

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1876

Introduced by Assembly Member Torlakson

February 16, 2010

~~An act to amend Section 8483.4 of the Education Code, relating to school volunteers. An act to amend Sections 8483, 8483.1, and 8484.8 of the Education Code, relating to before and after school programs.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1876, as amended, Torlakson. Education: After-school School Education and Safety Program: ~~volunteers. Program.~~

Existing law establishes the After School Education and Safety Program for public and charter schools to create incentives for establishing before and after school enrichment programs that partner schools and communities to provide academic and literacy support and safe, constructive alternatives for youth.

~~Existing law requires the administrator of every program to establish minimum qualifications for each staff position and to maintain specified staffing ratios. All program staff and volunteers are subject to the health screening and fingerprint clearance requirements for school personnel and volunteers in the school district.~~

~~This bill would provide that volunteers may be used to conduct non-supervisory duties in these after school programs.~~

This bill would authorize administrators of an After School Education and Safety Program to provide activities on weekends. Costs associated with weekend activities would be paid from a program's maximum grant or supplemental grant, as specified. Except as provided, participation of pupils in the weekend activities would not be included

in the attendance reported to the State Department of Education for the calculation of either the maximum grant amount or a supplemental grant amount.

Existing law makes specified federal funds available for expenditure for specified educational purposes in the annual Budget Act. One purpose authorized is the funding of programs serving elementary and middle school pupils that may operate during regular school days for a minimum of 15 hours per week and any combination of summer, intersession, or vacation periods for a minimum of 3 hours per day for the regular school year. A program receiving a grant is not assured of grant renewal from future state or federal funding at the conclusion of the grant period.

This bill would require that priority for funding to replace expiring grants be given to programs that previously received funding and have satisfactorily met projected pupil outcomes, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

1 *SECTION 1. Section 8483 of the Education Code is amended*
2 *to read:*

3 8483. (a) (1) Every after school component of a program
4 established pursuant to this article shall commence immediately
5 upon the conclusion of the regular schoolday, and operate a
6 minimum of 15 hours per week, and at least until 6 p.m. on every
7 regular schoolday. Every after school component of the program
8 shall establish a policy regarding reasonable early daily release of
9 pupils from the program. For those programs or schoolsites
10 operating in a community where the early release policy does not
11 meet the unique needs of that community or school, or both,
12 documented evidence may be submitted to the department for an
13 exception and a request for approval of an alternative plan.

14 (2) It is the intent of the Legislature that elementary school
15 pupils participate in the full day of the program every day during
16 which pupils participate and that pupils in middle school or junior
17 high school attend a minimum of nine hours a week and three days
18 a week to accomplish program goals.

19 (3) In order to develop an age-appropriate after school program
20 for pupils in middle school or junior high school, programs

1 established pursuant to this article may implement a flexible
2 attendance schedule for those pupils. Priority for enrollment of
3 pupils in middle school or junior high school shall be given to
4 pupils who attend daily.

5 (b) The administrators of a program established pursuant to this
6 article have the option of operating during any combination of
7 summer, intersession, or vacation periods for a minimum of three
8 hours per day for the regular school year pursuant to Section
9 8483.7.

10 (c) *The administrators of a program established pursuant to*
11 *the article may provide activities on weekends. Costs associated*
12 *with weekend activities shall be paid from the maximum grant or*
13 *the supplemental grant awarded pursuant to Section 8483.7. Except*
14 *for programs funded by the federal 21st Century Community*
15 *Learning Centers program, the participation of pupils in the*
16 *weekend activities shall not be included in the attendance reported*
17 *to the department for the calculation of either the maximum grant*
18 *amount or a supplemental grant amount pursuant to Section*
19 *8483.7.*

20 SEC. 2. *Section 8483.1 of the Education Code is amended to*
21 *read:*

22 8483.1. (a) (1) Every before school program component
23 established pursuant to this article shall in no instance operate for
24 less than one and one-half hours per regular schoolday. Every
25 program shall establish a policy regarding reasonable late daily
26 arrival of pupils to the program.

27 (2) (A) It is the intent of the Legislature that elementary school
28 pupils participate in the full day of the program every day during
29 which pupils participate and that pupils in middle school or junior
30 high school attend a minimum of six hours a week or three days
31 a week to accomplish program goals, except when arriving late in
32 accordance with the late arrival policy described in paragraph (1)
33 or as reasonably necessary.

34 (B) A pupil who attends less than one-half of the daily program
35 hours shall not be counted for the purposes of attendance.

36 (3) In order to develop an age-appropriate before school program
37 for pupils in middle school or junior high school, programs
38 established pursuant to this article may implement a flexible
39 attendance schedule for those pupils. Priority for enrollment of

1 pupils in middle school or junior high school shall be given to
2 pupils who attend daily.

3 (b) The administrators of a before school program established
4 pursuant to this article shall have the option of operating during
5 any combination of *weekends*, summer, intersession, or vacation
6 periods for a minimum of two hours per day for the regular school
7 year pursuant to Section 8483.75.

8 (c) Every before school program component established pursuant
9 to this article shall offer a breakfast meal as described by Section
10 49553 for all program participants.

11 *SEC. 3. Section 8484.8 of the Education Code is amended to*
12 *read:*

13 8484.8. In accordance with Part B of Title IV of the federal
14 No Child Left Behind Act of 2001 (P.L. 107-110), funds
15 appropriated in Item 6110-197-0890 of Section 2.00 of the Budget
16 Act of 2002 are available for expenditure as follows, with any
17 subsequent allocations for these purposes to be determined in the
18 annual Budget Act:

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

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

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

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

36 (b) (1) At least 10 percent of the total amount appropriated
37 pursuant to this article, after funds have been allocated pursuant
38 to subdivision (a), shall be available for direct grants for either of
39 the following purposes:

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

5 (B) Grants to provide family literacy services, in an amount not
6 to exceed twenty thousand dollars (\$20,000) per site, per year, for
7 schoolsites that identify such a need for families of 21st Century
8 Community Learning Centers program pupils, and that demonstrate
9 a fiscal hardship by certifying that existing resources, including,
10 but not limited to, funding for Title III of the federal No Child Left
11 Behind Act of 2001, Chapter 3 (commencing with Section 300)
12 of Part 1, adult education, community college, and the federal Even
13 Start Program are not available or are insufficient to serve these
14 families. An assurance that the funds received pursuant to this
15 subdivision are expended only for those services and supports for
16 which they were granted shall be required.

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

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

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

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

35 (3) To be eligible to receive a grant under this subdivision, the
36 designated public agency representative for the applicant shall
37 certify that an annual fiscal audit will be conducted and that
38 adequate, accurate records will be kept. In addition, each applicant
39 shall provide the department with the assurance that funds received
40 under this subdivision are expended only for those services and

1 supports for which they are granted. The department shall require
2 grant recipients to submit annual budget reports, and the department
3 may withhold funds in subsequent years if direct grant funds are
4 expended for purposes other than as awarded.

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

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

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

23 (e) (1) At least 40 percent of the total amount appropriated
24 pursuant to this article, after funds have been allocated pursuant
25 to subdivision (a), shall be allocated to programs serving
26 elementary and middle school pupils. The administrators of a
27 program established pursuant to this article may operate during
28 regular school days for a minimum of 15 hours per week and any
29 combination of summer, intersession, or vacation periods for a
30 minimum of three hours per day for the regular school year
31 pursuant to Section 8483.7. Grantees administering comprehensive
32 programs established pursuant to Section 8482.3 are also eligible
33 for funding for summer, intersession, or vacation periods pursuant
34 to this section.

35 (2) Core funding grants for programs serving middle and
36 elementary school pupils in before and after school programs shall
37 be allocated according to the same funding provisions, and subject
38 to the same reporting and accountability provisions, as described
39 in Sections 8483.7 and 8483.75.

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

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

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

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

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

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

36 (6) A program receiving a grant under this subdivision is not
37 assured of grant renewal from future state or federal funding at
38 the conclusion of the grant period. *However, priority for funding*
39 *pursuant to this subdivision shall be given to programs that*
40 *previously received funding pursuant to this subdivision, to replace*

1 *expiring grants if those programs have satisfactorily met projected*
2 *pupil outcomes pursuant to subdivision (a) of Section 8484.*

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

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

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

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

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

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

28 (j) This article shall be operative only to the extent that federal
29 funds are made available for the purposes of this article. It is the
30 intent of the Legislature that this article not be considered a
31 precedent for general fund augmentation of either the state
32 administered, federally funded program of this article, or any other
33 state funded before or after school program.

34 ~~SECTION 1. Section 8483.4 of the Education Code is amended~~
35 ~~to read:~~

36 ~~8483.4. (a) The administrator of every program established~~
37 ~~pursuant to this article shall establish minimum qualifications for~~
38 ~~each staff position that, at a minimum, ensure that all staff members~~
39 ~~who directly supervise pupils meet the minimum qualifications~~
40 ~~for an instructional aide, pursuant to the policies of the school~~

1 district. Selection of the program site supervisors shall be subject
2 to the approval of the schoolsite principal. The administrator shall
3 also ensure that the program maintains a pupil-to-staff member
4 ratio of no more than 20 to 1. This section does not prohibit a
5 grantee pursuant to this article from using volunteers to conduct
6 non-supervisory duties in a program.

7 (b) All program staff and volunteers shall be subject to the health
8 screening and fingerprint clearance requirements in current law
9 and district policy for school personnel and volunteers in the school
10 district.