

Senate Bill No. 1221

CHAPTER 370

An act to amend Sections 8421, 8421.5, 8422, 8423, 8425, 8426, 8427, 8482.3, 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 and 8484.65 to, and to repeal and add Section 8428 of, the Education Code, relating to after school programs.

[Approved by Governor September 16, 2014. Filed with
Secretary of State September 16, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1221, 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 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 statewide pupil identifiers for participating pupils who are unduplicated pupils. The bill would require programs to submit evidence of a data-driven program quality improvement process that is based on the department's guidance on program quality standards, as specified.

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.

(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 or summer program, or both, 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 specified, if a program is operated at a schoolsite located in an 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) 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 people of the State of California do enact as follows:

SECTION 1. Section 8421 of the Education Code is amended to read:

8421. There is hereby established the 21st Century High School After School Safety and Enrichment for Teens program. The purpose of the program is to create incentives for establishing locally driven after school enrichment programs that partner schools and communities to provide academic support and safe, constructive alternatives for high school pupils in the hours after the regular schoolday, and that support college and career readiness.

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

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

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

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

(2) An enrichment element that may include, but need not be limited to, community service, career and technical education, job readiness, opportunities for mentoring and tutoring younger pupils, service learning,

arts, computer and technology training, physical fitness, and recreation activities.

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

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

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

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

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

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

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

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

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

(B) The average hours of attendance per pupil.

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

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

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

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

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

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

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

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

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

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

(i) Schoolday attendance rates.

(ii) Program attendance.

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

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

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

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

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

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

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

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

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

8422. (a) Priority for funding pursuant to this article shall be given to programs that previously received funding pursuant to Section 8421, for expansion of existing grants up to the per site maximum established under paragraph (1) of subdivision (a) of Section 8426, or to replace expiring grants that have satisfactorily met their projected attendance goals.

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

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

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

(1) After school only.

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

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

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

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

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

(2) Strength of the enrichment element.

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

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

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

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

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

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

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

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

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

(5) Fiscal accountability.

(6) Collection and use of pupil social, behavioral, or skill development data collection to support quality program improvement processes. These pupil data outcomes may relate to specific social-emotional competencies, including, but not necessarily limited to, social skills, self-control, academic mindset, perseverance, conflict resolution, and school-connectedness.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) Notwithstanding any other provision of this section or any other law, the department may at any time terminate the grant of a school in a public

school program that fails in three consecutive years to meet either of the following requirements:

(1) Demonstrate program outcomes pursuant to Section 8427.

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

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

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

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

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

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

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

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

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

(A) Schoolday attendance on an annual basis.

(B) Program attendance on a semiannual basis.

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

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

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

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

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

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

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

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

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

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

SEC. 9. Section 8428 is added to the Education Code, to read:

8428. The department shall develop, and submit in compliance with Section 9795 of the Government Code, a biennial report to the Legislature related to the pupils attending, and the program quality of, expanded learning programs. The report shall include data that is derived by matching the unique statewide pupil identifiers with data in the department’s data systems. The report may also include, but is not necessarily limited to, aggregate reporting of all of the following information:

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

(b) Pupil program attendance and pupil schoolday attendance.

(c) Statewide test and assessment scores.

(d) Pupil demographics and characteristics.

(e) Pupil behavior changes and skill development.

(f) The quality of the programs, based on the department’s guidance on program quality standards developed pursuant to paragraph (3) of subdivision (a) of Section 8427.

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

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

(a) “Expanded learning” means before school, after school, summer, or intersession learning programs that focus on developing the academic, social, emotional, and physical needs and interests of pupils through hands-on, engaging learning experiences. It is the intent of the Legislature that expanded learning programs are pupil-centered, results driven, include

community partners, and complement, but do not replicate, learning activities in the regular schoolday and school year.

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

SEC. 11. Section 8482.3 of the Education Code is amended to read:

8482.3. (a) The After School Education and Safety Program shall be established to serve pupils in kindergarten and grades 1 to 9, inclusive, at participating public elementary, middle, junior high, and charter schools.

(b) A program may operate a before school component of a program, an after school component, or both the before and after school components of a program, on one or multiple schoolsites. If a program operates at multiple schoolsites, only one application shall be required for its establishment.

(c) (1) Each component of a program established pursuant to this article shall consist of the following two elements:

(A) An educational and literacy element in which tutoring or homework assistance is provided in one or more of the following areas: language arts, mathematics, history and social science, computer training, or science.

(B) An educational enrichment element that may include, but need not be limited to, fine arts, career technical education, recreation, physical fitness, and prevention activities.

(2) Notwithstanding any other provision of this article, the majority of the time spent by a pupil who is in kindergarten or any of grades 1 to 9, inclusive, and who is participating in a career technical education element of a program established pursuant to this article shall be at a site that complies with Section 8484.6.

(d) (1) Applicants shall agree that snacks made available through a program shall conform to the nutrition standards in Article 2.5 (commencing with Section 49430) of Chapter 9 of Part 27 of Division 4 of Title 2.

(2) Applicants shall agree that meals made available through a program shall conform to the nutrition standards of the United States Department of Agriculture’s at-risk afterschool meal component of the Child and Adult Care Food Program (42 U.S.C. Sec. 1766).

(e) Applicants for programs established pursuant to this article may include any of the following:

(1) A local educational agency, including, but not limited to, a charter school, the California School for the Deaf (northern California), the California School for the Deaf (southern California), and the California School for the Blind.

(2) A city, county, or nonprofit organization in partnership with, and with the approval of, a local educational agency or agencies.

(f) Applicants for grants pursuant to this article shall ensure that each of the following requirements is fulfilled, if applicable:

(1) The application documents the commitments of each partner to operate a program on that site or sites.

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

(3) Each partner in the application agrees to share responsibility for the quality of the program.

(4) The application designates the public agency or local educational agency partner to act as the fiscal agent. For purposes of this section, “public agency” means only a county board of supervisors or if the city is incorporated or has a charter, a city council.

(5) Applicants agree to follow all fiscal reporting and auditing standards required by the department.

(6) Applicants agree to incorporate into the program both of the elements required pursuant to subdivision (c).

(7) Applicants agree to provide information to the department for the purpose of program evaluation pursuant to Section 8483.55.

(8) Applicants shall certify that program evaluations will be based upon Section 8484 and upon any requirements recommended by the Advisory Committee on Before and After School Programs and adopted by the state board, in compliance with subdivision (g) of Section 8482.4.

(9) The application states the targeted number of pupils to be served by the program.

(10) Applicants agree to provide the following information on participating pupils to the department:

(A) Schoolday attendance rates.

(B) Program attendance.

(g) (1) Grantees shall review their after school program plans every three years, including, but not limited to, all of the following:

(A) Program goals. A grantee may specify any new program goals that will apply to the following three years during the grant renewal process.

(B) Program content, including the elements identified in subdivision (c).

(C) Outcome measures selected from those identified in subdivision (a) of Section 8484 that the grantee will use for the next three years.

(D) Any other information requested by the department.

(E) If the program goals or outcome measures change as a result of this review, the grantee shall notify the department in a manner prescribed by the department.

(F) The grantee shall maintain documentation of the after school program plan for a minimum of five years.

(2) The department shall monitor this review as part of its onsite monitoring process.

SEC. 12. Section 8482.55 of the Education Code is amended to read:

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

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

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

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

(c) Each public elementary, middle, and junior high school in the state shall be eligible to receive a three-year renewable after school grant for after school programs to be operated during the regular school year, as provided in subparagraph (A) of paragraph (1) of subdivision (a) of Section 8483.7. In the case of schools serving a combination of elementary, middle, and junior high school pupils, the applicant may apply for a grant with funding based on the middle school grant maximum. The program shall comply with the elementary program and attendance requirements for pupils in the elementary grades. For purposes of this article, a school serving a combination of middle and junior high school and high school pupils shall be eligible to apply for a grant to serve pupils through grade 9. Except as provided in this subdivision, grants for after school programs made pursuant to this subdivision shall be subject to all other sections of this article. Grants for after school programs made pursuant to this subdivision shall not exceed one hundred twelve thousand five hundred dollars (\$112,500) for each regular school year for each elementary school or one hundred fifty thousand dollars (\$150,000) for each regular school year for each middle or junior high school. Except as provided in subdivision (f) of this section and subdivision (a) of Section 8482.5, each public elementary, middle, and junior high school in the state shall have equal priority of funding for grants

for after school programs made pursuant to this subdivision. Receipt of a grant for an after school program made pursuant to this subdivision shall not affect a school's eligibility for additional grant funding as permitted in subdivision (d) up to the maximum grants permitted in Sections 8483.7 and 8483.75. Grants made pursuant to this subdivision shall be funded after grants made pursuant to subdivision (b) and before any grants made pursuant to subdivision (d). Grants made pursuant to this subdivision shall be referred to as "After School Education and Safety Universal Grants."

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

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

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

SEC. 13. Section 8482.8 of the Education Code is amended to read:

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

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

- (1) Fewer than 20 pupils participating in the component of the program.
- (2) Extreme transportation constraints, including, but not limited to, desegregation bussing, bussing for magnet or open enrollment schools, or pupil dependence on public transportation.

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

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

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

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

SEC. 14. Section 8483.3 of the Education Code, as amended by Section 3 of Chapter 706 of the Statutes of 2013, is amended to read:

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

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

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

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

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

(1) Inclusion of an educational element.

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

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

(4) Staff training and development will be provided.

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

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

(7) Opportunities for physical activity.

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

- (9) Fiscal accountability.
- (10) Availability of required local matching funds.
- (11) That the program will meet all of the evaluation requirements.

(12) Collection and use of pupil social, behavioral, or skill development data collection to support quality program improvement processes. These pupil data outcomes may relate to specific social-emotional competencies, including, but not necessarily limited to, social skills, self-control, academic mindset, perseverance, conflict resolution, and school-connectedness.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) A school that establishes a program pursuant to this section is eligible to receive a summer grant to operate the program in excess of 180 regular

schooldays or during any combination of summer, intersession, or vacation periods for a maximum of the lesser of the following amounts:

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

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

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

(6) Additional funding may be made available for transportation in programs that meet the requirements of Section 8484.65, in an amount not to exceed fifteen thousand dollars (\$15,000) per site, per school year, as funds are available, in accordance with the local community after school program needs as determined by the department. Programs shall submit to the department for consideration evidence of the need for after school transportation funds specific to after school programs pursuant to this article. Funding under this paragraph may be used to supplement, but not supplant, local transportation services.

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

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

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

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

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

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

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

SEC. 16. Section 8483.75 of the Education Code is amended to read:

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

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

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

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

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

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

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

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

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

(B) A program grantee that is awarded funds pursuant to subparagraph (A) shall have an established waiting list for enrollment, and may receive

funds only from another school program that has met a minimum of 70 percent of its attendance goal.

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

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

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

SEC. 17. Section 8483.76 of the Education Code is amended to read:

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

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

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

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

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

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

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

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

SEC. 18. Section 8484 of the Education Code is amended to read:

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

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

(A) Schoolday attendance on an annual basis.

(B) Program attendance on a semiannual basis.

(2) Programs shall submit evidence of a data-driven program quality improvement process that is based on the department's guidance on program quality standards developed pursuant to paragraph (3).

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

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

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

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

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

(c) The department shall develop standardized procedures and tools to collect the indicators in paragraphs (1) and (2) of subdivision (a). The department shall consult with the evaluation committee of the Advisory Committee on Before and After School Programs pursuant to Section 8484.9.

SEC. 19. Section 8484.1 of the Education Code is amended to read:

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

(a) Schoolday attendance data.

(b) Statewide test and assessment scores.

(c) High school exit examination scores.
(d) English language development test placement or reclassification scores.

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

(f) Pupil engagement and behavioral data.

(g) Other academic measures, including grades and course completion.

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

8484.65. If a program is operated at a schoolsite located in an area that has a population density of less than 11 persons per square mile, additional funding may be provided for transportation pursuant to Section 8483.7.

SEC. 21. Section 8484.7 of the Education Code is amended to read:

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

SEC. 22. Section 8484.8 of the Education Code is amended to read:

8484.8. In accordance with Part B of Title IV of the federal No Child Left Behind Act of 2001 (Public Law 107-110), funds appropriated in Item 6110-197-0890 of Section 2.00 of the Budget Act of 2002 are available for expenditure as follows, with any subsequent allocations for these purposes to be determined in the annual Budget Act:

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

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

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

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

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

(b) (1) At least 5 percent of the total amount appropriated pursuant to this article, after funds have been allocated pursuant to subdivision (a), shall

be available for grants to provide equitable access and participation in community learning center programs, in an amount not to exceed twenty-five thousand dollars (\$25,000) per site, per year, according to needs determined by the local community.

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

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

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

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

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

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

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

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

(e) (1) At least 40 percent of the total amount appropriated pursuant to this article, after funds have been allocated pursuant to subdivision (a), shall be allocated to programs serving elementary and middle school pupils. The

administrators of a program established pursuant to this article may operate during regular schooldays for a minimum of 15 hours per week and any combination of summer, intersession, or vacation periods for a minimum of three hours per day for the regular school year pursuant to Section 8483.7. Grantees administering comprehensive programs established pursuant to Section 8482.3 are also eligible for funding for summer, intersession, or vacation periods pursuant to this section.

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

(3) Priority shall be given to grant applications that will provide year-round expanded learning programming, including programs that complement existing funded programs. Year-round expanded learning programs are defined as any combination of an applicant that provides year-round programming, an applicant that offers summer programming to complement existing after school programs, or an applicant that offers after school programs to complement existing summer programs. The applicant is not required to be the same entity that operates the existing program, but shall identify the grantee with whom the applicant is coordinating for the purpose of providing year-round programming.

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

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

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

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

(5) A grantee shall identify the federal, state, and local programs that will be combined or coordinated with the proposed program for the most

effective use of public resources, and shall prepare a plan for continuing the program beyond federal grant funding.

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

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

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

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

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

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

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

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

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

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

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

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

(k) This article shall be operative only to the extent that federal funds are made available for the purposes of this article. It is the intent of the Legislature that this article not be considered a precedent for general fund

augmentation of either the state administered, federally funded program of this article, or any other state funded before or after school program.

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