

21st CCLC Non-regulatory Guidance Crosswalk Guidance 2003-2023 for the Subgrantee

February 2003 NRG Guidance	TOPIC	MAY 2023 NRG Guidance
<p>B-1 The purpose of the program is to establish or expand community learning centers that provide students with academic enrichment opportunities along with activities designed to complement the students’ regular academic program. Community learning centers must also offer families of these students literacy and related educational development. Centers – which can be located in elementary or secondary schools or other similarly accessible facilities – provide a range of high-quality services to support student learning and development, including tutoring and mentoring, homework help, academic enrichment (such as hands-on science or technology programs), and community service opportunities, as well as music, arts, sports and cultural activities. At the same time, centers help working parents by providing a safe environment for students during non-school hours or periods when school is not in session.</p>	Purpose of Program	<p>A-1 The 21st CCLC program provides opportunities for communities to establish or expand activities in community learning centers that provide for academic enrichment, including providing tutorial services to help students, particularly students who attend schools in need of additional support, to meet the challenging State academic standards. It also offers students a broad array of additional services, programs, and activities, such as youth development activities, service learning, nutrition and health education, drug and violence prevention programs, counseling programs, arts, music, physical fitness and wellness programs, technology education programs, financial literacy programs, environmental literacy programs, mathematics, science, career and technical programs, internship or apprenticeship programs, and other partnerships with an in-demand industry sector or occupation for high school students that are designed to reinforce and complement the regular academic program of participating students. Finally, the program offers families of students served by community learning centers opportunities for active and meaningful engagement in their children’s education, including opportunities for literacy and related educational development.</p>
<p>A community learning center offers academic, artistic, and cultural enrichment opportunities to students and their families during non-school hours (before or after school) or periods when school is not in session (including holidays, weekends or summer recess). According to section 4201(b)(1) of the program statute, a community learning center assists students in meeting State and local academic achievement standards in core academic subjects, such as reading and mathematics, by providing the students with opportunities for academic enrichment. Centers also provide students with a broad array of other activities – such as drug and violence prevention, counseling, art, music, recreation, technology, and character education programs – during periods when school is not in session. Community learning centers must also serve the families of participating students, e.g., through family literacy programs.</p>	Community Learning Center	<p>A-2 A community learning center is an entity that assists students in meeting challenging State academic standards, provides students with academic enrichment activities, and offers a broad array of other activities during non-school hours or periods when school is not in session (such as before and after school, weekends, or during school breaks) that—</p> <ul style="list-style-type: none"> -Reinforce and complement the regular academic programs of the schools attended by participating students; and -Are targeted to students’ academic needs and align with the instruction students receive during the school day. <p>Community learning centers also offer families of participating students opportunities for active and meaningful engagement in their children’s education, including opportunities for literacy and related educational development.</p>
<p>F-1 Any public or private organization Statute encourages eligible organization to apply to collaborate with schools the children attend Allows a consortium of two or more agencies, organizations, or entities to apply</p>	Entities Eligible to Apply for 21st CCLC Funds	<p>C-5 Yes. An SEA must pre-screen external organizations that could aid subgrantees in carrying out program activities and make the list available to eligible entities. An SEA may use its State-level activities funds (i.e., not more than five percent of its 21st CCLC allocation) to provide a list of prescreened external organizations. External organizations are nonprofit organizations with a record of success in running or working with before- and after-school programs and activities (or those that operate during school breaks); or, in the case of a community where there is no such organization, a nonprofit organization in the community that enters into a written agreement or partnership with an organization with a record of success to receive mentoring and guidance in running or working with before- and after-school programs and activities (or those that operate during school breaks). An SEA has discretion in developing the process and criteria for pre-screening external organizations. For example, an SEA could require an external organization to complete an application that the SEA scores against a rubric based on criteria it establishes. The Department encourages SEAs to make the list of pre-screened external organizations easily accessible on its State website, share it as part of the announcement for new applications, and update the list on a recurring basis.</p> <p>D-1 LEA is a community-based organization, Indian tribe, or tribal organization. Another public or private entity or consortium of two or more such agencies, organizations, or entities An educational agency, which is a regional public multiservice agency authorized by State law to develop, manage, and provide services or programs to LEAs Charter schools</p>
<p>G-7 Yes. The Department strongly encourages local programs to identify other sources of related funding and to describe, in their applications, how all of these resources will be combined or coordinated to offer a high-quality, sustainable program. Each local application must identify Federal, State, and local programs that also offer after-school services and that will be combined or coordinated with the proposed program to make the most effective use of public resources. See question B-5 for examples.</p>	Subgrantee Coordinate Other Federal, State, and Local Programs that have related purposes?	<p>D-2 Under 34 C.F.R. § 77.1(c), “private,” as applied to an agency, organization, or institution, means that it is not under Federal or public supervision or control. Accordingly, any entity that is not under Federal or public supervision or control is a “private entity” for purposes of 21st CCLC eligibility, including a faith-based or for-profit private entity, if it can perform the functions of a community learning center.</p> <p>Each local application must address how the applicant will coordinate with other Federal, State, and local programs and make the most effective use of public resources. The Department strongly encourages the SEA to require applicants to identify other sources of related funding and to describe, in their application, how these resources will be combined or coordinated to offer a high-quality, sustainable program. For example, a 21st CCLC program may collaborate with a McKinney-Vento Education for Homeless Children and Youth program to provide homework assistance and other appropriate services to students who are</p> <p>D-5 As specified in the Uniform Guidance at 2 C.F.R § 200.405(d), if a cost benefits two or more projects or activities in proportions that can be determined without undue effort or cost, the cost must be allocated to the programs or activities based on the proportional benefit. Additionally, each funding stream maintains its identity and continues to be subject to the relevant statutory requirements, including eligibility criteria and scope of authorized activities. 21st CCLC funds awarded to local subgrantees must be used only to supplement the level of Federal, State, local, and other non-Federal funds and not to supplant funds (Federal, State, local, or other non-Federal funds) that would have been available to conduct activities if 21st CCLC funds had not been available.</p>
	Applicant Ensures Proposed Program or Activities will be Effective	<p>D-6 Each applicant must design its program or activities to increase student achievement and overall student success. Such program or activities must be based on the following measures of effectiveness:</p> <ul style="list-style-type: none"> -An assessment of objective data regarding the need for before- and after-school programs (including programs on weekends and during school breaks) and activities in the school(s) and community(ies) the project proposes to serve; -A set of performance measures established by the State (see F-1) aimed at ensuring the availability of high-quality academic enrichment opportunities; -If appropriate, evidence-based research (for the definition of evidence-based see section 8101(21); D-7) that the program or activity will help students meet the challenging State academic standards and any local academic achievement standards; and -Alignment with the regular academic program of the school(s) that participating students attend and the academic needs of those students. (Section 4205(b)(1)). <p>An applicant must describe in its application how its proposed program or activities will meet these measures of effectiveness</p>

H-3 Scientifically based research, as defined in Title IX of the reauthorized ESEA, is research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs. This means research that: (1) employs systematic, empirical methods that draw on observation or experiment; (2) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn; (3) relies on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators; (4) is evaluated using experimental or quasi-experimental designs in which individuals, entities, programs or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest, with a preference for random-assignment, experiments, or other designs to the extent that those designs contain within-condition or across-condition controls; (5) ensures that experimental studies are presented in sufficient detail and clarity to allow for replication or, at a minimum, offer the opportunity to build systematically on their findings; (6) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

Evidence-Based Strategies Defined in Context of Local Competitions

D-7 Section 4205(b)(1)(C) requires a 21st CCLC applicant to propose a program or activity that, “if appropriate,” is “based upon evidence-based research that the program or activity will help students meet the challenging State academic standards and any local academic standards.” The term “evidence-based” means an activity, strategy, or intervention that—
 -demonstrates a statistically significant effect on improving student outcomes or other relevant outcomes based on—
 -strong evidence from at least one well-designed and well-implemented experimental study;
 -moderate evidence from at least one well-designed and well-implemented quasi-experimental study; or
 -promising evidence from at least one well-designed and well-implemented correlational study with statistical controls for selection bias; or
 -demonstrates a rationale based on high-quality research findings or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes or other relevant outcomes; and
 -includes ongoing efforts to examine the effects of such activity, strategy, or intervention.
 The Department’s What Works Clearinghouse (available at <https://ies.ed.gov/ncee/wwc/>) identifies the tier of evidence that reviewed studies meet, as applicable.
 WWC also includes a series of practice guides that may be helpful, including Structuring Out-of-School Time to Improve Academic Achievement.
 An SEA can also review the Department’s guidance on using evidence.
 Finally, an SEA could make use of the federally funded Comprehensive Center network.

Applicant Assures It Will Primarily Target Students Who Attend High-Poverty Public Schools

D-8 Yes
 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.
 Under section 1114(a)(1) of the ESEA, a Title I school is eligible to operate a schoolwide program if 40% or more of its students are living in poverty or, if the school has a poverty rate of less than 40%, it received a waiver from the SEA to operate a schoolwide program. Therefore, the requirement that 21st CCLC programs target students who attend schools eligible for schoolwide programs would mean that a 21 CCLC program must target students who attend
 (1) a Title I school with 40% or more poverty or
 (2) any Title I school that receives a waiver from the SEA to operate a schoolwide program; or
 (3) a non-Title I public school that has 40 percent or more poverty

Non-LEA Applicant for Subgrant Collaborate with the Schools that will Serve Students by the 21st CCLC Program Attend

D-9 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.
 Please note that the requirement to target students who primarily attend schools eligible for schoolwide programs under Title I is distinct from the requirement that the SEA prioritize applications proposing to target students attending schools identified for comprehensive or targeted support and improvement.
 If an applicant is proposing to target students who attend a school that is both eligible for a schoolwide program and identified for comprehensive or targeted support and improvement, it has met both the requirement with respect to schoolwide programs and the priority with respect to comprehensive or targeted support and improvement schools.
 Yes
 A non-LEA applicant must, under section 4204(b)(2)(D)(i) of the ESEA, assure that its program was developed and will be carried out in active collaboration with the schools the participating students attend.
 Collaboration between the non-LEA and the schools allows for alignment between the school day curriculum and activities supported in the 21st CCLC program.
 Moreover, a non-LEA must obtain relevant data to conduct its evaluation of its 21st CCLC program.
 As part of the collaboration, the non-LEA and LEA should consider formalizing how the non-LEA and LEA will work together.
 In addition to collaborating, more formal partnerships among entities may be valuable in creating effective 21st CCLC programs.
 For that reason, section 4204(j)(1)(B) of the ESEA requires that an SEA give priority to applications submitted jointly by an LEA receiving Title I, Part A funds and a CBO or other eligible entity.
 As noted in D-4, an applicant must describe any partnerships in its application.

May Funds Support Communities that are Already Implementing Before- and After- School Activities

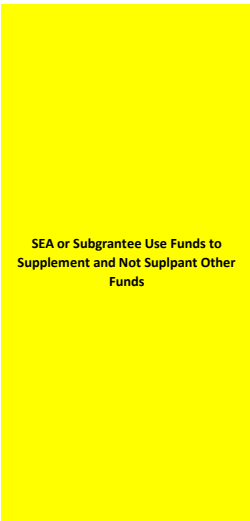
D-23 Yes
 May be used to expand and enhance current activities provided in existing after-school programs, whether supported by public or private funds
Funds may be used only to supplement and not supplant any Federal or non-Federal funds used to support current programs.

Basis an SEA Makes Continuation Awards

D-24 Given that a fiscal year’s funds are available for no longer than 27 months, a subgrantee operating for three to five years will need to receive a continuation award from the SEA for at least some portion of its subgrant
 There are no statutory provisions that address the criteria an SEA must assess in determining whether to provide continuation awards for local subgrants
 SEA may wish to consider criteria similar to that which the Department uses in making non-competitive continuation awards for its discretionary grants, such as making progress towards the goals and objectives, submitting all required reports, and maintaining sufficient financial systems
 Consider a subgrantee’s remaining funds from the previous year when making continuation awards
 May be appropriate to reduce the continuation award if a subgrantee did not fully expend the funds from the previous year even when there is a sufficient justification for not expending the funds, such as position vacancies, savings due to virtual programming, and over-budgeting for supply costs.

F-13 Yes. 21st CCLC funds may be used to expand and enhance current activities provided in existing after-school programs, whether supported by public or private funds. For example, a grantee may use funds to align activities to help students meet local and State academic standards if those services are not part of the current after-school program. Again, grantees must bear in mind that 21st CCLC funds can be used only to supplement and not supplant any Federal or non-Federal funds used to support current programs.

There are no statutory provisions that address the criteria States must assess in determining whether to provide continuation awards for local grants. States may wish to consider the criterion that the Department uses in making these decisions (see EDGAR at 34 C.F.R. §75.253), that is, whether a grantee made substantial progress toward meeting the objectives set forth in its approved application.



SEA or Subgrantee Use Funds to Supplement and Not Supplant Other Funds

E-1

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 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. These presumptions are rebuttable. For example, an SEA or subgrantee may be able to demonstrate that it no longer has the 25 funds available it used in the prior year for an activity it wishes to continue with 21st CCLC funds.

The two 21st CCLC supplement, not supplant provisions are slightly different with respect to the funds that may not be supplanted with 21st CCLC funds.

-Section 4203(a)(9) of the ESEA requires an SEA to assure in its consolidated State plan that it will use 21st CCLC funds to supplement, and not supplant, “other Federal, State, and local public funds” used to provide authorized programs and activities. This provision requires an SEA to use 21st CCLC funds only to supplement activities it conducts with other Federal, State, or local funds and not to replace such funds with 21st CCLC funds.

-In contrast, section 4204(b)(2)(G) of the ESEA requires a subgrantee in its local application to assure that it will use 21st CCLC funds to “increase the level of State, local, and other non-Federal funds that would, in the absence of [21st CCLC funds], be made available for programs and activities authorized under this part, and in no case supplant Federal, State, local, or non-Federal funds.”

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 inclusion of “other non-Federal funds” at the subgrantee level applies particularly to a CBO, for example, that might use non-Federal funds from fundraising or a philanthropy for an activity that its 21st CCLC funds must supplement. If such other non-Federal funds are not available in a subsequent year, the CBO may rebut the presumption of supplanting and use 21st CCLC funds for the activity.

The statute does not mention specific hours of operation or minimum or maximum numbers of students a center must serve. The statute does, however, specify that community learning centers must offer services during non-school hours or periods when school is not in session. In addition to after-school, that definition can include before school, evenings, weekends, holidays, summers, or other school vacation periods. Each community should base its application on the needs of its students and their families.

Federal Requirements for Hours of Operation of a Program or Number of Students a Local Program Must Serve

E-2

No. 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). (Section 4201(b)(1)). Similarly, there are no Federal requirements for the minimum or maximum number of students a 21st CCLC program must serve. Each 21st CCLC applicant should base its application on the needs of its students and their families. **PA 21st CCLC subgrantees should reference the hours and minimum attendance requirements per the proposal request with the corresponding cohort.**

F-10

Yes. The SEA may approve an application for a community learning center to be located in a facility other than an elementary or secondary school. However, the alternate facility must be at least as available and accessible to the participants as if the program were located in an elementary or secondary school. Each State will determine the evidence an applicant will need to demonstrate that the program will be available and accessible. (Note: “elementary school” and “secondary school” are defined in ESEA as any “nonprofit institutional day or residential school, including a public charter school...”)
Whether the program takes place in a school building or other facility, the applicant must address how students will travel safely to and from the community learning center and home.

Program Be Located or Take Place Outside of School

E-3

Yes. Section 4204(c) of the ESEA allows an SEA to approve an application for a 21st CCLC program to be located in a facility other than an elementary or secondary school. However, the alternate facility must be at least as available and accessible to the participants as if the program were located in an elementary or secondary school. An SEA must determine the evidence it requires an applicant to provide to demonstrate that the program will be available and accessible.

Whether the program takes place in a school building or other facility, an applicant must:

- Assure that it will provide a safe and easily accessible facility (Section 4204(b)(2)(A)(i)); and
- Describe how it will address

G-1	<p>Each eligible organization that receives an award may use the funds to carry out a broad array of before- and after-school activities (or activities during other times when school is not in session) that advance student achievement. In the Department's view, local grantees are limited to providing activities within the following list:</p> <ul style="list-style-type: none"> -Remedial education activities and academic enrichment learning programs, including providing additional assistance to students to allow the students to improve their academic achievement; -Mathematics and science education activities; -Arts and music education activities; -Entrepreneurial education programs; -Tutoring services (including those provided by senior citizen volunteers) and mentoring programs; -Programs that provide after-school activities for limited English proficient students that emphasize language skills and academic achievement; -Recreational activities; -Telecommunications and technology education programs; -Expanded library service hours; -Programs that promote parental involvement and family literacy; -Programs that provide assistance to students who have been truant, suspended, or expelled, to allow the students to improve their academic achievement; and -Drug and violence prevention programs, counseling programs, and character education programs. 	Activities a Subgrantee May Use	<p>Each 21st CCLC subgrantee may use the funds to carry out a broad array of before- and after-school activities (or activities on weekends and during other times when school is not in session) that advance student achievement and overall well-being. In addition to the activities described in D-18, a subgrantee may provide the following activities:</p> <ol style="list-style-type: none"> 1. Academic enrichment learning programs, mentoring programs, remedial education activities (e.g., academic acceleration), and high-quality tutoring services, that are aligned with— <ol style="list-style-type: none"> A. The challenging State academic standards and any local academic standards; and B. Local curricula that are designed to improve student academic achievement; 2. Well-rounded education activities, including such activities that enable students to be eligible for credit recovery or attainment; 3. Literacy education programs, including financial literacy programs and environmental literacy programs; 4. Programs that support a healthy and active lifestyle, including nutritional education and regular, structured physical activity programs; 5. Services for individuals with disabilities; 6. Programs that provide after-school activities for students who are English learners that emphasize language skills and academic achievement; 7. Cultural programs; 8. Telecommunications and technology education programs (e.g., digital literacy programs); 9. Expanded library service hours; 10. Parenting skills programs that promote parental involvement and family literacy; 11. Programs that provide assistance to students who have been truant, suspended, or expelled to support their academic achievement; 12. Drug and violence prevention programs and counseling programs; 13. Programs that build skills in science, technology, engineering, and mathematics ("STEM"), including computer science, and that foster innovation in learning by supporting nontraditional STEM education teaching methods (e.g., work-based learning opportunities); and 14. Programs that partner with in-demand fields of the local workforce or build career competencies and career readiness and ensure that local workforce and career readiness skills are aligned with the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.) and the Workforce Innovation and Opportunity Act (20 U.S.C. 3101 et seq.).
		<p style="text-align: center;">How Programs Support Increased Student Attendance and Engagement Particularly in Middle and High School</p> <p style="text-align: center;">Funds Be Used for Activities with Dangerous Weapons</p>	<p>E-5 The Department provides specific resources for increasing attendance and engagement on the Y4Y website, through the Center on PBIS Resource: Improving Attendance and Reducing Chronic Absenteeism, via the National Center on Safe Supportive Learning Environments, and through the Student Engagement and Attendance Center. For example, 21st CCLC programs designed specifically for middle and high school students can improve student attendance by (1) enhancing students' skills that increase their success at school and (2) establishing mentorships with adults that focus on academic achievement. In addition to taking advantage of these Department resources, we encourage SEAs and 21st CCLC subgrantees to focus on appropriate evidence-based practices.</p> <p>E-6 The Department provides specific resources for increasing attendance and engagement on the Y4Y website, through the Center on PBIS Resource: Improving Attendance and Reducing Chronic Absenteeism, via the National Center on Safe Supportive Learning Environments, and through the Student Engagement and Attendance Center. For example, 21st CCLC programs designed specifically for middle and high school students can improve student attendance by (1) enhancing students' skills that increase their success at school and (2) establishing mentorships with adults that focus on academic achievement. In addition to taking advantage of these Department resources, we encourage SEAs and 21st CCLC subgrantees to focus on appropriate evidence-based practices.</p>
G-2	<p>Yes</p> <p>Adult family members of students participating in a community learning center may participate in educational services or activities appropriate for adults. In particular, local programs may offer services to support parental involvement and family literacy. Services may be provided to families of students to advance the students' academic achievement. However, programs are open only to adults who are family members of participating children.</p>	Funds Support Services to Family Members	<p>E-7 Yes</p> <p>A subgrantee may fund educational services or activities that support student learning and are appropriate for adult family members of students participating in a 21st CCLC program. Engaging families in local programs can increase a student's academic performance and success and overall well-being by building knowledge and awareness of the student's educational needs and fostering continued engagement outside of the program. For example, 21st CCLC programs may provide lessons on family financial literacy, health and wellness programs, and strategy workshops to support students in completing homework assignments.</p>
		Subgrantee Use Funds to Provide an Elective High School Course*	<p>E-8 Yes.</p> <p>A 21st CCLC subgrantee may use 21st CCLC funds to offer an elective high school course that, for example, prepares low-achieving students to take advanced courses, provided that program is provided during out-of-school time. And, as described below, students taking the elective course may earn credit towards high school graduation. Generally, the use of 21st CCLC funds for a course that is required as a graduation requirement would violate the supplement, not supplant provision in section 4204(b)(2)(G) of the ESEA because, in the absence of the 21st CCLC funds, the school or LEA would have to provide sufficient opportunities for students to earn the requisite credits for graduation.</p> <p>A subgrantee may use 21st CCLC funds for programs or activities, in out-of-school time, that allow students to receive credit towards high school graduation requirements if the programs or activities (1) are an expansion of the options for receiving high school credit in a particular academic area that would not have been provided without the 21st CCLC funds; and (2) do not replace or reduce any courses or programs normally provided by the school or LEA</p>
G-3	<p>Yes. Although "students" are designated in statute as the intended beneficiaries of the program, the Department believes that younger children who will become students in the schools being served can also participate in program activities designed to get them ready to succeed in school.</p>	May Funds Support Services for Pre-K Children	<p>E-9 Yes.</p> <p>21st CCLC programs primarily serve students in schools eligible for Title I schoolwide programs. 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. At this time PA subgrantees may not propose to serve Pre-K students.</p>
		Field Trips An Allowable Use of Funds	<p>E-10 Yes. Participating students may take part in a field trip that will further their academic enrichment and align to the goals and objectives of the program. The costs must be reasonable and necessary for implementing the program. An SEA has discretion in approving field trips and is encouraged to develop a process by which to do so. PA subgrantees may not propose over-night or out-of-state field trips.</p>

	<p>Funds Be Used to Purchase Food to Participants</p> <p>Subgrantee Offer a Career Pathway During Out-of-School Time That Results in an Industry-Recognized Credential</p> <p>How Subgrantee Identify in-Demand Fields for Career Pathway Programs and Align Activities to Carl D. Perkins Career and Technical Education Act of 2006</p> <p>Subgrantee Offer Opportunities During Out-of-School Time for Secondary School Students to Participate In Dual or Concurrent Enrollment Programs</p> <p>Subgrantee Offer Opportunities During Out-of-School Time for Secondary School Students to Participate In Work-Based Learning Programs</p> <p>Subgrantee Offer Opportunities During Out-of-School Time for Secondary Students to Participate in Career and College Counseling or Coaching</p>	<p>E-11 Subgrantees are encouraged to participate in the USDA Food and Nutrition Service programs that provide meals and snacks to students and families outside of the school day. However, there may be times when students and families are participating in 21st CCLC programs during normal meal or snack times and food is not otherwise available. For example, it may be necessary to provide dinner during a parent engagement activity that is scheduled during the early evening hours to encourage participation. 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. PA subgrantees may purchase light refreshments for parent engagement activities. Food may be purchased for a well-documented cooking/STEM-related curriculum.</p> <p>Yes.</p> <p>E-12 A subgrantee may offer classes and/or support work-based learning experiences that lead to an industry-recognized credential. The program may partner with local businesses in in-demand fields to create career pathways for students. The costs of certification examinations associated with the industry-recognized credentials may be paid with program funds.</p> <p>E-13 Under the Carl D. Perkins Career and Technical Education Act of 2006, as amended by the Strengthening Career and Technical Education for the 21st Century Act (Perkins VI), each LEA completes a comprehensive local needs assessment (CLNA) to inform its application for subgrant funds. The CLNA, which is updated biennially, examines the alignment of the LEA's career and technical education programs with workforce needs, the needs of the LEA's students, particularly students from low-income backgrounds and other members of special populations, and other factors. A subgrantee interested in identifying in-demand fields and aligning its activities with Perkins V will find these CLNAs to be a rich source of information and guidance. An LEA's career and technical office can provide a copy of its most recent CLNA upon request.</p> <p>E-14 Yes. A subgrantee may offer opportunities for secondary students to participate in dual or concurrent enrollment programs through which they enroll in one or more postsecondary courses and earn postsecondary credit. Dual enrollment is a proven, evidence-based strategy to increase high school achievement and completion and to boost postsecondary enrollment and credential attainment. However, the use of 21st CCLC funds for dual and concurrent enrollment programs may only supplement and not supplant any Federal or non-Federal funds that are being or have been used to support dual or concurrent enrollment programs.</p> <p>E-15 However, the use of 21st CCLC funds for student participation in career and college advisement may only supplement and not supplant any Federal or non-federal funds that are being or have been used to support student advisement programs.</p> <p>E-16 Yes. A subgrantee may offer opportunities for secondary students to participate in career and college advisement, student transition services, and other activities that provide coaching and advisements to students that support their career and college goals.</p>
<p>Yes. Indirect costs are the expenses incurred by a school district, community-based organization or other entity in administering or providing program services. A grantee must have, or must establish, an indirect cost rate agreement to charge indirect costs to a grant. A grantee that does not have a current indirect cost rate – which may be initially established by a Federal or State agency that has previously provided a grant to that organization – may request that the SEA negotiate such an agreement or refer them to the “cognizant” agency that establishes such a rate. See EDGAR at 34 C.F.R. §75.560. The State, as the grantee, is responsible for ensuring that local grantees properly expend and account for Federal funds, including direct or indirect costs. Claims for indirect costs are determined in accordance with applicable Federal cost principles. In some instances, a local grantee may be the direct recipient of other Federal grants or contracts and will have had its indirect costs approved by the Federal Government. In such cases, the State grantee may generally rely on the determinations of the Federal Government and should contact the Federal agency that approved the costs to ensure that its determinations apply to the State's situation. When a local grantee has not been the direct recipient of Federal funds or has not received Federal approval of its costs, the SEA is responsible for determining acceptable direct or indirect costs.</p> <p>The following can be used as a guide:</p> <ul style="list-style-type: none"> -Local grantee (receiving direct federal funding) <p>G-6 If the local grantee is a non-profit AND receives some other DIRECT funding from a Federal agency (e.g., ED, HHS, or DOL), the indirect cost rate agreement must be approved by the cognizant Federal agency under OMB Circular A-122.</p> <p>The same scenario applies to Institutions of Higher Education (IHEs), pursuant to OMB Circular A-21. (Note: student aid money is not considered direct assistance.)</p> <ul style="list-style-type: none"> -Local grantee (not receiving direct Federal funding) <p>If the IHE or non-profit local grantee does NOT also receive direct assistance from a Federal agency, then the SEA is responsible for the rate negotiation.</p> <ul style="list-style-type: none"> -Local educational agency (LEA) <p>If the local grantee is an LEA, it should already have an indirect cost rate. The SEA should use the restricted rate methodology when reviewing proposed rates for LEAs.</p> <ul style="list-style-type: none"> -Commercial organizations <p>If the local grantee is a for-profit organization, the Federal Acquisition Regulations (FAR) applies. A formal rate agreement is discretionary, but the SEA is responsible for determining the allowability of the costs charged to the grant.</p> <p>The SEA should make it clear in its competition announcements that the awards are subject to the non-supplanting and restricted rate requirements of EDGAR at 34 CFR 76.563. If SEAs have any questions about indirect cost rates, they may contact the Department's 21st CCLC program staff. Program staff will be able to consult, as appropriate, with staff in the Department's Indirect Cost Group to answer questions or resolve any concerns.</p>	<p>Subgrantee Charge Indirect Costs to 21st CCLC Grant</p>	<p>Yes</p> <p>E-20 Indirect costs are the expenses incurred by a subgrantee in administering or providing 21st CCLC programs. A subgrantee must have, or must establish, an indirect cost rate agreement to charge indirect costs to a subgrant. A subgrantee that does not have a current indirect cost rate may request that the SEA negotiate such an agreement or refer it to the “cognizant” agency that establishes such a rate. (See 34 C.F.R. § 76.560). The SEA, as the grantee, is responsible for ensuring that subgrantees properly expend and account for Federal funds, including direct or indirect costs. Claims for indirect costs are determined in accordance with applicable Federal cost principles.</p> <p>The SEA should make it clear in its competition announcements that subgrantees must use a restricted indirect cost rate.</p>
	<p>Subgrantee Accept Philanthropic Funds</p>	<p>E-21 If a subgrantee is offered an endowment, given a grant, or donated funds to supplement the 21st CCLC program, the subgrantee may accept the gift. In this case, the funds would not be considered program income.</p>

F-16 Yes. Students, teachers, and other educational personnel are eligible to participate in 21st CCLC programs on an equitable basis. A public school or other public or private organization that is awarded a grant must provide equitable services to private school students, and their families. In designing a program that meets this requirement, grantees must provide comparable opportunities for the participation of both public- and private-school students in the area served by the grant. Grantees must consult with private school officials during the design and development of the 21st CCLC program on issues such as how the children's needs will be identified and what services will be offered. Services and benefits provided to private school students must be secular, neutral, and non-ideological

Must Subgrantee Provide for Equitable Participation of Private School Children and Educators in Programs and Activities

G-4 Yes
These laws apply to recipients of federal financial assistance, whether they are public or private. They include Title VI of the Civil Rights Act, which bars discrimination based on race, color, or national origin; Title IX of the Education Amendments of 1972, which bars discrimination based on gender; Section 504 of the Rehabilitation Act of 1973, which bars discrimination based on disability; and the Age Discrimination Act of 1975. Section 9534 of the Elementary and Secondary Education Act in effect provides that nothing in that Act disturbs the application of these laws. By the same token, the Act does not alter the applicability of other non-discrimination laws that are unrelated to the receipt of federal funds (such as Title VII of the Civil Rights Act, which forbids employment discrimination on the basis of race, color, religion, sex, or national origin, but also contains certain exceptions).

Civil Rights Requirements Apply to a Private Organization that Receives a Grant

G-14 No. However, programs must be equally accessible to all students targeted for services, regardless of their ability to pay. Programs that charge fees may not prohibit any family from participating due to its financial situation. The priority of the program to serve poor students and families could be compromised through high program fees. Programs that opt to charge fees must offer a sliding scale of fees and scholarships for those who cannot afford the program. Income collected from fees must be used to fund program activities specified in the grant application.

Subgrantee Charge Families a Fee to Participate in a Program as Program Income

May Subgrantee Prohibit a Student with a Disability from Participating

May the Subgrantee Use Funds to Pay for Supplementary Aids and Services Required for a Student with a Disability to Participate

E-22 Yes.
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. The requirement to provide for the equitable participation of private school children and educators applies regardless of whether a subgrantee is an LEA, CBO, or other eligible entity.

E-23 No.
Generally, 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. 34 C.F.R. Part 104, and §§ 104.4 and 104.37. Titles II and III of the Americans with Disabilities Act (ADA) and their implementing regulations likewise prohibit discrimination on the basis of disability. **28 C.F.R. Parts 35 and 36. Under these Federal laws, a 21st CCLC subgrantee, whether an LEA or other eligible entity, is required to provide certain program modifications, supports, and services to a student with a disability in order to ensure meaningful access and an equal opportunity to participate in nonacademic and extracurricular programs or activities unless the 21st CCLC subgrantee can demonstrate that the modification or aid or service would constitute an undue burden to its program or would fundamentally alter the 21st CCLC program.** For more information about obligations under Section 504 to provide students with disabilities an equal opportunity for participation in nonacademic and extracurricular services and activities, see the Department's Dear Colleague Letter dated January 25, 2013, available at: <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201301-504.pdf>. A 21st CCLC subgrantee that is an LEA is also subject to the requirements in the Individuals with Disabilities Education Act (IDEA). Under the IDEA, to meet the individualized needs of a student with a disability, the student's individualized education program (IEP), developed by the LEA through the IEP Team, must include any supplementary aids and services determined appropriate and necessary in order to afford the student an equal opportunity for participation with nondisabled peers in nonacademic and extracurricular services and activities, which may include the 21st CCLC program. In general, the provision of such supplementary aids and services is the responsibility of the LEA. Supplementary aids and services are aids, services, and other supports to enable a child with a disability to be educated with nondisabled children to the maximum extent appropriate and could include ensuring that all materials are in an accessible format (e.g., braille, audio description, captioning, etc.) based on the student's individual needs as determined by the IEP Team. 34 C.F.R. §§ 300.42, 300.107(a), 300.117, and 300.320(a)(4)(ii), and Analysis of Comments and Changes to final IDEA Part B regulations, 71 Fed. Reg. 46,540, at 46,583 (Aug. 14, 2006). These IDEA obligations are not subject to the defenses referenced above.

E-24 YES

E-25 Yes
Civil rights laws apply to recipients of Federal financial assistance, whether a recipient is public or private. They include Title VI of the Civil Rights Act of 1964, which bars discrimination based on race, color, or national origin; Title IX of the Education Amendments of 1972, which bars discrimination based on sex; Section 504 of the Rehabilitation Act of 1973, which bars discrimination based on disability; American with Disabilities Act which also bars discrimination based on disability; and the Age Discrimination Act of 1975, which bars discrimination based on age.

E-26 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. (2 C.F.R. § 200.1). Program income typically occurs in local 21st CCLC programs in connection with selling student products as part of a training or entrepreneurial project.

E-27 Yes
A 21st CCLC subgrantee may earn program income. In accordance with 2 C.F.R. § 200.307, **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. (See 2 C.F.R. § 200.407(c)).** Any program income generated by a 21st CCLC subgrantee must be used within the subgrant period (e.g., the 3-5 years granted by the SEA) for the purposes and under the conditions of the subgrant.

E-28 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;
2. Why the program income is necessary to achieve the goals and objectives of the program; and
3. How the program income funds will be tracked and reported to the SEA.

E-29 In light of the requirement in section 4204(b)(2)(F) of 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.** Families of such students are likely not able to pay a fee, however nominal, to participate in a 21st CCLC program. If a subgrantee wishes to charge fees, the subgrantee must request prior written approval from the Department through the SEA for program income as described in E-27. The Department will carefully scrutinize such requests.

G-6 No.
The statute specifically indicates services are to be provided outside the regular school day or during periods when school is not in session, e.g., before school, after school, evenings, weekends, holidays, or summer. The program may offer services to students during normal school hours on days when school is not in session, e.g., school holidays or teacher professional development days.
However, activities targeting pre-kindergarten children and adult family members may take place during regular school hours, as these times may be the most suitable for serving these populations.

H-6 Each grantee must undergo a periodic evaluation to assess its progress toward achieving its goal of providing high-quality opportunities for academic enrichment. The evaluation must be based on the factors included in the principles of effectiveness. The results of the evaluation must be: (1) used to refine, improve, and strengthen the program and to refine the performance measures; and (2) made available to the public upon request. Local grantees, working with their SEAs, must evaluate the academic progress of children participating in the 21st CCLC program.

In the local competitions, SEAs must include a priority for applications submitted jointly by (1) an LEA receiving Title I funds, and (2) CBOs or other public or private organizations that propose to serve students attending schools in need of improvement. Through such partnerships, a grantee responsible for implementing and evaluating the local program can ensure access to student achievement data. Because of the legal obligation to maintain confidentiality of student data, the Department encourages LEAs to gather the achievement data necessary to evaluate the effectiveness of the program. The LEAs should also be responsible for sharing the content area standards and curriculum with its partners. Whether or not a grantee has a formal partnership with an LEA, it still must evaluate the program consistent with the statute's principles of effectiveness.

SEA Award Funds to Support Activities During the School Day

Local Evaluation Requirements

Subgrantee Not an LEA Need Access to Student Academic Achievement Data

Subgrantee Not an LEA Gain Access to Student Achievement Data

Department Collect Data from SEA

Must SEA Monitor Subgrantees for Compliance

Purpose of a Risk Assessment of Subgrantees

E-30 Under section 4204(a)(2) of the ESEA, 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, and school breaks).
The Department has not defined what it means to have an ELP. The Department does not interpret the term "expanded learning program" in section 4204(a)(2) of the ESEA to mean the same as "expanded learning time," as defined in section 8101(22) of the ESEA. Also, the Department does not define how to calculate the 300 hours.
An SEA must determine that the ELP provides at least 300 hours before a 21st CCLC subgrantee may use 21st CCLC funds for activities during the school day. There are multiple scenarios that may comply with the statutory language. For example, an SEA might choose to allow an ELP where a 21st CCLC subgrantee would provide at least 300 hours of activities both during and out of school and may therefore implement 21st CCLC activities during the school day. An SEA might also permit a 21st CCLC subgrantee to provide services during the school day when a school increases its mandatory hours by 300 hours. **THIS IS NOT AN OPTION FOR PA 21st CCLC SUBGRANTEES.**

F-2 Each local subgrantee must conduct a periodic evaluation in conjunction with the SEA's evaluation plan (see F-1) to assess its progress toward achieving the goal of providing high-quality opportunities for academic enrichment and overall student success.
The subgrantee must use the results of its evaluation to refine, improve, and strengthen the program or activity as well as review and refine the performance measures.
A subgrantee may use a reasonable and necessary amount of its grant to conduct this evaluation.
A subgrantee must also collect the necessary data to measure student success as described in the subgrantee's application and to contribute to the SEA's overall evaluation of 21st CCLC programs in the State.
The subgrantee must provide public notice of the availability of its evaluations and make the evaluations available upon request.

F-3 Student academic achievement data are needed in at least two aspects of a 21st CCLC program. First, an applicant may need LEA or school level data to describe how its proposed program or activities are expected to improve student academic achievement and overall student success. (Section 4204(b)(2)(B), (E)). Second, a subgrantee must evaluate its program or activities to assess the program's progress toward achieving the goal of providing high-quality opportunities for academic enrichment and overall student success.

F-4 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. There are three exceptions to the written consent requirement that LEAs most often consider when disclosing PII from education records to third parties in this context. These exceptions are the "school official," "studies," and "audit/evaluation" exceptions. For information on how these exceptions may apply to LEAs disclosing PII to a 21st CCLC subgrantee, see the Department's Student Privacy Policy Office's Guidance on Sharing Information with Community-Based Organizations. (See the Department's Student Privacy website for further information on FERPA.

F-5 An SEA must report on the 21st CCLC program's performance measures via a web portal known as 21APR. How often an SEA must report data depends on the type of 21st CCLC programming the SEA offers: school year only, school year and summer, or all year.
Yes

F-6 An SEA must monitor the activities of subgrantees as necessary 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. (Section 4202(c)(3)(A); 2 C.F.R. § 200.332(d)). An SEA may use a variety of tools to monitor subgrantees such as financial and performance reports, comprehensive onsite and virtual program reviews, and structured periodic check-ins. The SEA must also evaluate each subgrantee's risk of non-compliance with 21st CCLC requirements to inform the SEA's monitoring protocol.

F-7 Conducting risk assessments of subgrantees helps ensure that potential risks are identified, and appropriate monitoring is established to mitigate those risks. If the identified risks are significant, an SEA may impose specific conditions under 2 C.F.R. § 200.208 in the subgrant award.