
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 795 Session of
2023

INTRODUCED BY SCHLOSSBERG, TOMLINSON, FIEDLER, ABNEY, CIRESI,
FLEMING, GALLAGHER, GIRAL, GUENST, HANBIDGE, HILL-EVANS,
KINKEAD, KRAJEWSKI, MADDEN, MARKOSEK, O'MARA, OTTEN,
PASHINSKI, PISCIOTTANO, PROBST, SALISBURY, SANCHEZ AND
SOLOMON, APRIL 3, 2023

REFERRED TO COMMITTEE ON EDUCATION, APRIL 3, 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;
7 establishing the Building Opportunity Through Out-of-School
8 Time Fund; and making an appropriation.

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.

1 Section 1502-N. Definitions.

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

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

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

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

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

18 "Eligible provider." The term:

19 (1) Includes any of the following entities:

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

23 (ii) A Statewide youth-serving nonprofit.

24 (iii) A library.

25 (iv) A school entity.

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

30 "Fund." The Building Opportunity Through Out-of-School Time

1 Fund established under section 1504-N(i).

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

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

17 (1) Improving social, emotional, academic or career-
18 readiness competencies.

19 (2) Preventing and reducing teenage pregnancies.

20 (3) Reducing negative behaviors, including violence and
21 crime, tobacco use, alcohol and substance abuse,
22 disengagement from school, school suspension, truancy and
23 health-compromising behaviors.

24 (4) Providing a safe out-of-school time environment.

25 (5) Engaging in career exploration or formal or informal
26 work-based learning.

27 (6) Any other offerings approved by the committee.

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

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

1 technical school.

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

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

8 (1) Is qualified for an exemption under 26 U.S.C. §
9 501(c)(4).

10 (2) Serves community-based nonprofit organizations.

11 (3) Is affiliated and in good standing with a nationally
12 recognized nonprofit.

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

16 Section 1503-N. Building Opportunity Through Out-of-School Time
17 Committee.

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

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

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

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

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

25 (4) An individual appointed by the President pro tempore
26 of the Senate.

27 (5) An individual appointed by the Minority Leader of
28 the Senate.

29 (6) An individual appointed by the Speaker of the House
30 of Representatives.

1 (7) An individual appointed by the Minority Leader of
2 the House of Representatives.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (f) Effect of revenue received.--Grant money received by a
30 school entity under this section may not be included when

1 calculating the amount to be paid to a charter school under
2 section 1725-A.

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

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

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

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

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

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

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

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

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

30 (2) The provisions of paragraph (1) may not apply to an

1 eligible provider seeking a fourth consecutive grant award
2 under the program.

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

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

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

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

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

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

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

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

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

29 (2) The committee shall ensure that the funding
30 announcement and grant application are constructed such that

1 eligible providers may remain eligible for Federal TANF
2 funding.

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

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

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

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

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

20 (iv) Develop and maintain community coordination and
21 partnerships.

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

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

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

30 (2) The committee shall provide guidance in the funding

1 announcement detailing the specific criteria which the
2 committee intends to prioritize when making grant awards
3 under the program.

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

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

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

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

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

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

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

30 (q) Report.--By March 1, 2024, and each November 1

1 thereafter, the commission shall post on its publicly accessible
2 Internet website a report to include:

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

11 (2) A summary of the amount and use of the
12 administrative costs permitted under subsection (j)(1).
13 Section 1505-N. Registry.

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

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

21 Section 2. Appropriation.

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

26 Section 3. Effective date.

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