AN ACT

Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," providing for the Building Opportunity Through Out-of-School Time Grant Program; establishing the Building Opportunity Through Out-of-School Time Fund; and making an appropriation.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is amended by adding an article to read:

ARTICLE XV-N

BUILDING OPPORTUNITY THROUGH

OUT-OF-SCHOOL TIME GRANT PROGRAM

Section 1501-N. Scope of article.

This article relates to the establishment of the Building Opportunity Through Out-of-School Time Grant Program.
Section 1502-N. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"At-risk school-age youth." School-age youth who are at an educational disadvantage because of limited English proficiency, poverty, homelessness, foster care, housing instability, academic difficulties or economic disadvantage.


"Committee." The Building Opportunity Through Out-of-School Time Committee established under section 1503-N.

"Community-based nonprofit organization." A nonprofit organization which is qualified for an exemption under 26 U.S.C. § 501(c)(3) (relating to exemption from tax on corporations, certain trusts, etc.) and provides out-of-school time programming to school-age youth.

"Eligible provider." The term:

(1) Includes any of the following entities:

   (i) A community-based nonprofit organization that is not a member of a Statewide youth-serving nonprofit organization.

   (ii) A Statewide youth-serving nonprofit.

   (iii) A library.

   (iv) A school entity.

(2) Does not include any provider licensed under 55 Pa. Code Ch. 3270 (relating to child care centers), 3280 (relating to group child care homes) or 3290 (relating to family child care homes).

"Fund." The Building Opportunity Through Out-of-School Time
Fund established under section 1504-N(i).

"Library." A free, public, nonsectarian library, whether established and maintained by a municipality or by a private association, corporation or group, which serves the informational, educational and recreational needs of all of the residents of the area for which its governing body is responsible, by providing free access, including free lending and reference services, to an organized and currently useful collection of printed items and other materials and to the services of a staff trained to recognize and provide for these needs.

"Out-of-school time programming." Structured programs or activities with engaged adult mentors and evidence-based or evidence-informed practices provided to school-age youth before school, after school or during the summer relating to one or more of the following:

(1) Improving social, emotional, academic or career-readiness competencies.
(2) Preventing and reducing teenage pregnancies.
(3) Reducing negative behaviors, including violence and crime, tobacco use, alcohol and substance abuse, disengagement from school, school suspension, truancy and health-compromising behaviors.
(4) Providing a safe out-of-school time environment.
(5) Engaging in career exploration or formal or informal work-based learning.
(6) Any other offerings approved by the committee.

"Program." The Building Opportunity Through Out-of-School Time Grant Program established under section 1504-N.

"School entity." A school district or area career and
technical school.

"School-age youth." Children attending a public or nonpublic kindergarten, elementary school or secondary school at which the compulsory attendance requirements of the Commonwealth may be met.

"Statewide youth-serving nonprofit." A Statewide association that meets all of the following:

2. Serves community-based nonprofit organizations.
3. Is affiliated and in good standing with a nationally recognized nonprofit.
4. Provides facility based out-of-school time programming designed for recreational, educational and character-building purposes for school-age youth.


(a) Establishment.--The Building Opportunity Through Out-of-School Time Committee is established within the commission.

(b) Composition.--The committee shall consist of the following members:

1. The chairperson of the commission, or a designee.
2. The Secretary of Education, or a designee.
3. The Secretary of Human Services, or a designee.
4. An individual appointed by the President pro tempore of the Senate.
5. An individual appointed by the Minority Leader of the Senate.
6. An individual appointed by the Speaker of the House of Representatives.
(7) An individual appointed by the Minority Leader of the House of Representatives.

(8) The following members appointed by the Governor:

(i) Three individuals from different Statewide youth-serving nonprofit organizations from geographically diverse areas.

(ii) Three individuals from different community-based nonprofit organizations from geographically diverse areas.

(iii) A child psychologist who specializes in mental, social and emotional development of children recommended by the Pennsylvania Psychological Association.

(iv) A licensed clinical social worker recommended by the Pennsylvania Society for Clinical Social Work.

(v) An individual recommended by the Pennsylvania Association of School Administrators.

(vi) An individual recommended by the Pennsylvania Court Appointed Special Advocates Association.

(c) Chairperson.—The chairperson of the committee shall be the chairperson of the commission or the chairperson's designee.

(d) Vice chairperson.—A vice chairperson shall be designated by the chairperson of the committee from among the members of the committee to preside at meetings in the absence of the chairperson.

(e) Term.—Members of the committee shall serve a four-year term.

(f) Quorum.—A majority of the members of the committee present shall constitute a quorum, and a quorum shall be required for all actions.
(g) Initial meeting.--The committee shall hold its first meeting no later than 60 days from the effective date of this subsection.

(h) Cooperation.--The commission shall cooperate with the committee to select staff to be employed by the commission and assigned to assist the committee in carrying out the commission's duties.

Section 1504-N. Building Opportunity Through Out-of-School Time Grant Program.

(a) Establishment.--The Building Opportunity Through Out-of-School Time Grant Program is established to expand out-of-school time programming opportunities for school-age youth.

(b) Functions generally.--The committee shall perform all functions related to the direct approval, disbursement and administration of grants under the program.

(c) Applications.--The committee shall prescribe the form and manner in which an eligible provider may submit an application to receive a grant award under the program. The committee shall accept applications annually using money available in the fund.

(d) Diversity.--The committee shall ensure that grant funding under the program is geographically dispersed to eligible providers throughout this Commonwealth.

(e) Supplemental.--Grant money allocated through the program shall be used to supplement existing spending on out-of-school time programming. Nothing shall preclude an eligible provider from making an application in a subsequent year for the same purpose and amount awarded in a prior year.

(f) Effect of revenue received.--Grant money received by a school entity under this section may not be included when
calculating the amount to be paid to a charter school under section 1725-A.

(g) Limitations.--All grants must be made in accordance with the following:

(1) The committee may establish appropriate parameters for grant award amounts that may include per-student grant award rates with additional allocations permitted for special populations or delivery models.

(2) Eligible providers may use up to 5% of a grant award under the program for administrative costs associated with the program.

(3) Not more than 40% of the fund shall be awarded annually to Statewide youth-serving nonprofit organizations.

(4) Beginning in the 2024-2025 fiscal year, not more than 10% of the fund shall be awarded annually to school entities.

(5) A school entity shall not be eligible for funding under this article until the 2024-2025 fiscal year.

(6) The committee, in its discretion, may award, in whole or in part, a request made by an eligible provider in the provider's grant application.

(h) Sustainability planning.--Sustainability planning is not a necessary component of an application under this section. The following shall apply:

(1) Notwithstanding subsection (k), the committee shall prioritize maintaining grant awards under the program for the same purpose and amount as eligible providers received in the prior year if the eligible provider demonstrated satisfactory compliance with the provisions of the program.

(2) The provisions of paragraph (1) may not apply to an
eligible provider seeking a fourth consecutive grant award under the program.

(i) Building Opportunity Through Out-of-School Time Fund.--

(1) The Building Opportunity Through Out-of-School Time Fund is established as a nonlapsing fund in the State Treasury.

(2) All money deposited into the fund and the interest it accrues are appropriated to the commission on a continuing basis to award grants under this article.

(3) No administrative action shall prevent the deposit of money into the fund in the fiscal year in which the money is received.

(4) The fund may only be used for the grant program authorized under this article, and no money in the fund may be transferred or diverted to any other purpose by administrative action.

(5) Money available to the fund shall include appropriations and transfers from the General Fund, special funds, Federal funds and other sources of revenue made available to the fund.

(6) Grants under this section shall be awarded no later than March 1, 2024, and each November 1 thereafter.

(j) Specific purposes.--The committee shall provide grants from the fund to eligible providers for out-of-school time programming. The following shall apply:

(1) The commission may use up to 2% of the money appropriated from the fund to the commission for the program to carry out the provisions of this article.

(2) The committee shall ensure that the funding announcement and grant application are constructed such that
eligible providers may remain eligible for Federal TANF funding.

(k) Prioritization of grants.--Grant applications shall be prioritized as follows:

(1) The committee may prioritize grant awards under the program for eligible providers that meet any of the following criteria:

(i) Serve the highest number or the highest percentage of at-risk school-age youth, students experiencing homelessness, foster care youth and students with a disability as defined in 22 Pa. Code § 14.101 (relating to definitions).

(ii) Reduce barriers to access, including transportation and enrollment costs, for at-risk school-age youth and students with a disability as defined in 22 Pa. Code § 14.101.

(iii) Demonstrate a commitment to serve and increase access for historically underrepresented and underserved school-age youth.

(iv) Develop and maintain community coordination and partnerships.

(v) Engage the prospective school-age youth participants and other stakeholders in the development and implementation of out-of-school time programming.

(vi) Integrate trauma-informed approaches into the program curriculum and the professional development curriculum of personnel of the eligible provider who have regular contact with school-age youth.

(vii) Any other criteria approved by the committee.

(2) The committee shall provide guidance in the funding
announcement detailing the specific criteria which the
committee intends to prioritize when making grant awards
under the program.

(l) Training.--The committee shall conduct informational
training for eligible providers outlining the grant priorities
and completion of applications.

(m) Technical assistance.--The committee may use any portion
of the allotment under subsection (j) to contract with a third
party to provide technical assistance for eligible providers
that receive a grant award under the program.

(n) Nondiscrimination.--Eligible providers awarded grants
under this article may not discriminate against individuals or
groups by reason of race, color, familial status, religious
creed, ancestry, age, sex, sexual orientation, gender identity
or expression, national origin, handicap or disability or use of
guide or support animals because of the blindness, deafness or
physical handicap of the user or because the user is a handler
or trainer of support or guide animals.

(o) Audits.--Audits shall be conducted in accordance with
the following:

(1) The commission may randomly audit and monitor grant
recipients under the program to ensure the appropriate use of
grant money under the program and compliance with the
provisions of subsection (d).

(2) The Auditor General may not perform audits related
to grant applications.

(p) Performance metrics.--The committee shall include
performance metrics to measure the progress of grants awarded
under the program.

(g) Report.--By March 1, 2024, and each November 1
thereafter, the commission shall post on its publicly accessible Internet website a report to include:

(1) A summary by the eligible provider of the grant award amount, a description of the proposed grant award use, the estimated number of school-age youth to be served by the grant award, the estimated number of at-risk school-age youth to be served by the grant award and the estimated average per-student fee charged by an eligible provider to participate in out-of-school time programming supported by a grant award under the program.

(2) A summary of the amount and use of the administrative costs permitted under subsection (j)(1).

Section 1505-N. Registry.

(a) Searchable registry.--The commission shall annually maintain a searchable registry on its publicly accessible Internet website of eligible providers of out-of-school time programming that opt in to being included.

(b) Process.--The committee shall establish a process by which eligible providers may opt in to being listed in the registry under subsection (a).

Section 2. Appropriation.

The sum of $70,000,000 is appropriated to the Pennsylvania Commission on Crime and Delinquency from the General Fund for the 2023-2024 fiscal year for purposes of the Building Opportunity Through Out-of-School Time Grant Program.

Section 3. Effective date.

This act shall take effect July 1, 2023, or immediately, whichever is later.