
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 789 Session of
2023

INTRODUCED BY CULVER, SAVAL, LANGERHOLC, REGAN, SCHWANK,
BREWSTER, FLYNN, KEARNEY, ARGALL, MILLER, HAYWOOD, LAUGHLIN
AND ROBINSON, JUNE 14, 2023

REFERRED TO EDUCATION, JUNE 14, 2023

AN ACT

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

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

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

14 ARTICLE XV-N

15 BUILDING OPPORTUNITY THROUGH

16 OUT-OF-SCHOOL TIME GRANT PROGRAM

17 Section 1501-N. Scope of article.

18 This article relates to the establishment of the Building
19 Opportunity Through Out-of-School Time Grant Program.

20 Section 1502-N. Definitions.

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

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

8 "Commission." The Pennsylvania Commission on Crime and
9 Delinquency.

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

12 "Community-based nonprofit organization." A nonprofit
13 organization which is qualified for an exemption under 26 U.S.C.
14 § 501(c) (3) (relating to exemption from tax on corporations,
15 certain trusts, etc.) and provides out-of-school time
16 programming to school-age youth.

17 "Eligible provider." The term:

18 (1) Includes any of the following entities:

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

22 (ii) A Statewide youth-serving nonprofit.

23 (iii) A school entity.

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

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

30 "Out-of-school time programming." Structured programs or

1 activities that meet all of the following:

2 (1) To the extent practicable, are led by engaged adult
3 mentors using evidence-based or evidence-informed practices
4 and are provided to school-age youth before school, after
5 school or during the summer.

6 (2) Neither include nor in any way supplant
7 instructional services provided by school entity employees.

8 (3) Neither satisfy compulsory education requirements
9 nor result in academic credit for students.

10 (4) Relate to one or more of the following:

11 (i) Improving social, emotional, academic or career-
12 readiness competencies.

13 (ii) Preventing and reducing teenage pregnancies.

14 (iii) Reducing negative behaviors, including
15 violence and crime, tobacco use, alcohol and substance
16 abuse, disengagement from school, school suspension,
17 truancy and health-compromising behaviors.

18 (iv) Providing a safe out-of-school time
19 environment.

20 (v) Engaging in career exploration or formal or
21 informal work-based learning.

22 (vi) Any other offerings approved by the committee.

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

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

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

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

3 (1) Is qualified for an exemption under 26 U.S.C. §
4 501(c)(4).

5 (2) Serves community-based nonprofit organizations.

6 (3) Is affiliated and in good standing with a nationally
7 recognized nonprofit.

8 (4) Provides facility based out-of-school time
9 programming designed for recreational, educational and
10 character-building purposes for school-age youth.

11 Section 1503-N. Building Opportunity Through Out-of-School Time
12 Committee.

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

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

17 (1) The chairperson of the commission, or a designee.

18 (2) The Secretary of Education, or a designee.

19 (3) The Secretary of Human Services, or a designee.

20 (4) An individual appointed by the President pro tempore
21 of the Senate.

22 (5) An individual appointed by the Minority Leader of
23 the Senate.

24 (6) An individual appointed by the Speaker of the House
25 of Representatives.

26 (7) An individual appointed by the Minority Leader of
27 the House of Representatives.

28 (8) The following members appointed by the Governor:

29 (i) Three individuals from different Statewide
30 youth-serving nonprofit organizations from geographically

1 diverse areas.

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

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

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

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

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

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

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

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

23 (f) Quorum.--A majority of the members of the committee
24 present shall constitute a quorum, and a quorum shall be
25 required for all actions.

26 (g) Initial meeting.--The committee shall hold its first
27 meeting no later than 60 days from the effective date of this
28 subsection.

29 (h) Cooperation.--The commission shall cooperate with the
30 committee to select staff to be employed by the commission and

1 assigned to assist the committee in carrying out the
2 commission's duties.

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

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

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

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

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

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

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

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

30 (1) The committee may establish appropriate parameters

1 for grant award amounts that may include per-student grant
2 award rates with additional allocations permitted for special
3 populations or delivery models.

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

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

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

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

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

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

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

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

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

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

1 Treasury.

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

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

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

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

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

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

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

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

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

30 (1) The committee may prioritize grant awards under the

1 program for eligible providers that meet any of the following
2 criteria:

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

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

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

15 (iv) Develop and maintain community coordination and
16 partnerships.

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

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

24 (vii) Any other criteria approved by the committee.

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

29 (1) Training.--The committee shall conduct informational
30 training for eligible providers outlining the grant priorities

1 and completion of applications.

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

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

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

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

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

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

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

28 (1) A summary by the eligible provider of the grant
29 award amount, a description of the proposed grant award use,
30 the estimated number of school-age youth to be served by the

1 grant award, the estimated number of at-risk school-age youth
2 to be served by the grant award and the estimated average
3 per-student fee charged by an eligible provider to
4 participate in out-of-school time programming supported by a
5 grant award under the program.

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

8 Section 1505-N. Registry.

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

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

16 Section 1506-N. Construction.

17 Nothing in this article shall supersede or preempt any
18 provision of a collective bargaining agreement between a school
19 entity and an employee organization.

20 Section 2. This act shall take effect July 1, 2023, or
21 immediately, whichever is later.