

Scheduling Considerations for Nita M. Lowey 21st Century Community Learning Centers (21st CCLC) Programs During the 2020-21 School Year

This document is meant to provide guidance to 21st CCLC programs related to the grant requirement that 21st CCLC programs operate outside of regular school hours.

Definition of Out-of-School Time during the 2020-21 School Year:

The federal law authorizing the 21st CCLC grant specifies that grant funds can only be used for activities that take place outside of the school day. When schools offer in-person instruction during a typical year, it is relatively easy to distinguish between the school day and out-of-school time. However, when schools are operating virtually either all or part of the time, the definition of out-of-school time becomes more complicated. To that end, the Wisconsin Department of Public Instruction (DPI) has developed a definition of “out-of-school time” for 21st CCLC grantees who serve schools that are operating virtually at any time during 2020-2021. This definition is aligned to the guidance related to “hours of instruction” that the DPI has recently provided to Wisconsin schools and districts via its Regulatory Flexibility Framework (<https://dpi.wi.gov/administrators/e-mail/regulatory-flexibility-framework>).

According to DPI’s Regulatory Flexibility Framework, when schools are operating virtually, “hours of instruction should be based on the time teachers are available to students and the school district’s estimate of the amount of time needed to accomplish learning objectives each day.” **Given this guidance, the DPI is defining “out-of-school” time as any period of time that is outside of the school’s or district’s hours of instruction, as determined by the school or district.**

As such:

- 21st CCLC programs may offer extended hours while schools are operating virtually, including during hours that have traditionally been referred to as part of the school day (e.g., between 8 a.m. and 3 p.m.).
- The hours of instruction and, thus, out-of-school time hours will differ from district to district and possibly from school to school within a district. 21st CCLC programs should consult with the districts and schools they serve, including any private schools they serve, to determine when teachers are available to help students and how much time the district or school estimates students will need to accomplish daily learning objectives. Based on that information, 21st CCLC programs should determine what hours of the day would be considered “out-of-school time” for their particular district or school.
- 21st CCLC funds can only be used to support programming that occurs during the time period that the program has determined to be “out-of-school time.”
- 21st CCLC funds can only be used to support expanded learning and enrichment activities for students. For example, this may include specific synchronous enrichment activities led by 21st CCLC staff or asynchronous enrichment activities provided by 21st CCLC staff that students complete independently. 21st CCLC funds cannot be used to provide direct oversight of or support for school day instruction.

- While there is a minimum number of hours that 21st CCLC programs are required to operate per week, there is no maximum. 21st CCLC programs can expand their hours of operation if they have the funds to do so (either via carryover funds, COVID-19 Relief Supplementary Grant award funds, or other funding sources). However, a program's allocation will not be increased to cover the costs associated with expanded program hours.
- 21st CCLC grant funds may not be used to supplant existing services or activities that would otherwise be supported by another funding source in the absence of the 21st CCLC award. Funds may be used to supplement existing services or activities.

Waiving the Out-of-School Time Requirement:

The United States Department of Education recently posted a [notice in the Federal Register](#) allowing state education agencies an opportunity to waive the requirement that 21st CCLC programs operate during out-of-school time hours for the 2020-21 school year only. Generally speaking, the intent of the waiver is to provide flexibility for 21st CCLC grantees to operate as needed to support education during remote or hybrid models of schooling during the 2020-21 school year in response to COVID-19.

This waiver is intended for 21st CCLC programs serving schools operating virtually all or part of the time. If the school being served by the grant is offering only in-person instruction, the rule that the 21st CCLC program may not provide support to students during the school day continues to be in effect.

Grantees who seek to change their activities from exclusively out-of-school time hours to include programming during school hours of instruction must apply for a waiver from the DPI. Grantees are encouraged to apply for the waiver as soon as possible if they think they may need this flexibility at some point during the school year. Having an approved waiver in place will ensure the 21st CCLC program is able to continue providing needed services to students and families if the day school shifts offer the mode of instruction during the school year. **Grantees cannot use 21st CCLC funds to support instruction during the school day if they do not have an approved waiver.**

Please see the DPI's [21st CCLC Grant 2020-21 Allowable Activities Waiver Frequently Asked Questions \(FAQ\)](#) document for more information regarding the waiver. Waiver applications must be submitted via DPI's Out-of-School Time Waiver Application online portal: https://webportalapp.com/webform/ost_waiver.