

Nita M. Lowey 21st Century Community Learning Centers Program

Non-Regulatory Guidance

September 25, 2024



U.S. Department of Education

Housekeeping Items

- Please keep your line muted.
- There will be time for questions within the presentation. You may enter questions into the chat feature at any time.
- The slides will be posted after the presentation.
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Agenda

- Response to Public Comments
- Sections A-C followed by Q&A
- Section D followed by Q&A
- Section E followed by Q&A
- Section F followed by Q&A





Response to Public Comments



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Response to Public Comments

- Best practices will be provided to the field via technical support and professional development delivered by the Department and its partners.
- “Summer” was included when referencing out-of-school time in several questions.
- A new question was added to inform subgrantees on how they can align with the Workforce Innovation and Opportunity Act.
- A new question was added on “braiding” funds.



Response to Public Comments

- Expectations on program income were clarified.
 - SEAs must make subgrant awards of sufficient size and scope
 - Rebuttable presumption that fees are not necessary with an exception for fees required by another Federal program.





Section A: Overview of the 21st Century Community Learning Centers (CCLC) Program



Section A: Overview of the 21st CCLC Program

- The purpose of the program is to establish or expand community learning centers.
- Community learning centers also offer services to families of participating students.





Section B: State Allocations



Section B: State Allocations

- All States applied for the funds via the consolidated ESEA State plan.
 - Even though an SEA submitted only the information in its consolidated ESEA State plan that was required by the Secretary, the SEA must still meet all ESEA requirements for each included program.
- If a State wishes to make changes to the 21st CCLC portion of its plan, it must follow the procedures to amend the consolidated ESEA State plan.





Section C: State Responsibilities



Section C: State Responsibilities

- The SEA is permitted to transfer up to 100% of its State-level activities funds to other ESEA programs listed.
 - The SEA must notify the Department of the transfer at least 30 days prior and must amend its consolidated ESEA State plan if applicable.
- The Department encourages SEAs to collaborate with Child Care and Development Fund (CCDF) lead agencies to best serve school-age children.





Questions?



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Section D: State Competitive Grants to Eligible Entities

Eligibility



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Eligibility

- An “eligible entity” is defined as an LEA, community-based organization, Indian Tribe or Tribal organization, another public or private entity, or a consortium of two or more such agencies, organizations, or entities.
- Charter schools are eligible to apply.
- A “private entity” is not under Federal or public supervision.
- Bureau of Indian Education (BIE)-funded schools may receive subgrants from both the State and BIE but may not have two subgrants for the same activities.





Section D: State Competitive Grants to Eligible Entities

Local Competition



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Local Competition

- An applicant for a 21st CCLC subgrant must include an assurance in its local application that the program will target students who primarily attend schools eligible for schoolwide programs under section 1114 of the ESEA and their families.
 - Since the 21st CCLC statute does not define what it means to “target” students attending schools eligible to operate a schoolwide program, an SEA has discretion to determine how an applicant might meet that requirement.
- An SEA may not restrict the entities eligible to apply to only new applicants.





Section D: State Competitive Grants to Eligible Entities

Peer Review



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Peer Review

- When using a peer review process, employees of the SEA who are familiar with the 21st CCLC program and requirements must review all applications that the State receives for completeness and applicant eligibility.
- The SEA may not include any applicant, or representative of an applicant, that has submitted an application for the current competition to serve as a peer reviewer.
- The Department strongly encourages an SEA to make its grant review and scoring processes and scoring rubric publicly available for transparency and to aid strong applications.





Section D: State Competitive Grants to Eligible Entities

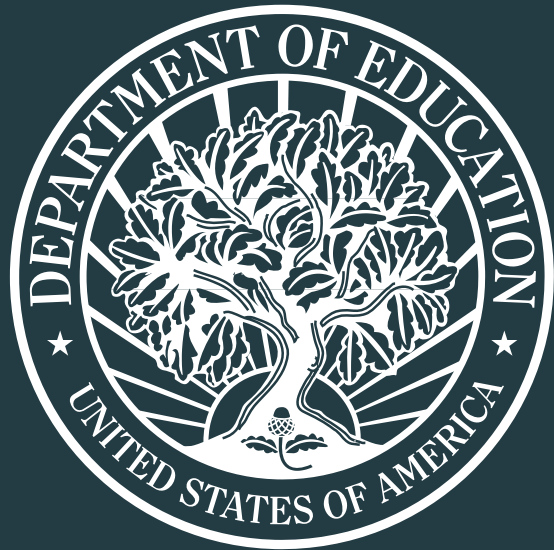
Priorities



Priorities

- Section 4204(i) of the ESEA includes three priorities an SEA must consider in approving 21st CCLC applications.
 - A. Applications that are proposing to target services to— (1) students who primarily attend schools that— (a) Are implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d) of the ESEA or other schools determined by an LEA to be in need of intervention and support to improve student academic achievement and other outcomes; and (b) Enroll students who may be at risk for academic failure, dropping out of school, involvement in criminal or delinquent activities, or who lack strong positive role models; and (2) The families of such students.
 - B. Applications submitted jointly by eligible entities consisting of not less than one LEA receiving funds under Title I, Part A of the ESEA and another eligible entity.
 - C. Applications demonstrating that the proposed activities are, as of the date of the submission of the application, not accessible to students who would be served; or would expand accessibility to high-quality services available in the community.
- An SEA may include additional priorities in its local 21st CCLC subgrant competition so long as they are consistent with the statutory requirements.





Section D: State Competitive Grants to Eligible Entities

Subgrant Awards



Subgrant Awards

- A subgrantee may operate a summer-only program for at least three summers.
- Typically, an SEA provides one year of funding at a time and makes a non-competitive continuation award for each subsequent year.
 - An SEA may wish to consider criteria similar to that which the Department uses in making noncompetitive continuation awards for its discretionary grants, such as making progress towards the goals and objectives, submitting all required reports, and maintaining sufficient financial systems (see 34 C.F.R. § 75.253).





Section D: State Competitive Grants to Eligible Entities

Renewability



Renewability

- An SEA may elect to renew a subgrant for an additional three- to five-year period at the end of the original period of performance.
 - Absent extraordinary circumstances, an SEA may only renew a subgrant one time.
 - An SEA should establish a clear and consistent renewability process and communicate its process to all subgrantees in a timely manner.
- When renewing a subgrant, the scope and objectives should stay the same.





Questions?



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Section E: Local Use of Funds

*Supplement, Not
Supplant*



Supplement, Not Supplant

- The ESEA contains two supplement, not supplant requirements related to 21st CCLC— one that applies to an SEA and one that applies to a subgrantee—that are designed to ensure that 21st CCLC funds do not supplant funds available from other sources for similar activities.
 - The operative difference between the SEA and subgrantee supplement, not supplant provisions is the inclusion of “other non-Federal funds” with respect to a subgrantee.
- The Department uses two presumptions to determine whether supplanting has occurred:
 - (1) whether a 21st CCLC grantee or subgrantee used 21st CCLC funds for an activity it is required to provide to comply with Federal, State, or local law; and
 - (2) whether a grantee or subgrantee used 21st CCLC funds for an activity that it supported in the prior year(s) with other funds.





Section E: Local Use of Funds

Local Activities



Local Activities

- The ESEA does not require specific hours of operation, except that a 21st CCLC program must offer services during non-school hours or periods when school is not in session (e.g., before or after school, evenings, weekends, holidays, summers, or other school vacation periods).
- Similarly, there are no Federal requirements for the minimum or maximum number of students a 21st CCLC program must serve.
- A 21st CCLC subgrantee may use 21st CCLC funds to offer an elective high school course that, for example, prepares and supports students in taking advanced courses, provided that program is provided during out-of-school time, is not required for graduation, is an expansion of the options for receiving high school credit, and does not replace or reduce any courses normally provided by the school or LEA.



Local Activities

- Although “students” are designated in statute as the intended beneficiaries of the program, younger children who are not yet eligible for kindergarten and live in the attendance area of the schools being served may also participate in program activities designed to ensure those children enter kindergarten ready to succeed.
- 21st CCLC funds may be used for food costs if they are reasonable, necessary, allowable, and allocable as defined by the Uniform Guidance in 2 C.F.R. §§ 200.403-200.405.



Local Activities

- A subgrantee may offer classes and/or support work-based learning experiences that lead to an industry-recognized credential.
- A subgrantee interested in identifying in-demand fields and aligning its activities with Perkins V will find the LEAs comprehensive local needs assessments to be a rich source of information and guidance.
- Subgrantees can find information on the occupations with the highest median wages in the U.S. and in each State on the CareerOneStop website, along with information on each occupation's typical work activities and its educational and skill requirements.





Section E: Local Use of Funds

Subgrantee Fiscal Issues



Subgrantee Fiscal Issues

- 21st CCLC funds are available for obligation for 27 months (e.g., funds awarded July 1, 2023, are available for obligation until September 30, 2025). Because the SEA awards 21st CCLC funds through a competition (rather than through a formula), the SEA may establish a shorter period of time in which the subgrantee must obligate its funds.
- An SEA may permit its subgrantees to carry over unobligated 21st CCLC funds, or the SEA may collect those funds at the end of the initial grant period and redistribute them to other participating subgrantees.



Subgrantee Fiscal Issues

- Under section 1114(a)(3) of the ESEA, a school operating a schoolwide program may consolidate its 21st CCLC subgrant with other Federal, State, and local funds to upgrade the entire educational program of the school.
 - By consolidating funds, an LEA does not have to comply with most of the statutory and regulatory requirements of the programs provided it meets the intent and purposes of the programs.
 - Moreover, the LEA is not required to maintain separate accounting records that identify the specific activities supported by the 21st CCLC funds.
 - However, the LEA is still responsible for implementing activities for which it received the 21st CCLC award.



Subgrantee Fiscal Issues

- A subgrantee must have, or must establish, an indirect cost rate agreement to charge indirect costs to a subgrant.
- The term “braiding” is generally used to refer to coordinating funds to meet a common goal, but where the funds are tracked separately.
 - The 21st CCLC funds must be tracked separately to ensure the subgrantee is meeting all applicable Federal requirements, and 21st CCLC subgrant awards must be of sufficient size and scope to support high-quality effective 21st CCLC programs, even if a subgrantee is also braiding additional funds to expand those programs.





Section E: Local Use of Funds

Equitable Services



Equitable Services

- All subgrantees receiving funds under the 21st CCLC program must, after timely and meaningful consultation with appropriate officials of private schools located in the area served by the subgrant, provide to private school children and educators educational services and other benefits that are equitable in comparison to such services and other benefits provided with program funds to public school children and educators.





Section E: Local Use of Funds

*Students with
Disabilities*



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Students with Disabilities

- Under the Department's regulations implementing Section 504 of the Rehabilitation Act of 1973 (Section 504), a 21st CCLC subgrantee, by virtue of receiving Federal financial assistance, must provide services and activities in such a manner as is necessary to afford students with disabilities meaningful access to, and an equal opportunity to participate in, such services and activities.
 - A 21st CCLC subgrantee that is an LEA is also subject to the requirements in Part B of the Individuals with Disabilities Education Act (IDEA).
- Program funds may be used to cover the cost of supplementary aids and services for a student with a disability.





Section E: Local Use of Funds

Program Income



Program Income

- Program income is the gross income earned by a non-Federal entity that is directly generated by a supported activity or earned as a result of the Federal award during the performance period.
- Any program income that is earned by a 21st CCLC subgrantee must be deducted from the 21st CCLC subgrant unless the subgrantee receives prior written approval from the Department to earn program income.



Program Income

- An SEA may request prior written approval on behalf of a subgrantee by submitting a request to the Department. That request should describe—
 - 1. How the subgrantee plans to generate program income and an approximate amount of income likely to be generated (e.g., the amount that the subgrantee expects will be earned and added to the subgrant).
 - 2. Why the program income is necessary to achieve the goals and objectives of the program. (An SEA must make a subgrant of sufficient size for a subgrantee to operate its 21st CCLC program.)
 - 3. How the program income funds will be tracked and reported to the SEA (e.g., the mechanism the subgrantee will use to inform the SEA of the program income earned).



Program Income

- In light of the requirement in the ESEA that a 21st CCLC program target students who primarily attend schools eligible to operate a schoolwide program—i.e., schools with a poverty rate of at least 40 percent—it is generally unreasonable for a 21st CCLC subgrantee to charge a fee for students to participate in a 21st CCLC program in order to generate program income.
- Because subawards must be of sufficient size and scope and 21st CCLC programs must primarily target low-income students, unless program fees are required by another coordinated Federal program, such as CCDF, when considering prior approval requests the Department will apply a rebuttable presumption that fees are not necessary to achieve the goals and objectives of the program.





Section E: Local Use of Funds

Expanded Learning Program (ELP) Activities



Expanded Learning Program (ELP) Activities

- An SEA may award 21st CCLC funds to support enrichment and engaging academic activities during the school day, provided they are part of an overall expanded learning program (ELP) that provides students at least 300 additional program hours (including before, during, and after the traditional school day, weekends, summer, and school breaks).
- The Department does not define how to calculate the 300 hours.
- The SEA has the discretion to permit ELP activities. The Department encourages the SEA to define the requirements for an ELP.





Questions?



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Section F: Evaluation and Monitoring



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Section F: Evaluation and Monitoring

- An SEA must develop an evaluation plan and make it available to applicants and subgrantees so they can align and evaluate their programs effectively.
- Under the Family and Educational Rights and Privacy Act (FERPA), an LEA may disclose personally identifiable information (PII) from a student's education records, to a third party with parental consent or under an exception to FERPA's general consent requirement, if applicable.
- SEAs are required to monitor subgrantees to ensure that 21st CCLC funds are used for authorized purposes, in compliance with Federal statutes, regulations, and the terms and conditions of the subgrant; and that project performance goals are achieved.





Questions?



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Thank you!



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