

AB 1567

AB 1567 was passed in 2016 with the implementation date of July 1, 2017. Below is a summary of each of the items that pertain to expanded learning with relevant FAQs.

The Use of Base Operating Funds for Snacks or Meals

Summary – Expanded learning programs (ELPs) must offer their students at least one snack and/or meal each day (snacks and meals must adhere to certain nutrition requirements, which are discussed at: <http://www.cde.ca.gov/ls/nu/as/afterschoolnutstan.asp>). Most ELPs have a high Free and Reduced Priced Meal (FRPM) percentage, and therefore qualify for at least one of the various federal programs that reimburse ELPs for serving students snacks or meals. These reimbursement programs include: the National School Lunch Program (NSLP), the Summer Food Service Program (SFSP), the School Breakfast Program (SBP), and the Child and Adult Care Food Program (CACFP).

Assembly Bill (AB) 1567 added a California Education Code (*EC*) section stating the Legislature's intent that ELPs participate in one of the aforementioned federal reimbursement programs, rather than using their base funding (core funding) for mandatory snacks or meals.

Q—Can After School Education and Safety (ASES) and 21st Century Community Learning Centers (CCLC) funding be used to purchase snack and/or meals?

A—It is the Legislature's intent that ELPs not use their core operating funds (before school, afterschool, summer) for snacks or meals, but instead seek to qualify their sites as approved distribution sites for federally funded snacks or meals through the NSLP, SFSP, SBP and the CACFP (*EC* Section 8483.95).

Q—If grantees do not qualify for a federally funded snack or meal program, can they use ASES and or 21st CCLC funding to provide mandatory snacks or meals?

A—Yes, programs are able to use core operating funds in this instance; however, all ELPs are encouraged to apply for assistance through the federally funded programs, if potentially applicable (*EC* Section 8483.95).

Q—Can an ASES or 21st CCLC ELP augment or supplement mandatory snacks/meals?

A—Yes, as long as the program is in compliance with the requirements outlined in the *EC*, the program may serve additional food to students as needed. However, food cannot be purchased as part of an incentive or reward. Please see our guidance on incentives: <http://www.cde.ca.gov/ls/ba/cp/fieldtripguide.asp> (click on the link and scroll down to Recognition Guidance).

Homeless and Foster Youth Priority

Summary—AB 1567 revised the *EC*, effective July 1, 2017, to give first priority to students who are identified by the program as “homeless youth” (as defined by the federal McKinney-Vento Homeless Assistance Act) at the time that they apply for enrollment or at any time during the school year, and to students who are identified by the program as being in foster care. Second priority is given to students in middle or junior high school, who attend daily. Furthermore, if a program charges family fees, the program shall not charge the family of a child if the program knows that the child is a homeless youth or in foster care.

Q—Do homeless youth or youth in foster care have priority enrollment in an after school program?

A—Yes, first priority enrollment is given to pupils who are identified by the program as homeless youth or as being in foster care (*EC* sections 8483[c][1][A] and 8483.1[d][1A]).

Q—What if the program is full and we have new homeless and foster youth?

A—If the program is at full capacity, current program participants need not be removed to make room for new homeless and foster youth. AB 1567 clarified that its new priority provisions “shall not be construed to require or authorize the disenrollment of a current participant in order to secure the enrollment of a pupil who has priority for enrollment.” However, new homeless and foster youth should be placed at the top of the waiting list (*EC* sections 8483[c][3] and 8483.1[d][3]).

Q—How may a Grantee identify a pupil as homeless or in foster care?

A—First priority goes to pupils that are “identified by the program” as being homeless youth or in foster care. AB 1567 provides that it should not be construed to “require” a program to “verify,” or a school district to disclose to a program, that a pupil applying for participation is, in fact, a homeless youth or in foster care (*EC* sections 8483[c][2] and 8383.1[d][2]). The bill does, however, specify that program administrators “shall” allow the pupil himself/herself to self-certify as being a homeless youth or in foster care. The bill also provides that program administrators “may also” obtain the information through the school district’s homeless youth liaison if the school district has a waiver on file allowing for the release of this information (*EC* sections 8483[e] and 8483.1[f]). Programs may be able to identify homeless or foster youth in other ways, including but not limited to asking the parent or guardian in a program application.

Q—Per AB 2615, programs are able to determine what grades they serve. If a

program is serving only certain grades offered at a school, but the school has foster/homeless youth in other grades that the program does not serve, then must the program accept the foster/homeless students in those other grades?

A—No, the program need only prioritize and enroll homeless and foster youth for the grades that the program serves.

Q—What is the role of a Local Education Agency (LEA) to help support foster youth?

A: The Local Control Funding Formula shifted an LEA’s role from being a direct service provider to a capacity builder (AB 854). There is at least one Foster Liaison in each County Office of Education (COE) that receives funding to build the capacity of districts to adequately support and serve our foster youth. Each district (per AB 490) also has a foster youth liaison that helps to coordinate and provide direct services among and within its various sites.

Q—Who may programs contact for information or support regarding foster youth?

A—ELPs may contact their COE’s foster youth liaison and/or their local school district’s foster youth liaison for information or support. Access the contact information for Foster Youth Services Coordinating Programs at <http://www.cde.ca.gov/ls/pf/fy/contacts.asp>.

Q—How is “homeless” defined?

A—The McKinney-Vento Homeless Assistance Act (McKinney-Vento Act), referenced in *EC* sections 8483(c)(1)(A) and 8483.1(d)(1)(A) provides AB 1567’s definition of “homeless youth.” Homeless children and youth are defined as individuals who lack a fixed, regular, and adequate nighttime residence. This definition includes:

- Children and youth who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason.
- Children and youth who are living in motels, hotels, trailer parks, shelters, or awaiting foster care placement.
- Children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.
- Children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; or

- Migratory children who qualify as homeless because they are children who are living in similar circumstances listed above.

Q—What is McKinney Vento?

A—The McKinney-Vento Act (42 United States Code §11431-11435) is federal legislation that ensures the educational rights and protections of children and youth experiencing homelessness. It requires all local educational agencies (LEAs) to ensure that homeless students have access to the same free, appropriate public education, including public preschools, as provided to other children and youth. The McKinney-Vento Act defines LEAs as public school districts, direct-funded and locally funded charter schools, and county offices of education. The McKinney-Vento Act also authorizes the funding for the federal Education for Homeless Children and Youth Program.

Q—What is the role of an LEA to help support homeless youth?

A—State requirements mandate a homeless liaison in every district, charter, and COE. Unlike Foster Youth Liaisons, there is limited grant funding available to help support LEAs in providing services to homeless youth. However, homeless youth often times qualify to receive the services provided by Title 1 funding.

Q—Who may programs contact for information or support regarding homeless youth?

A—ELPs may contact their county or district’s local homeless youth liaisons for information or support (contact information posted at: <http://www.cde.ca.gov/sp/hs/>).

The CDE has ongoing grants available that are titled: “Education for Homeless Children and Youth.” This is a competitive three year grant that provides eight million dollars to LEAs.

Q—What types of resources can a liaison provide?

A—Homeless youth liaisons can provide a variety of resources. These can include:

- Trainings on a variety of topics, including McKinney-Vento
- Resource binders that include local organizations that can help provide assistance

AB 2615

AB 2615 was passed in 2016 with the implementation date of January 1, 2017. Below is a summary of each of the items that pertain to expanded learning with relevant FAQs.

Fiscal Agent Change

Summary—All programs have one eligible entity that is the fiscal agent. For ASES, this must be either an LEA or a public agency. For 21st CCLC and ASSETs programs, the fiscal agent can also be a private entity, such as a community based organization. The fiscal agent must adhere to the assurances and *EC* sections that govern the program. AB 2615 revised the *EC*, effective January 1, 2017, to allow an ASES program to change its designated fiscal agent if the proposed new fiscal agent is a partner in a partnership that received the grant and is otherwise eligible to serve as an ASES program fiscal agent (i.e., is an LEA or public agency), and if the California Department of Education (CDE) approves the request (*EC* Section 8482.3(f)). AB 2615's new fiscal agent change provision applies to ASES programs, but 21st CCLC and ASSETs programs may essentially accomplish such a change through AB 2615's other partnership restructuring provisions, discussed below.

Q—When can a fiscal agent change take place? At the beginning of any grant year, or only at the time of renewal?

A—Fiscal agent changes can take place during any grant year. Fiscal agent change requests are due to the Expanded Learning Division (EXLD) by January to go into effect the following fiscal year. Please contact your regional consultant for more information.

Q—Does the new fiscal agent change provision contemplate splitting a grant, with the original and the new fiscal agent each taking some of the grant's sites?

A—No, the new fiscal agent serves as the agent with respect to all sites served by the grant. There cannot be one fiscal agent for some sites served by a grant and another fiscal agent for other sites.

Restructuring of a Partnership

Summary—A group of eligible entities may apply for and receive an ASES, ASSETs or 21st CCLC grant as a partnership or consortium. AB 2615 amended two statutes (EC Section 8426, applicable to ASSETs) and *EC* Section 8482.4 (applicable to ASES and 21st CCLC) to allow for partnerships/consortia to be restructured if all of the following conditions are met:

- All partners or consortium members agree to the restructure.
- The new structure complies with the requirements of EC Section 8421(f)(8) (if an ASSETs grant), or Section 8482.3(f) (if an ASES or 21st CCLC grant), as applicable.
- There is no change in the school, or schools, served by the restructured partnership or consortium.
- The CDE agrees to the restructure.

Q—What happens when one partner wants to leave a consortium but another partner does not want the change?

A—As stated in the *EC*, all partners must agree to the restructure, otherwise it cannot be approved (*EC* sections 8426(a)(4) and 8482.4(c)(2)).

Q—Can a 21st CCLC grantee change fiscal agents to another partner in the consortium?

A—The fiscal agent may be changed from one partner to another, with approval from the CDE. However, all of the requirements must be met, including: all parties must agree to the restructure, there cannot be a change in the schools served, and the new fiscal agent must agree to all requirements applicable to the grant, the grantees and fiscal agent (*EC* sections 8426[a][4] and 8482.4[c][2]).

Q—Can a grant add or delete partners during restructuring?

A—Yes, if all of the requirements are met as outlined in *EC* sections 8426(a)(4) and 8482.4(c)(2).

Good Standing

Summary—Current after school program grantees are required to be in good standing to receive their current funding or a funding increase, to fund a new school site, or to request a school site substitution. This is defined by the *EC* as meeting the program expenditure, attendance, and evaluation reporting requirements for all current sites. AB 2615 has revised this language to include resolving audit and federal program monitoring findings as part of good standing criteria.

Q—What does it mean for a program to be in good standing, and how does that affect the grantee?

A—A program is in good standing if it has submitted attendance, expenditure, and evaluation reports in a timely manner; has resolved all outstanding audit or Federal Program Monitoring (FPM) findings; or is currently working with the CDE-appointed Regional Consultant and/or Fiscal Analyst to resolve the outstanding audit or FPM issues. Consult your Triad, comprised of your System of Support for Expanded Learning Lead, CDE Consultant, and Fiscal Analyst for more information or specific guidance. Grantee allocations not in good standing are subject to withholding or termination (*EC* Sections 8426[i] and 8483.7[a][vi]).

Attendance Relief Credit

Summary—The *EC* allows programs attendance credit when ELPs cannot operate due to natural disaster, civil unrest, or imminent danger. Previously, these Attendance Relief Requests would have to be approved by the State Board of Education AB 2615 revised the language to allow the CDE (acting through the EXLD to approve such requests.

Q—Can a program receive credit for attendance when it is closed temporarily due to a natural disaster, civil unrest, or imminent danger to pupils or staff?

A—The *EC* allows programs to temporarily close due to a natural disaster (i.e.- earthquakes, fires, floods), civil unrest (e.g., riots, massive strikes, public disturbances), or imminent danger (e.g., gas leaks, bomb threats, or any other circumstances requiring immediate evacuation of students and staff due to potential safety reasons), to pupils or staff. In order to receive attendance credit for closure, grantees are required to submit an Attendance Relief Request Form to the Expanded Learning Division (EXLD) with evidence that justifies the closure of the program. Upon acceptance of that evidence, the EXLD will apply the program's annual average daily attendance (by calendar year) to the days the program was closed due to the natural disaster, civil unrest, or imminent danger to students (*EC* Sections 8426(j) and 8482.8(c)-(e)).

To receive attendance credit, programs must complete and submit EXLD's Attendance Relief Request Form and provide one or more of the following as evidence:

- Request for Allowance of Attendance (form J-13A)
- School or district Web site announcement
- Copy of board minutes citing the closure
- Newspaper articles mentioning the natural disaster and its effect on the community
- Letter to parents or letter certifying closure signed by the superintendent or principal
- Programs that fail to submit the required documentation by January 31 for closures during the previous calendar year will not be allowed attendance credit.

After School Program Grades Served

Summary—Previously the *EC* required after school programs to serve pupils in kindergarten and grades first to ninth, inclusive. AB 2615 revised the statute to allow programs to serve grades based on local needs.

Q—Can an ELP determine which grades are served by the grant?

A—Yes, the LEA can determine which specific grades are served by the ELP based on the local needs of the community (*EC* Section 8482.3[a]).

Q—How should a program determine what specific grades it should serve?

A—The grantee may perform a local needs assessment, taking into account various relevant factors, to determine what grades to serve.

Attendance Clarification for Middle School

Summary—Previously the *EC* stated that it was the Legislature's intent that pupils in middle school or junior high school attend a minimum of nine hours per week and three days per week. AB 2615 revised that statement to align with the existing stated intent with respect to elementary school students, that the students participate in the full day of the program every day during which pupils participate, except as allowed by an authorized early release policy (*EC* Section 8483[a][2]). AB 2615 also allows the

grantee to develop and implement a flexible attendance schedule for middle and junior high school students.

Q—What are the attendance requirements for middle or junior high school programs?

A—There are no attendance requirements in terms of the number of hours and/or number of days students must attend the program. The *EC* states that “in order to develop an age-appropriate after school program for pupils in middle school or junior high school, programs established pursuant to this article may implement a flexible attendance schedule for those pupils” (*EC* Section 8483(a)(3)).

Q—Can pupils who attend an expanded learning program pursuant to a flexible attendance schedule be counted towards attendance?

A—Yes, students who attend an expanded learning program pursuant to a flexible attendance schedule can be counted towards attendance on the days in which they attend the program. However, the *EC* requires that priority is given to middle or junior high school students who attend daily (*EC* Sections 8483[a][2]-[3]).

Q—Is there a statutory definition of flexible attendance schedule?

A—No, the *EC* does not define the phrase “flexible attendance schedule.” Those words should be accorded their common and ordinary meaning.

Q—What factors bear on whether and how a program should develop a flexible attendance schedule?

A—Among other things, a grantee should take the following factors into consideration in deciding whether and how to develop a flexible attendance schedule:

- It is the intent of the Legislature that elementary school and middle school or junior high school pupils participate in the full day of the program every day during which pupils participate, except as allowed by an early release or late arrival policy (*EC* Sections 8483[a][2] and 8483.1[a][2][A]).
- For programs serving junior high or middle school students, such students that attend daily have second priority over other students (after students identified as being homeless youth or in foster care, who have first priority, *EC* sections 8483[c][1][B] and 8483.1[d][1][B]).

Charging Fees

Summary—AB 2615 revised the *EC* to expressly authorize an ELP to charge family fees. Previously, the *EC* stated only that a program “is not required to charge family fees.” Programs that charge family fees must waive or reduce the cost of these fees for pupils that are eligible for FRPM. Additionally, a program shall not charge a fee if the program knows that the child is homeless or in foster care (effective July 1, 2017).

Q—What are the factors a grantee must take into consideration when implementing a fee based program?

A—A grantee must take the following into consideration when implementing a fee-based program:

- A program is prohibited from charging a fee to a family for a child if the program knows that child is a homeless youth or for a child who is in foster care.
- A program shall waive or reduce the cost of program fees for any pupil who is eligible for FRPM.
- Any fees collected by programs shall be used for program activities or services to students.

Promising Practices:

- Programs shall keep accurate records of fees collected and fees should be tracked separately from the grant funds received.

(*EC* sections 8422[c] and 8482.6[a]).

School Site Substitution

Summary—Prior to AB 2615, the *EC* allowed the CDE to approve school site substitutions in one of two circumstances: (1) extreme transportation problems, or (2) fewer than 20 students participating in the program. Grantees often requested that we allow a complete school site substitution when a school closes down or restructures. AB 2615 has revised the *EC* to expressly authorize this third basis for a permanent substitution (*EC* sections 8426.5 and 8482.8).

Q— What conditions at an original school site can justify a school site substitution?

A—A school site substitution is allowable if “there is a significant barrier to pupil

participation in a program.” A “significant barrier” means any of the following:

- Extreme transportation problems
- Fewer than 20 students participating in the program, or
- An LEA opens a new school site and either merges an existing school site into the new school site or splits the existing school site pupils with the new school site so that the existing school site after school program is subject to a grant reduction pursuant to *EC* Section 8426(d), in the case of an ASSETs grant; or *EC* Section 8483.7(a), in the case of an ASES or 21st CCLC grant (*EC* Sections 8426.5[b]) and 8482.8[b]).

Q—In addition to showing a “significant barrier” to pupil participation at the original school site, what must the grantee show about the new school site?

A—If there is a significant barrier to pupil participation in a program established pursuant to this article at the school of attendance, a grantee may request approval from the CDE to transfer program services to another school site that:

- Is within the same local educational agency.
- Either has an existing grant of the same type as the transferring school, or shall not have a 10 percent lower percentage of pupils eligible for FRPM that the transferring school (with feeder school data considered in the case of a proposed school site that is not yet open).
- Would not increase the funding at the proposed school site above the maximum after school grant established under *EC* Sections 8426(a)(1) or 8483.7(a), as applicable.

(*EC* sections 8426.5[a][1]-[2] and 8482.8[a][1]-[2])

Q—What are additional requirements for approval of a new school site?

A—An applicant that requests approval to transfer program services shall describe the manner in which the applicant intends to provide safe, supervised transportation; ensure communication among teachers in the regular school program; staff in the before school and after school components of the program; and the parents of pupils; and coordinate the educational and literacy component of the before and after school components of the program with the regular school programs of participating pupils.

Q—Are there other events that may be considered allowable for a temporary school site substitution?

A—Yes, upon the request of a program grantee, the CDE may approve other unforeseen events as qualifying a program grantee to use the authority provided by *EC* sections 8482.8(c)-(e):

(c) In addition to the authority to transfer funds among school programs pursuant to Sections 8483.7 and 8483.75, and in addition to the flexibility provided by subdivisions (a) and (b), a program grantee that is temporarily prevented from operating a program established pursuant to this article at the program site due to natural disaster, civil unrest, or imminent danger to pupils or staff may shift program funds to the sites of other programs established pursuant to this article to meet attendance targets during that time period.

(d) If a program grantee is temporarily prevented from operating its entire program due to natural disaster, civil unrest, or imminent danger to pupils or staff, the department may approve a request by the grantee for student attendance credits equal to the average annual attendance that the grantee would have received if it had been able to operate its entire program during that time period.

(e) Upon the request of a program grantee, the department may approve other unforeseen events as qualifying a program grantee to use the authority provided by subdivisions (c) and (d).

Equitable Distribution of Funding by Geographic Region

Summary—AB 2615 revised the *EC* to provide equitable distribution by geographic region of funding for 21st CCLC and After School Safety and Enrichment for Teens (ASSETs) programs. For the purpose of this legislation, urban is defined as non-rural.

Q—How will the EXLD divide the state into geographic regions?

A—California will be divided into six geographic regions, Northern Rural, Northern Urban, Central Rural, Central Urban, Southern Rural, and Southern Urban. The following terms shall have the following meanings:

- “Central California” means California County Superintendents Educational Services Association regions five to eight, inclusive.
- “Northern California” means California County Superintendents Educational Services Association regions one to four, inclusive.
- “Southern California” means California County Superintendents Educational Services Association regions 9 to 11, inclusive.

- (D) “Urban and rural areas” shall be as defined by the United States Census Bureau,

(*EC* sections 8423[a] and 8484.8[k])

Q—How will the EXLD determine how much funding will be allocated to each region.

A—The distribution of the available funding pool for 21st Century High School ASSETs and 21st CCLC will be determined by the percentage of students who qualify for FRPM residing within the region. For example, if 10 percent of students who qualify for FRPM within the State of California reside in the Northern Rural region, 10 percent of the available funding pool will be designated for the Northern Rural region.

Q—In the event a geographic region does not have a sufficient number of applicants how will the designated funds be distributed across the remaining regions?

A—In the event a geographic region does not have a sufficient number of applicants, the funds designated for the region will be distributed across the remaining regions. The redistribution will be determined by the percentage of students who qualify for FRPM residing within the region.

Continuous Quality Improvement

Summary—Current law requires that elementary and middle school programs submit evidence of a data driven program quality improvement process that is based on the EXLD’s guidance on program quality standards. ASSETs applicants are currently only required to submit this at the time of application and not on an annual basis. The statute has been amended to align with the *EC* for ASES and 21st CCLC grantees (*EC* Section 8427[a][2]).

Consequently, now all ELPs shall submit evidence of a data-driven program quality improvement process that is based on the CDE’s guidance on program quality standards (*EC* sections 8427[a][2]-[3] and 8484[a][2]-[3]).

Q—Can I find more information about how to implement a continuous quality improvement (CQI) process?

A—Yes, information about CQI can be found on the CDE’s Web page located at <http://www.cde.ca.gov/ls/ba/as/>

Q—Will CQI be included in the Federal Program Monitoring (FPM) process?

A—Yes, CQI is currently being monitored as part of the FPM process. The tool currently states:

- BASP 17: Data-Driven Quality Improvement Process
- 17.0 (ASES, 21st CCLC) Programs submit evidence of a data-driven quality improvement process that is based on the department's guidance on program quality standards, *EC* Section 8484(a)(2).

Suggested evidence may include:

- The data you collected, identifying how and when you collected it
- Partners involved
- A brief summary of what you discovered and the standard(s) you selected
- The improvement action taken