



# **Transforming Education in CA: 2021 Budget Act Investments and Opportunities Questions & Clarifications**

## **Theme: Ex Learning**

**Do we have to offer all components of the ELO-P plan in 2022-23 (expanded day of 9 hours and 30 days of intersession days) to be eligible for the funds or can we use them only to supplement our after-school programs?**

### ***Response:***

LEAs receiving funding for the Expanded Learning Opportunities Program, must operate a program that meets all the requirements. LEAs that have existing programs may supplement those programs with ELO-P funding but are still required to meet all the ELO-P requirements. In coordinating all these funding streams to move towards a single program, the expectation is that the most stringent requirements will be adopted for program guidance.

**Please discuss program capacity limits for ELO Programs. Program plan says program must comply with Section 8482.6 which states programs can have capacity, but the wording also says program must be available to all that are interested**

### ***Response:***

- LEAs are responsible for providing program access to students based on their Unduplicated Pupil Percentage (UPP). For fiscal year 2021–22, statute requires LEAs to offer the ELO Program to all TK/K-6 classroom based unduplicated pupils and to provide program access to at least 50% of enrolled TK/K-6 classroom-based unduplicated pupils. Further, statute provides flexibility for 2021–22 funds to be used to develop an ELO Program or provide services. However, the offering requirement is not a condition of apportionment and LEAs will not be audited for the program until the 2022–23 fiscal year.
- Commencing with the 2022–23 fiscal year, as a condition of apportionment, the access requirements are as follows, and will be verified as part of the LEA’s annual audit:
- LEAs with an unduplicated pupil percentage (UPP) equal to or higher than 80%, will be required to offer the ELO Program to all TK/K-6 classroom-based pupils and provide program access to all TK/K-6 classroom-based pupils upon parent/guardian request.

- LEAs with a UPP lower than 80%, will be required to offer the ELO Program to all TK/K-6 classroom based unduplicated pupils and provide program access to 50% of enrolled TK/K-6 classroom-based unduplicated pupils.
- The above requirements are for program offering and pupil access. The actual attendance of a student is based on the individual needs of the student and their family.

**If we already have a full ASES program, do we need to provide an additional program using the ELO-P or can we continue to provide ASES to all students and supplement with ELO-P funds?**

***Response:***

LEAs receiving funding for the Expanded Learning Opportunities Program, must operate a program that meets all the requirements. LEAs that have existing programs may supplement those programs with ELO-P funding but are still required to meet all the ELO-P requirements.

**Can small districts, that are next to each other, combine their expanded learning programs? The amount of money being given does not cover the amount of staff that are required. Not even taking into consideration the administration that would be having to, basically, volunteer their time.**

***Response:***

Yes. LEAs can pool their funding and/or create a consortium to better serve their students and meet the requirements of the ELO-P.

**Do we keep attendance separate for ASES and ELO-P?**

***Response:***

Methods for recording student attendance are a local decision. There is not an attendance requirement for the ELO-P, however an LEA should keep records of enrollment and access to the ELO Program. The same student can be counted for both ASES attendance and ELO Program access on the same day.

**Is the 9-hour day required on non-schools days or just on school days? If so, 4-hour new summer program would not meet the requirement, correct?**

***Response:***

LEAs receiving funding for the ELO-P are required to provide programming that equals no less than 9 hours when combined with the regular school day. This requirement is also 9 hours for the 30 intersessional days.

**Related to ELO-P, word was that 2021-22 could be used as a planning year with full implementation of program by start of 22-23 school year. Is this correct?**

***Response:***

LEAs may use the 2021-22 school to plan their ELO-P. However, every effort should be made to support

students and families for as much of the 2021-22 school years as possible. LEAs will not be audited for the program until the 2022-23 fiscal year.

**If this plan should be aligned or braided with the ASES program and requirement, the enrollment requirement is very different.**

**Response:**

ASES has an attendance requirement, while ELO-P has a pupil access requirement.

**So, are staffing requirements based on enrollment, regardless of actual attendance?**

**Response:**

LEAs will need to staff their programs so that they remain in ratio for attendance, not enrollment.

**Are districts under 80% UPP also guaranteed funding for three years?**

**Response:**

This is based on the availability of funding.

**What about smaller SSD that only enroll say 10 students and do not have an existing ASES program?**

**Response:**

- In 2021-22: All LEAs must offer all TK/K-6 classroom-based unduplicated pupils an expanded learning opportunities program and provide access to 50% of TK/K-6 enrolled classroom-based unduplicated pupils.
- Commencing in 2022-23: LEAs with an UPP at or above 80% must offer an expanded learning opportunity program to all TK/K-6 classroom-based pupils and provide access to all TK/K-6 classroom-based pupils upon parent/guardian request.
- LEAs with an UPP below 80% must offer an expanded learning opportunity program to all TK/K-6 classroom-based unduplicated pupils and provide access to 50% of TK/K-6 enrolled classroom-based unduplicated pupils.

\*Note: There will be no audit for the 2021-22 school year.

**So, are staffing requirements based on enrollment, regardless of actual attendance?**

**Response:**

LEAs will need to staff their programs so that they remain in ratio for attendance, not enrollment.

**Is participation required?**

***Response:***

LEAs that receive funds for classroom-based instructional programs that serve grades TK/K-6 cannot opt-out of the ELO Program funding. It is the intent of the Legislature that these LEAs offer to all unduplicated pupils starting in 2021-22, and all pupils in LEAs with at least 80 percent unduplicated pupil percentage starting in 2022-23, in classroom-based instructional programs in TK/K-6 access to comprehensive after school and intersessional expanded learning opportunities (EC sections 46120[a][1] and [b][1]), and thus the Legislature did not provide for an opt-out mechanism. Actual student attendance is based on the needs of the students and their families.

**Will the ASES attendance requirements change to align with this?**

***Response:***

There are currently no changes to the ASES program requirements. However, most LEAs believe ASES requirements are more strict than Education Code requires. What is required of an ASES program is that the LEA follow its own Early Release Policy. The LEA can create an Early Release Policy that will align with the ELO Program.

**We are struggling to have our CBO's staff fully for ASES and 21st century. So if we allow kids to come in and out for ELO-P that may put us out of ratio right?**

***Response:***

LEAs are encouraged to create programs that allow for student participation and also remain in ratio. The program should be considered one comprehensive program so the "come in and out for ELO-P" is a misunderstanding of the intent. The ELO Program and ASES should be considered two funding sources for the same program.

**What if we are a K-8 school? 7 and 8 graders are not allowed to be part of the program?**

***Response:***

- Starting in the 2022-23 school year, LEAs receiving ELO Program funding must meet all TK/K-6 requirements, which includes offering a minimum of no less than nine hours of combined instructional time and expanded learning opportunities per instructional day for all students in TK/K-6. Once that requirement is met, an LEA may exceed the requirements and serve additional grade spans and/or provide expanded hours of programming. (EC Section 46120[b][4])
- Additionally, LEAs may combine multiple funding sources to meet these requirements. For example, if a school district is serving their TK/K students in an expanded day using other funding sources then some of the ELO Program funds can serve older students or to offer expanded program hours beyond the required minimum nine hours for the TK/K-6 community. (EC Section 46120[b][7])

**If we offered an afterschool opportunity only, does that qualify for the 9+ hours requirement?**

***Response:***

Yes, if the total amount of time equals 9 hours. For example, if the instructional day starts at 9:00 am and the after-school program ends at 6 pm then the 9-hour requirement is fulfilled. An LEA can provide before school and/or after school opportunities for its students, in order to fulfill the 9 hours of program during the school year.

**Please explain how grade 6 in middle school counts for ELO-P? Shall those students be transported to an elementary site to participate? Should a middle-school host a program for grade 6 only until requirements are met to expand to other grades?**

***Response:***

LEAs must provide program access for grades TK-6. LEAs may decide to operate their program at one or more school sites or program sites in the area.

**If ELO-P activities are provided off-campus, must the district offer and provide transportation to the activity and then to home at the conclusion of the program activity?**

***Response:***

It is the intent of legislature that LEAs provide transportation for students who are enrolled in program and are seeking pupil access. The pupil access requirement is dependent upon an LEAs Unduplicated Pupil Percentage. There is no requirement for LEAs to provide transportation to a student's home.

**ELO-P related - If a district provides before and after school expanded learning but is unable to provide intersession period expanded learning opportunities after documented due diligence in attempting to do so, what are the ramifications for the district?**

***Response:***

Providing program for 30 days of intersession is a requirement for the ELO-P. Any LEA that does not satisfy this requirement will receive an audit finding and be required to return the funding. We encourage the LEA to connect with the EXLD to explore strategies for summer learning models.

**Must a district provide expanded learning opportunities under this plan to students in Transitional Kindergarten (TK) if the regular school day composition of the classroom is a TK/K Combo, or is the inclusion of TK students in the ELO-P an option for a district?**

***Response:***

Providing program to TK students is a requirement of the ELO-P.

**Language related to EC sections 8483.4 and 46120(b)(2)(D) on page 13 of the ELO-P plan guidance states, "The administrator of every program established pursuant to this article shall establish minimum qualifications for each staff position that, at a minimum, ensure that all staff members who directly supervise pupils meet the minimum qualifications for an instructional aide, pursuant to the policies of the school district."**

**Related to the language above, does this mean that the district must also ensure that employees/staff of contracted outside organizations providing expanded learning opportunities meet the same minimum instructional aide requirements of the district?**

***Response:***

Yes. The minimum staff qualifications are the same as ASES for those staff used to make ratio.

**When is the ELO-P Plan due? Does this require 2 board meetings?**

***Response:***

There is not a due date for the Expanded Learning Opportunities Program Plan to be submitted to Board. However, it is the intent that the plan is reviewed and approved by the Board, in a public meeting, prior to the start of program. Once it is approved, it should be posted on the LEAs website.

**Will emphasis be on enrollment for ASES too? It will be extremely difficult to track the two programs separately.**

***Response:***

The requirements for ASES remain the same. ASES, 21st CCLC Elementary/Middle School, and the ELO Program should be considered a single, comprehensive program, with multiple funding sources. Therefore, the same student can be counted for ASES and ELO-P on the same day.

**If we have an ASES program that is only the school days, I imagine we will need to offer an additional 30-days in summer or intersession for the ELO-P requirement?**

***Response:***

Yes. LEAs receiving funding for the Expanded Learning Opportunities Program, must operate a program that meets all the requirements. LEAs that have existing programs may supplement those programs with ELO-P funding but are still required to meet all the ELO-P requirements.