.6 (commencing with Section
14 8484.7), the following definitions shall apply:

15 (a) “Expanded learning” means before school, after school,
16 summer, or intersession learning programs that focus on developing
17 the academic, social, emotional, and physical needs and interests
18 of pupils through hands-on, engaging learning experiences. It is
19 the intent of the Legislature that expanded learning programs are
20 pupil-centered, results driven, include community partners, and
21 complement, but do not replicate, learning activities in the regular
22 schoolday and school year.

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

26 SEC. 10. Section 8482.55 of the Education Code is amended
27 to read:

28 8482.55. (a) To accomplish the purposes of the After School
29 Education and Safety Program, commencing with the fiscal year
30 beginning July 1, 2004, and for each fiscal year thereafter, all
31 grants made pursuant to this article shall be awarded as set forth
32 in this section.

33 (b) (1) Grants made to public schools pursuant to this article
34 for the 2005–06 fiscal year shall continue to be funded in each
35 subsequent fiscal year at the 2005–06 fiscal year level, after the
36 adjustments provided in paragraphs (1) and (2) of subdivision (a)
37 of Section 8483.7 and paragraphs (1) and (2) of subdivision (a) of
38 Section 8483.75 have been made, before any other grants are
39 funded under this article, provided those schools continue to make
40 application for the grants and are otherwise qualified pursuant to

1 this article. Receipt of a grant at the 2005–06 fiscal year level made
2 pursuant to this subdivision shall not affect a school’s eligibility
3 for additional grant funding as permitted in subdivisions (c) and
4 (d) up to the maximum grants permitted in Sections 8483.7 and
5 8483.75.

6 (2) (A) An elementary or middle school program grantee funded
7 pursuant to Section 8484.8 shall apply to receive a new grant under
8 this article in the 2006–07 fiscal year. These programs shall receive
9 priority for funding before any new grant is funded pursuant to
10 this article if the program is otherwise qualified pursuant to this
11 article. Notwithstanding the maximum grant amounts permitted
12 in Sections 8483.7 and 8483.75, the grantee shall receive the same
13 amount of grant funding that it was awarded pursuant to Section
14 8484.8 in the fiscal year before the year for which the grantee
15 requests funding pursuant to this article. The grantee shall apply
16 to the department, and elect to receive funding under this article,
17 on or before a date established by the department that is before the
18 date by which the department awards new grants pursuant to this
19 article.

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

24 (c) Each public elementary, middle, and junior high school in
25 the state shall be eligible to receive a three-year renewable after
26 school grant for after school programs to be operated during the
27 regular school year, as provided in subparagraph (A) of paragraph
28 (1) of subdivision (a) of Section 8483.7. In the case of schools
29 serving a combination of elementary, middle, and junior high
30 school pupils, the applicant may apply for a grant with funding
31 based on the middle school grant maximum. The program shall
32 comply with the elementary program and attendance requirements
33 for pupils in the elementary grades. For purposes of this article, a
34 school serving a combination of middle and junior high school
35 and high school pupils shall be eligible to apply for a grant to serve
36 pupils through grade 9. Except as provided in this subdivision,
37 grants for after school programs made pursuant to this subdivision
38 shall be subject to all other sections of this article. Grants for after
39 school programs made pursuant to this subdivision shall not exceed
40 one hundred twelve thousand five hundred dollars (\$112,500) for

1 each regular school year for each elementary school or one hundred
 2 fifty thousand dollars (\$150,000) for each regular school year for
 3 each middle or junior high school. Except as provided in
 4 subdivision (f) of this section and subdivision (a) of Section 8482.5,
 5 each public elementary, middle, and junior high school in the state
 6 shall have equal priority of funding for grants for after school
 7 programs made pursuant to this subdivision. Receipt of a grant for
 8 an after school program made pursuant to this subdivision shall
 9 not affect a school’s eligibility for additional grant funding as
 10 permitted in subdivision (d) up to the maximum grants permitted
 11 in Sections 8483.7 and 8483.75. Grants made pursuant to this
 12 subdivision shall be funded after grants made pursuant to
 13 subdivision (b) and before any grants made pursuant to subdivision
 14 (d). Grants made pursuant to this subdivision shall be referred to
 15 as “After School Education and Safety Universal Grants.”

16 (d) All funds remaining from the appropriation provided in
 17 Section 8483.5 after award of grants pursuant to subdivisions (b)
 18 and (c) shall be distributed pursuant to Sections 8483.7 and
 19 8483.75. Grants for programs made pursuant to this subdivision
 20 shall be subject to all other sections of this article. Priority for
 21 grants for programs made pursuant to this subdivision shall be
 22 established pursuant to subdivision (a) of Section 8482.5 and
 23 Section 8483.3.

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

27 (f) If in any fiscal year the appropriation made pursuant to
 28 Section 8483.5 is insufficient to fund all eligible schools who
 29 submit an eligible application for After School Education and
 30 Safety Universal Grants pursuant to subdivision (c), priority for
 31 After School Education and Safety Universal Grants shall be
 32 established pursuant to subdivision (a) of Sections 8482.5 and
 33 8483.3.

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

36 8482.8. (a) If there is a significant barrier to pupil participation
 37 in a program established pursuant to this article at the school of
 38 attendance for either the before school or the after school
 39 component, an applicant may request approval from the
 40 Superintendent, before or during the grant application process, to

1 provide services at another schoolsite for that component. An
2 applicant that requests approval shall describe the manner in which
3 the applicant intends to provide safe, supervised transportation
4 between schoolsites; ensure communication among teachers in the
5 regular school program, staff in the before school and after school
6 components of the program, and parents of pupils; and coordinate
7 the educational and literacy component of the before and after
8 school components of the program with the regular school
9 programs of participating pupils.

10 (b) For purposes of this article, a significant barrier to pupil
11 participation in the before school or the after school component
12 of a program established pursuant to this chapter means either of
13 the following:

14 (1) Fewer than 20 pupils participating in the component of the
15 program.

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

19 (c) In addition to the authority to transfer funds among school
20 programs pursuant to Sections 8483.7 and 8483.75, and in addition
21 to the flexibility provided by subdivisions (a) and (b), a program
22 grantee that is temporarily prevented from operating a program
23 established pursuant to this article at the program site due to natural
24 disaster, civil unrest, or imminent danger to pupils or staff may
25 shift program funds to the sites of other programs established
26 pursuant to this article to meet attendance targets during that time
27 period.

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

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

38 SEC. 12. Section 8483.3 of the Education Code, as amended
39 by Section 3 of Chapter 706 of the Statutes of 2013, is amended
40 to read:

1 8483.3. (a) The department shall select applicants to participate
2 in the program established pursuant to this article from among
3 applicants that apply on forms and in a manner prescribed by the
4 department. It is the intent of the Legislature that the manner
5 prescribed by the department, to the extent possible, allow for short
6 and concise applicant responses. To the extent possible, the
7 selection of applicants by the department shall result in an equitable
8 distribution of grant awards pursuant to Section 8483.7 to
9 applicants in northern, southern, and central California, and in
10 urban, suburban, and rural areas of California.

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

14 (1) Percentage of pupils eligible for free and reduced-price
15 lunch.

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

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

22 (1) Inclusion of an educational element.

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

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

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

30 (5) Integration with the regular schoolday and other expanded
31 learning opportunities.

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

34 (7) Opportunities for physical activity.

35 (8) Inclusion of a nutritional snack, meal, or both.

36 (9) Fiscal accountability.

37 (10) Availability of required local matching funds.

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

1 (d) Subdivision (b) does not apply to an applicant school that
2 meets the priority criteria described in subdivision (a) of Section
3 8482.5.

4 SEC. 13. Section 8483.7 of the Education Code is amended to
5 read:

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

11 (i) The department shall provide technical support for
12 development of a program improvement plan for grantees under
13 the following conditions:

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

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

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

21 (iii) In any year after the initial grant year, if the actual
22 attendance level of a school within the program falls below 75
23 percent of the target attendance level, the department shall perform
24 a review of the program and adjust the grant level as the department
25 deems appropriate.

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

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

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

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

6 (I) Demonstrate measurable program outcomes pursuant to
7 Section 8484.

8 (II) Attain 75 percent of its proposed attendance level after
9 having had its program reviewed and grant level adjusted by the
10 department.

11 (B) After school grants may be awarded to applicants that have
12 demonstrated readiness to begin operation of a program or to
13 expand existing programs.

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

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

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

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

39 (3) The maximum total grant amounts set forth in subparagraph
40 (C) of paragraph (1) may be increased from any funds made

1 available for this purpose in the annual Budget Act for participating
2 schools that have pupils on waiting lists for the program. Grants
3 may be increased by the lesser of an amount that is either 25
4 percent of the current maximum total grant amount or equal to the
5 proportion of pupils unserved by the program as measured by
6 documented waiting lists as of January 1 of the previous grant
7 year, compared to the actual after school enrollment on the same
8 date. The amount of the required cash or in-kind matching funds
9 shall be increased accordingly. First priority for an increased
10 maximum grant pursuant to this paragraph shall be given to schools
11 that qualify for funding pursuant to subdivision (b) of Section
12 8482.55. Second priority shall be given to schools that receive
13 funding priority pursuant to subdivision (f) of Section 8482.55.

14 (4) The minimum total after school grant amount *for each*
15 *schoolsite* that may be awarded pursuant to this section shall be
16 computed by multiplying the applicable rate per pupil per day of
17 pupil attendance by 20 pupils being served for 180 regular
18 schooldays.

19 (5) A school that establishes a program pursuant to this section
20 is eligible to receive a summer grant to operate the program in
21 excess of 180 regular schooldays or during any combination of
22 summer, intersession, or vacation periods for a maximum of the
23 lesser of the following amounts:

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

25 (B) Thirty percent of the total grant amount awarded to the
26 school per school year pursuant to subparagraph (C) of paragraph
27 (1).

28 (C) Notwithstanding subparagraphs (A) and (B), the maximum
29 total summer grant that may be awarded annually pursuant to this
30 paragraph shall be thirty-three thousand seven hundred fifty dollars
31 (\$33,750) for each regular school year for each elementary school
32 and forty-five thousand dollars (\$45,000) for each regular school
33 year for each middle or junior high school.

34 (6) *Additional funding may be made available for transportation*
35 *in programs that meet the requirements of Section 8484.65, in an*
36 *amount not to exceed twenty-five thousand dollars (\$25,000) per*
37 *site, per school year, in accordance with needs determined by the*
38 *local community.*

39 (6)

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

6 ~~(7)~~

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

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

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

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

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

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

34 SEC. 14. Section 8483.75 of the Education Code is amended
 35 to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 SEC. 15. Section 8483.76 of the Education Code is amended
21 to read:

22 8483.76. (a) A school that establishes a program pursuant to
23 Section 8483.7 or 8483.75 is eligible to receive a summer grant
24 to operate the program in excess of 180 regular schooldays or
25 during any combination of summer, intersession, or vacation
26 periods for a maximum of either 30 percent of the total grant
27 amount awarded, per school year, to the school, or thirty-three
28 thousand seven hundred fifty dollars (\$33,750) for each regular
29 school year for each elementary school and forty-five thousand
30 dollars (\$45,000) for each regular school year for each middle or
31 junior high school.

32 (b) An existing after school summer grantee may operate a
33 three-hour or a six-hour per day program. If the grantee operates
34 a six-hour per day program, the target attendance level for the
35 purpose of grant reductions pursuant to subparagraph (A) of
36 paragraph (1) of subdivision (a) of Section 8483.7 shall be
37 computed as if the grant award were based upon the lesser of fifteen
38 dollars (\$15) per day of pupil attendance or 30 percent of the total
39 grant awarded to the school per school year.

1 (c) A summer grantee that operates a program pursuant to this
2 section may change the location of the program to address the
3 needs of pupils and school closures. The program may be
4 conducted at an offsite location or at an alternate schoolsite. The
5 summer grantee shall give notice to the department of the change
6 of location and shall include a plan to provide safe transportation
7 pursuant to Section 8484.6.

8 (d) A summer grantee that operates a program pursuant to this
9 section may open eligibility to every pupil attending a school in
10 the school district. Priority for enrollment shall be given to the
11 pupils enrolled in the school that receives the grant.

12 (e) A summer grantee operating a six-hour per day program
13 shall provide for each needy pupil at least one nutritionally
14 adequate free or reduced-price meal during each program day.

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

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

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

23 SEC. 16. Section 8484 of the Education Code is amended to
24 read:

25 8484. (a) As required by the department, programs established
26 pursuant to this article shall submit annual outcome-based data for
27 evaluation. The department may consider these outcomes when
28 determining eligibility for grant renewal.

29 (1) To demonstrate program effectiveness, grantees shall submit,
30 using the unique statewide pupil identifiers, for participating pupils
31 who are unduplicated pupils, both of the following:

32 (A) Schoolday attendance on an annual basis.

33 (B) Program attendance on a semiannual basis.

34 (2) Programs shall submit evidence of a program quality
35 improvement process that is based on the department's guidance
36 on program quality standards developed pursuant to paragraph (4).

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

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

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 *(3) Programs shall submit social, behavioral, or skill*
5 *development outcome measures by unique statewide pupil*
6 *identifiers, based on a list of field-recognized and research-based*
7 *tools and assessments developed by the department. These pupil*
8 *outcomes related to specific social-emotional competencies include,*
9 *but are not necessarily limited to, social skills, self-control,*
10 *empathy, perseverance, conflict resolution, and*
11 *school-connectedness. The menu of tools and assessments shall*
12 *lend themselves to program evaluation and continuous*
13 *improvement processes so that they can be easily combined to*
14 *match the focus and context of the wide variation of funded*
15 *expanded learning programs. No one tool or assessment shall be*
16 *given priority, and this list of tools and assessments shall be*
17 *reviewed and updated annually to include future additions used*
18 *in the field and validated by research. This reporting requirement*
19 *shall be implemented by the department no later than the 2015–16*
20 *school year.*

21 (4) The department may develop additional measures for this
22 paragraph, including, but not limited to, program quality standards.
23 Additions shall be developed in consultation with the evaluation
24 committee of the advisory committee.

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

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

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

36 (3) Measurable program outcomes may be demonstrated by,
37 but are not limited to, comparing pupils participating in the
38 program to nonparticipating pupils at the same schoolsite.

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) Statewide test and assessment scores.
- 13 (c) High school exit examination scores.
- 14 (d) English language development test placement or
- 15 reclassification scores.
- 16 (e) California Healthy Kids Survey results in aggregate form.

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

19 8484.65. If a program is operated at a schoolsite located in an
20 ~~extreme rural census tract identified by the United States Census~~
21 ~~as isolated~~, *area that has a population density of less than 11*
22 *persons per square mile, additional funding may be provided for*
23 *transportation, as necessary pursuant to Section 8483.7.*

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

26 8484.7. It is the intent of the Legislature that the 21st Century
27 Community Learning Centers program contained within the federal
28 No Child Left Behind Act of 2001 (Public Law 107-110)
29 complement the After School Education and Safety Program
30 established by Article 22.5 (commencing with Section 8482) to
31 provide year-round opportunities for expanded learning, as defined
32 in Section 8482.1, and to support the local flexibility needed to
33 implement federal 21st Century Community Learning Centers
34 programs through after school grants as specified in this article.

35 SEC. 20. Section 8484.8 of the Education Code is amended to
36 read:

37 8484.8. In accordance with Part B of Title IV of the federal
38 No Child Left Behind Act of 2001 (Public Law 107-110), funds
39 appropriated in Item 6110-197-0890 of Section 2.00 of the Budget
40 Act of 2002 are available for expenditure as follows, with any

1 subsequent allocations for these purposes to be determined in the
2 annual Budget Act:

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

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

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

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

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

24 (b) (1) At least 5 percent of the total amount appropriated
25 pursuant to this article, after funds have been allocated pursuant
26 to subdivision (a), shall be available for grants to provide equitable
27 access and participation in community learning center programs,
28 in an amount not to exceed twenty-five thousand dollars (\$25,000)
29 per site, per year, according to needs determined by the local
30 community.

31 (2) For purposes of paragraph (1), the department shall
32 determine the requirements for eligibility for a grant, consistent
33 with the following:

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

1 (B) In determining the need for a grant pursuant to this
2 subdivision, the department shall base its determination on a needs
3 assessment and a determination that existing resources are not
4 available to meet these needs, including, but not limited to, a
5 description of how the needs, strengths, and resources of the
6 community have been assessed, currently available resources, and
7 the justification for additional resources for that purpose.

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

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

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

24 (c) At least 50 percent of the total amount appropriated pursuant
25 to this article, after funds have been allocated pursuant to
26 subdivision (a), shall be allocated on a priority basis for after school
27 grants to community learning centers serving high school pupils
28 funded pursuant to Section 8421.

29 (d) Grant awards under this section shall be restricted to those
30 applications that propose primarily to serve pupils that attend
31 schoolwide programs, as described in Title I of the federal No
32 Child Left Behind Act of ~~2001~~ 2001 (*Public Law 107-110*).
33 Competitive priority shall be given to applications that propose to
34 serve pupils in schools designated as being in need of improvement
35 under subsection (b) of Section 6316 of Title 20 of the United
36 States Code, and that are jointly submitted by school districts and
37 community-based organizations.

38 (e) (1) At least 40 percent of the total amount appropriated
39 pursuant to this article, after funds have been allocated pursuant
40 to subdivision (a), shall be allocated to programs serving

1 elementary and middle school pupils. The administrators of a
2 program established pursuant to this article may operate during
3 regular schooldays for a minimum of 15 hours per week and any
4 combination of summer, intersession, or vacation periods for a
5 minimum of three hours per day for the regular school year
6 pursuant to Section 8483.7. Grantees administering comprehensive
7 programs established pursuant to Section 8482.3 are also eligible
8 for funding for summer, intersession, or vacation periods pursuant
9 to this section.

10 (2) After school and summer funding grants for programs
11 serving middle and elementary school pupils shall be allocated
12 according to the same funding provisions, and subject to the same
13 reporting and accountability provisions, as described in Sections
14 8483.7 and 8483.75.

15 (3) Priority shall be given to grant applications that will provide
16 year-round expanded learning programming, including programs
17 that complement existing funded programs. Year-round expanded
18 learning programs are defined as any combination of an applicant
19 that provides year-round programming, an applicant that offers
20 summer programming to complement existing after school
21 programs, or an applicant that offers after school programs to
22 complement existing summer programs. The applicant is not
23 required to be the same entity that operates the existing program.

24 (4) (A) Funding for a grant shall be allocated in annual
25 increments for a period not to exceed five years, subject to annual
26 reporting and recertification as required by the department. The
27 department shall establish a payment system to accommodate
28 upfront payments. The department shall notify new grantees, whose
29 grant awards are contingent upon the appropriation of funds for
30 those grants, in writing no later than May 15 of each year in which
31 new grants are awarded. A first-year grant award shall be made
32 no later than 60 days after enactment of the annual Budget Act
33 and any authorizing legislation. A grant award for the second and
34 subsequent fiscal years shall be made no later than 30 days after
35 enactment of the annual Budget Act and any authorizing legislation.
36 The grantee shall notify the department in writing of its acceptance
37 of the grant.

38 (B) For the first year of a grant, the department shall allocate
39 25 percent of the grant for that year no later than 30 days after the
40 grantee accepts the grant. For the second and subsequent years of

1 the grant, the department shall allocate 25 percent of the grant for
2 that year no later than 30 days after the annual Budget Act becomes
3 effective. The grantee shall not use more than 15 percent of an
4 annual grant award for administrative costs.

5 (C) In addition to the funding allowed for administrative costs
6 under subparagraph (B), up to 15 percent of the initial annual grant
7 award for each after school grant recipient may be used for startup
8 costs.

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

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

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

19 (7) A program receiving a grant under this subdivision is not
20 assured of grant renewal from future state or federal funding at
21 the conclusion of the grant period. However, priority for funding
22 pursuant to this subdivision shall be given to programs with
23 expiring grants, if those programs have satisfactorily met projected
24 pupil outcomes pursuant to subdivision (a) of Section 8484.

25 (f) A total annual grant award for after school funding and grants
26 for a site serving elementary or middle school pupils shall be fifty
27 thousand dollars (\$50,000) per year or more, consistent with federal
28 requirements.

29 (g) Notwithstanding any other law, and contingent upon the
30 availability of funding, the department may adjust the after school
31 grant cap of any grantee based upon one or both of the following:

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

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

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

1 (i) If funds remain after all of the priority allocations required
2 pursuant to subdivisions (a), (b), (c), and (e) have been made, the
3 department may use that money to fund additional qualified grant
4 applications under subdivision (c), in order to ensure that all federal
5 funds received for these purposes are expended for these purposes.
6 If funds remain after additional qualified grant applications are
7 approved for funding pursuant to subdivision (c), the department
8 may award the remaining funds for additional qualified grant
9 applications pursuant to subdivisions (b) and (e).

10 (j) In any fiscal year in which the total state appropriation for
11 that fiscal year exceeds the total state appropriation for the 2008–09
12 fiscal year after funds have been allocated pursuant to subdivision
13 (a), the excess amount shall be allocated on a priority basis for
14 after school grants to community learning centers funded pursuant
15 to Section 8421 as follows:

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

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

20 (3) Fifteen percent to summer programs serving elementary and
21 middle school pupils.

22 (k) This article shall be operative only to the extent that federal
23 funds are made available for the purposes of this article. It is the
24 intent of the Legislature that this article not be considered a
25 precedent for general fund augmentation of either the state
26 administered, federally funded program of this article, or any other
27 state funded before or after school program.

28 SEC. 21. Section 8484.85 is added to the Education Code, to
29 read:

30 8484.85. The department shall develop, and submit in
31 compliance with Section 9795 of the Government Code, a biennial
32 report to the Legislature related to the pupils attending, and the
33 program quality of, expanded learning programs. The report shall
34 include data that is derived by matching the unique statewide pupil
35 identifiers with data in the department's data systems and may
36 include, but is not limited to, aggregate reporting of all of the
37 following information:

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

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

- 1 (c) Statewide test and assessment scores.
- 2 (d) Pupil demographics and characteristics.
- 3 (e) Pupil behavior changes and skill development.
- 4 (f) The quality of the programs based on the department's
- 5 guidance on program quality standards developed pursuant to
- 6 paragraph (4) of subdivision (a) of Section 8427.

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8

9 **CORRECTIONS:** _____

10 **Text—Page 28.**

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