

**Regulation 5148.2: Before/After School Programs**

Status: DRAFT

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**Definitions**

*Expanded learning opportunities*—means before school, after school, summer, vacation, and/or intersessional **intersession** learning programs that focus on developing the academic, social, emotional, and physical needs and interests of students through hands-on, engaging learning experiences. Expanded learning opportunities does not mean an extension of instructional time, but rather, opportunities to engage students in enrichment, play, nutrition, and other developmentally appropriate activities. (Education Code 8482.1, 46120)

***Intersession program means an expanded learning program offered by a district on non-school days, including, but not limited to, summer school. (Education Code 48853.5)***

*Offer access*, with regard to an Expanded Learning Opportunities **Program (ELO) program**, means to recruit, advertise, publicize, or solicit through culturally and linguistically effective and appropriate communication channels. (Education Code 46120)

*Provide access*, with regard to an ELO program, means to register or enroll a student in an ELO program. ***If a parent/guardian has a signed an ELO registration form and that form is on file, the student shall be considered enrolled in the ELO.*** (Education Code 46120)

*Unduplicated student* - means a student enrolled in a district who is either classified as an English learner, eligible for a free or reduced-price meal, or is a foster youth. (Education Code 42238.02, 46120)

**Grades ~~TK-9~~ Transitional Kindergarten-9**

The district's After School Education and Safety **Program (ASES) program** or 21st Century Community Learning Center **Program (21st CCLC) program** shall serve students in any of grades ~~TK~~ **Transitional Kindergarten (TK)-9**, as the district may determine based on local needs. (Education Code 8482.3, 8484.7, 8484.75, 8484.8)

The district's 21st CCLC program shall primarily serve students in Title I schoolwide programs. (Education Code 8484.8; 20 USC 7173)

The district's ELO program shall serve students in grades TK-6. (Education Code 46120)

The district's programs shall be planned through a collaborative process that includes parents/guardians, students, and representatives of participating schools, governmental agencies, including city and county parks and recreation departments, local law enforcement, community organizations, and the private sector. As appropriate, the Superintendent or designee may include other stakeholders in such collaborative process. (Education Code ~~8422~~, 8482.5, ~~8483.3~~, 8484.75, 46120)

For the 2022-23 school year, ~~the~~ **The** district shall offer access to ELO programs to all unduplicated students in grades TK-6 and provide access to such programs **program** to at least 50 percent of enrolled unduplicated students. (Education Code 46120)

**The** district shall offer access to the ELO program to all classroom-based students in grades TK-6. The district shall provide access to any student whose parent/guardian requests placement in an ELO program.

**The district shall provide transportation to any student who attends a school that is not operating an ELO so that the student may attend at a location that is providing an ELO and return to the original location or another location that is established by the district. (Education Code 46120)**

The Superintendent or designee shall ensure that the plan to provide access to full-day learning programs the year before kindergarten addresses the needs of children and their families as specified in ~~BP~~ **Board Policy 6170.1** - Transitional Kindergarten. (Education Code 8322)

The district's ASES, 21st CCLC, and ELO program(s) shall be operated in accordance with the following:

1. Program Elements

- a. The program shall include an educational and literacy element in which tutoring or homework assistance is provided in language arts, mathematics, history and social science, computer training, and/or science (Education Code 8482.3, 8484.75, 46120)
- b. The program shall include an educational enrichment element which may include, but is not limited to, fine arts, career technical education, recreation, technology, physical fitness, and prevention activities (Education Code 8482.3, 8484.75, 46120)

## 2. Nutrition

- a. Snacks or meals made available in the program shall conform to nutrition standards specified in Education Code 49430-49434 or 42 USC 1766 as applicable. (Education Code 8482.3, 8484.75, 46120; 42 USC 1766-1766a; 7 CFR 226.17)
- b. The district's before-school program shall offer a breakfast meal as described in Education Code 49553 for all program participants. (Education Code 8483.1, 8484.75)

## 3. Location of Program

- a. The program may be offered at one or multiple school sites and/or at an easily available and accessible off-campus facility (Education Code 8482.3, 8484.75)
- b. When there is a significant barrier to student participation in either the before-school or after-school component of a program at the school of attendance, the Superintendent or designee may, with the approval of the Superintendent of Public Instruction, provide services at another school site--

Such transfer of services shall occur only if the school to which the program will be transferred agrees to receive students from the transferring school and has an existing grant of the same type as the transferring school, or does not have a 10-percent lower percentage of students eligible for free or reduced-price meals than the transferring school. A significant barrier includes any of the following: (Education Code 8482.8, 8484.75)

- i. Fewer than 20 students participating in the program component
- ii. Extreme transportation constraints, including, but not limited to, desegregation busing, busing for magnet or open enrollment schools, or student dependence on public transportation
- iii. A reduction in the program grant of an existing school due to its merging into a new school opened by the district or the splitting of its students with a new school

In such cases, the district shall arrange for safe, supervised transportation between school sites; ensure communication among staff in the regular school program, staff in the before-school or after-school program, and parents/guardians; and ensure alignment of the educational and literacy elements with the regular school program of participating students. (Education Code 8482.8, 8484.75)

## 4. Staffing

- a. All staff members who directly supervise students shall, at a minimum, meet the qualifications for an instructional aide (Education Code 8483.4, 8484.75, 45330, 45344, 45344.5)
- b. All program staff and volunteers shall be subject to the health screening and fingerprint clearance requirements in law and Board policy (Education Code 8483.4, 8484.75)
- c. The student-to-staff ratio shall be no more than 20 to 1, except that programs serving ~~transitional kindergarten~~**TK** or kindergarten students shall maintain a student-to-staff member ratio of no more than 10 to 1 (Education Code 8483.4, 8484.75, 46120)

## 5. Hours of Operation

- a. A before-school program shall not operate for less than one and one-half hours per regular school day.

(Education Code 8483.1, 8484.75)

- b. An after-school program shall begin immediately upon the conclusion of the regular school day and shall operate a minimum of 15 hours per week and at least until 6 p.m. on every regular school day. (Education Code 8483, 8484.75)
- c. An ELO program shall provide in-person before or after school expanded learning opportunities that, when added to daily instructional minutes, **recess, and meals**, shall not be less than nine hours of combined instructional time, **recess, meals**, and expanded learning opportunities per instructional day. (Education Code 46120)

## 6. Admissions

- a. Every student attending a school operating a program is eligible to participate in the program, subject to program capacity. (Education Code 8482.6, 8484.75)
- b. If the number of students wishing to participate in the program exceeds program capacity, students shall be selected for enrollment based on the following guidelines:
  - i. First priority for enrollment shall be given to students who are identified as homeless youth, as defined by the McKinney-Vento Homeless Assistance Act (42 USC 11434a), at the time they apply for enrollment or at any time during the school year, to students who are identified by the program as being in foster care, and to students who are eligible for free or reduced-price meals. (Education Code 8483, 8483.1, 8484.75)

The district is not required to disenroll a current student in order to secure the enrollment of a student who has priority for enrollment. (Education Code 8483, 8483.1)

The district shall inform the parent/guardian of a **homeless student experiencing homelessness** or foster youth, or student eligible for free or reduced price meals, of the right of the child to receive priority enrollment and how to request priority enrollment. ~~(Education Code 8483, 8484.75)~~ **(Education Code 8483, 8484.75)**

**If a student experiencing homelessness or a foster youth will be moving during an intersession period, the student's educational rights holder, or in the case of an American Indian Student, Indian custodian, may determine which school the student attends for the intersession period. (Education Code 48850, 48853.5)**

- ii. Second priority for enrollment of middle or junior high school students shall be given to students who attend daily. (Education Code 8483, 8483.1, 8484.75)
- iii. Third priority for enrollment shall be given to students identified as in need of academic remediation or support in accordance with Board policy or administrative regulation.
- iv. Any remaining capacity shall be filled by students selected at random.
- v. A waiting list shall be established to accommodate additional students if space becomes available.

## 7. Attendance/Early Release

- a. Each student admitted into a district program shall be expected to attend the full number of hours that the program is in operation every day that the student participates.

An ELO program offered pursuant to Education Code 46120 does not have an attendance requirement, but the district may track student attendance for safety and continuous quality improvement purposes.

- b. When necessary, a student's parent/guardian may request, in writing, that the Superintendent or designee approve the reasonable late daily arrival for the before-school program or the reasonable early daily release from the after-school program.

The Superintendent or designee shall not approve such a request if the student would be attending less than one-half of the daily program hours.

## 8. Summer/Intersession/Vacation Programs

- a. ~~ELO programs~~**ELOs** shall offer no less than nine hours of in-person expanded learning opportunities per day for at least 30 non-school days, during intersessional periods: **extended school year or intersession periods (Education Code 46120)**
- b. A before-school program operating during summer, intersession, and/or vacation days shall be offered for a minimum of two hours per day

An after-school program offered during summer, intersession, and/or vacation days may be operated for either three hours or six hours per day in accordance with Education Code 8483.76. When both before-school and after-school programs are offered for the same students on such days, they shall be operated for a minimum of four and one-half hours per day. (Education Code 8483, 8483.1, 8483.2, 8483.76)

- c. A program offered during summer, intersession, and/or vacation periods may open eligibility to every student attending a school in the district, with priority for enrollment given to students enrolled in the school that received the grant. (Education Code 8483.76)
- d. To address the needs of students and school closures, the program may be conducted at an off-site location or an alternate school site. ~~The program shall notify the California Department of Education (CDE)~~

**When a district is temporarily prevented from operating an ELO because of a school or program site closure due to emergency conditions specified in Education Code 8482.8 or 41422, the Superintendent or designee shall complete and submit to the California Department of Education (CDE) any necessary forms or records substantiating the need for closure, including a resolution adopted by the Governing Board. (Education Code 46120)**

**The program shall notify CDE** of the change of location and shall include a plan to provide safe transportation pursuant to Education Code 8484.6. (Education Code 8483.76)

- e. Any program operating for six hours per day shall provide at least one nutritionally adequate free or reduced-price meal to each eligible student during each program day. (Education Code 8483.76)
- f. For any program operating six hours per day, district procedures pertaining to student attendance and early release as specified in ~~item~~**Item #7** above shall apply. (Education Code 8483.76)

## Grades 9-12

The district's 21st Century High School After School Safety and Enrichment for Teens **Program (ASSETs)**-program shall serve students in any of grades 9-12 as the district may determine based on local needs. (Education Code 8421)

The district's ASSETs program shall be planned through a collaborative process that includes parents/guardians, students, and representatives of participating schools, governmental agencies including city and county parks and recreation departments, local law enforcement, community organizations, and, if appropriate, the private sector. (Education Code 8422)

The program shall be operated in accordance with the following guidelines:

### 1. Program Elements

- a. The program shall include an academic assistance element that is coordinated with the regular academic program and includes, but is not limited to, at least one of the following: (Education Code 8421)
  - i. Tutoring
  - ii. Career exploration, including activities that help students develop the knowledge and skills that are relevant to their career interests and reinforce academic content
  - iii. Homework assistance
  - iv. College preparation, including information about the Cal Grant program pursuant to Education Code 69430-69460

- b. The program shall include an enrichment element that may include, but is not limited to: (Education Code 8421)
  - i. Community service
  - ii. Career and technical education
  - iii. Job readiness
  - iv. Opportunities for mentoring and tutoring younger students
  - v. Service learning
  - vi. Arts
  - vii. Computer and technology training
  - viii. Physical fitness
  - ix. Recreation activities
- c. The program shall include a nutritional snack and/or meal and a physical activity element. (Education Code 8423)
- d. The program shall provide for access to, and availability of, computers and technology. (Education Code 8423)
- e. The Superintendent or designee shall assess students' preferences for program activities. (Education Code 8423)

## 2. Location of Program

- a. The district's program may operate on one or multiple school sites or at another location approved by CDE. (Education Code 8421)
- b. If applying for a location off school grounds, the Superintendent or designee shall ensure that safe transportation is available for students, if necessary, and the program is at least as available and accessible as similar programs conducted on school sites. (Education Code 8421)

## 3. Hours of Operation

- a. The district's program shall operate for a minimum of 15 hours per week. (Education Code 8421)
- b. The district's program may be operated either after school only or for any combination of after school, before school, weekends, summer, intersession, and vacations. (Education Code 8422)

## Volunteers

The Superintendent or designee may establish a registry of volunteer after-school physical recreation instructors and other before-school and after-school program volunteers. (Education Code 35021.3)

To be included in the registry, a volunteer shall submit to a criminal background check pursuant to Education Code 45125. The volunteer shall also submit current contact information to the district and shall update that information whenever the information changes. (Education Code 35021.3)

The Superintendent or designee may use a volunteer registered with the district or may select another person to provide physical recreation to students after school hours or to provide other services. (Education Code 35021.3)

## Reports

The Superintendent or designee shall annually submit to CDE outcome-based data, including, but not limited to: (Education Code 8427, 8482.3, 8484)

- 1. For participating students, school day attendance on an annual basis and program attendance on a semi-annual basis

2. Evidence of a program quality improvement process that is data driven and based on CDE program quality standards

**Policy Reference Disclaimer:** These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
Ed. Code 17260-17268	<a href="#">Plans and specifications for school facilities</a>
Ed. Code 17264	<a href="#">New construction; accommodation of before- and after-school programs</a>
Ed. Code 35021.3	<a href="#">After-school physical recreation instructors</a>
Ed. Code 41422	Emergency conditions
Ed. Code 45125	<a href="#">Criminal record check</a>
Ed. Code 45330	<a href="#">Paraprofessionals; instructional aides</a>
Ed. Code 45340-45349	<a href="#">Paraprofessionals; instructional aides</a>
Ed. Code 46120	<a href="#">Expanded learning opportunities</a>
Ed. Code 48850	Intersession program; priority access to student experiencing homelessness
Ed. Code 48853.5	Intersession program; priority access to foster youth
Ed. Code 49024	<a href="#">Activity Supervisor Clearance Certificate</a>
Ed. Code 49430-49434	<a href="#">Nutrition standards</a>
Ed. Code 49540-49546	<a href="#">Child care food program</a>
Ed. Code 49553	<a href="#">Free or reduced-price meals</a>
Ed. Code 69430-69460	<a href="#">Cal Grant program</a>
Ed. Code 8263	<a href="#">Eligibility and priorities for subsidized child development services</a>
Ed. Code 8273.1	Family fees; exemptions
Ed. Code 8281.5	California Prekindergarten Planning and Implementation Grant Program
Ed. Code 8295-8305	<a href="#">Child development program; personnel qualifications</a>
Ed. Code 8350-8359.1	Programs for CalWORKS recipients
Ed. Code 8360-8370	Personnel qualifications
Ed. Code 8420-8428	<a href="#">21st Century High School After School Safety and Enrichment Program for Teens</a>
Ed. Code 8482-8484.65	<a href="#">After School Education and Safety Program</a>
Ed. Code 8484.7-8484.9	<a href="#">21st Century Community Learning Centers</a>
Ed. Code 8490-8490.7	Distinguished After School Health Recognition Program
W&I Code 10207-10492.2	<a href="#">Child Care and Development Services Act</a>
W&I Code 10273	<a href="#">Preferred placement for otherwise eligible children ages 11 or 12</a>
<b>Federal</b>	<b>Description</b>
20 USC 6311	<a href="#">State plan</a>
20 USC 6314	<a href="#">Title I schoolwide program</a>
20 USC 7171-7176	21st Century Community Learning Centers
42 USC 11434a	<a href="#">Education for homeless children and youths</a>
42 USC 1766-1766a	Child and Adult Care Food Program
7 CFR 226.17	<a href="#">Child care center nutrition standards</a>

**Management Resources**

California Department of Education Publication  
 California Department of Education Publication  
 California Department of Education Publication  
 California Department of Education Publication  
 California Department of Education Publication  
 California Department of Education Publication  
 California Department of Education Publication  
 California Department of Education Publication  
 California Department of Education Publication  
 California Department of Education Publication  
 California Department of Education Publication  
 U.S. Department of Education Publication

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**Description**

[Expanded Learning Funding Opportunities](#)  
[Expanded Learning Programs Federal Program Monitoring](#)  
[Early Release and Late Arrival Guidance, rev. December 2021](#)  
[Quality Program Improvement Plan Instructions: Instructions for Completing a Quality Program Improvement Plan for Expanded Learning Programs in California, January 2022](#)  
[After School Education and Safety, 21st Century Community Learning Centers, 21st Century High School After School Safety Enrichment for Teens Grant Programs, Frequently Asked Questions, November 2022](#)  
[Expanded Learning Opportunities Program FAQs, May 2024](#)  
[Quality Standards and 2014CQI, December 2023](#)  
[2014Guidance for a Quality Improvement Process, March 2024](#)  
[California After School Physical Activity Guidelines, 2009](#)  
[Nita M. Lowey 21st Century Community Learning Centers Program, Title IV, Part B of the Elementary and Secondary Act of 1965, Nonregulatory Guidance, September 2024](#)  
[California Afterschool Network](#)  
[California Child and Adult Care Food Program](#)  
[CSBA District and County Office of Education Legal Services](#)  
[California Department of Education, Expanded Learning](#)  
[U.S. Department of Agriculture](#)  
[California School-Age Consortium](#)  
[Partnership for Children and Youth](#)  
[California Healthy Kids Survey](#)  
[Commission on Teacher Credentialing](#)  
[CSBA](#)  
[U.S. Department of Education](#)

**Cross References**

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 1312.3-E PDF(1)  
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**Description**

[Vision](#)  
[Goals For The School District](#)  
[Nondiscrimination In District Programs And Activities](#)  
[Comprehensive Safety Plan](#)  
[Comprehensive Safety Plan](#)  
[Local Control And Accountability Plan](#)  
[Local Control And Accountability Plan](#)  
[Accountability](#)  
[Volunteer Assistance](#)  
[Volunteer Assistance](#)  
[Uniform Complaint Procedures](#)  
[Uniform Complaint Procedures](#)  
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**Cross References****Description**

1330	<a href="#">Use Of School Facilities</a>
1330	<a href="#">Use Of School Facilities</a>
1330.1	<a href="#">Joint Use Agreements</a>
1400	<a href="#">Relations Between Other Governmental Agencies And The Schools</a>
1700	<a href="#">Relations Between Private Industry And The Schools</a>
3260	<a href="#">Fees And Charges</a>
3260	<a href="#">Fees And Charges</a>
3280	<a href="#">Sale Or Lease Of District-Owned Real Property</a>
3280	<a href="#">Sale Or Lease Of District-Owned Real Property</a>
3516.5	<a href="#">Emergency Schedules</a>
3540	<a href="#">Transportation</a>
3550	<a href="#">Food Service/Child Nutrition Program</a>
3550	<a href="#">Food Service/Child Nutrition Program</a>
3552	<a href="#">Summer Meal Program</a>
3552	<a href="#">Summer Meal Program</a>
3553	<a href="#">Free And Reduced Price Meals</a>
3553	<a href="#">Free And Reduced Price Meals</a>
3554	<a href="#">Other Food Sales</a>
3554	<a href="#">Other Food Sales</a>
3580	<a href="#">District Records</a>
3580	<a href="#">District Records</a>
4112.4	<a href="#">Health Examinations</a>
4112.5	<a href="#">Criminal Record Check</a>
4112.5-E(1)	<a href="#">Criminal Record Check</a>
4131	<a href="#">Staff Development</a>
4212.4	<a href="#">Health Examinations</a>
4212.5	<a href="#">Criminal Record Check</a>
4212.5-E(1)	<a href="#">Criminal Record Check</a>
4222	<a href="#">Teacher Aides/Paraprofessionals</a>
4222	<a href="#">Teacher Aides/Paraprofessionals</a>
4312.4	<a href="#">Health Examinations</a>
4312.5	<a href="#">Criminal Record Check</a>
4312.5-E(1)	<a href="#">Criminal Record Check</a>
4331	<a href="#">Staff Development</a>
5030	<a href="#">Student Wellness</a>
5113.1	<a href="#">Chronic Absence And Truancy</a>
5113.1	<a href="#">Chronic Absence And Truancy</a>
5125	<a href="#">Student Records</a>
5125	<a href="#">Student Records</a>
5131.6	<a href="#">Alcohol And Other Drugs</a>



**Cross References****Description**

5131.6	<a href="#">Alcohol And Other Drugs</a>
5131.62	<a href="#">Tobacco</a>
5131.62	<a href="#">Tobacco</a>
5141.21	<a href="#">Administering Medication And Monitoring Health Conditions</a>
5141.21	<a href="#">Administering Medication And Monitoring Health Conditions</a>
5141.23	<a href="#">Asthma Management</a>
5141.23	<a href="#">Asthma Management</a>
5141.27	<a href="#">Food Allergies/Special Dietary Needs</a>
5141.27	<a href="#">Food Allergies/Special Dietary Needs</a>
5141.52	<a href="#">Suicide Prevention</a>
5141.52	<a href="#">Suicide Prevention</a>
5144	<a href="#">Discipline</a>
5144	<a href="#">Discipline</a>
5145.6	<a href="#">Parent/Guardian Notifications</a>
5145.6-E(1)	<a href="#">Parent/Guardian Notifications</a>
5145.9	<a href="#">Hate-Motivated Behavior</a>
5147	<a href="#">Dropout Prevention</a>
5148	<a href="#">Child Care And Development</a>
5148	<a href="#">Child Care And Development</a>
6011	<a href="#">Academic Standards</a>
6020	<a href="#">Parent Involvement</a>
6020	<a href="#">Parent Involvement</a>
6142.4	<a href="#">Service Learning/Community Service Classes</a>
6142.6	<a href="#">Visual And Performing Arts Education</a>
6142.7	<a href="#">Physical Education And Activity</a>
6142.7	<a href="#">Physical Education And Activity</a>
6142.91	<a href="#">Reading/Language Arts Instruction</a>
6142.92	<a href="#">Mathematics Instruction</a>
6142.93	<a href="#">Science Instruction</a>
6145	<a href="#">Extracurricular And Cocurricular Activities</a>
6145	<a href="#">Extracurricular And Cocurricular Activities</a>
6154	<a href="#">Homework/Makeup Work</a>
6159	<a href="#">Individualized Education Program</a>
6159	<a href="#">Individualized Education Program</a>
6163.4	<a href="#">Student Use Of Technology</a>
6163.4-E PDF(1)	<a href="#">Student Use Of Technology</a>
6163.4-E(1)	<a href="#">Student Use Of Technology</a>
6170.1	<a href="#">Transitional Kindergarten</a>
6171	<a href="#">Title I Programs</a>
6171	<a href="#">Title I Programs</a>

**Cross References**

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**Description**[Education For Homeless Children](#)[Education For Homeless Children](#)[Education For Foster Youth](#)[Education For Foster Youth](#)[Education For American Indian Students](#)[Migrant Education Program](#)[Migrant Education Program](#)[Weekend/Saturday Classes](#)[Summer Learning Programs](#)[Career Technical Education](#)[Career Technical Education](#)[Supplemental Instruction](#)