

Revised Ed Code - ELO-P & Licensing

Updates as of July 31, 2023.

For more details and context please watch the accompanying Fireside Chat:

<https://www.afterschoolnetwork.org/post/update-elo-p-licensing-requirements>



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On July 10, 2023, [**SB 114**](#), the Education Omnibus Budget Trailer Bill was signed into law, which includes changes to the California Education Code (EDC or “Ed Code”) Section 46120 for the Expanded Learning Opportunities Program (ELO-P).

Section 46120. (b)(9) (A-D) addresses “Licensing Requirements” in relation to ELO-P.

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(A) An **expanded learning opportunity program** shall **not be required to comply with the requirements of** Chapter 2 (commencing with Section 8200) of Part 6 of Division 1 of Title 1 **or** the requirements set forth in Chapter 19 of Division 1 of Title 5 of the California Code of Regulations.

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(A) An **expanded learning opportunity program** shall **not be required to comply with the requirements of** Chapter 2 (commencing with Section 8200) of Part 6 of Division 1 of Title 1 **or** the requirements set forth in Chapter 19 of Division 1 of Title 5 of the California Code of Regulations.

[EDC: Title 1, Division 1, Part 6, Chapter 2: *Early Education Act*](#)

[CCR: Title 5, Division 1, Chapter 19: *Early Care and Learning Regulations*](#)

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(B) Notwithstanding any other law, **an expanded learning opportunity program operating pursuant to this section may operate without obtaining a child daycare facility license or special permit** pursuant to Chapter 3.4 (commencing with Section 1596.70) of, and Chapter 3.5 (commencing with Section 1596.90) of, Division 2 of the Health and Safety Code. An expanded learning opportunity program shall not receive any additional funding pursuant to this subparagraph.

[HSC, Division 2, Chapter 3.4: California Child Day Care Act](#) through
[Chapter 3.5: Day Care Centers](#)

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(C) Notwithstanding subparagraph (B), **an expanded learning opportunity program operated by a third party that holds a child daycare facility license or special permit pursuant to Chapter 3.4 (commencing with Section 1596.70) of, and Chapter 3.5 (commencing with Section 1596.90) of, Division 2 of the Health and Safety Code, as of June 1, 2023, shall maintain that license or permit capacity as a requirement of contracting pursuant to this section until June 30, 2024.** An expanded learning opportunity program shall not receive any additional funding pursuant to this subparagraph.

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(D) Nothing in this section exempts an expanded learning opportunity program operating pursuant to this section from complying with the child daycare facility license requirements set forth in Chapter 3.4 (commencing with Section 1596.70) of, and Chapter 3.5 (commencing with Section 1596.90) of, Division 2 of the Health and Safety Code when serving children who do not participate in the After School Education and Safety Program (Article 22.5 (commencing with Section 8482) of Chapter 2 of Part 6 of Division 1 of Title 1), 21st Century Community Learning Centers (Article 22.6 (commencing with Section 8484.7) of Chapter 2 of Part 6 of Division 1 of Title 1), or the Expanded Learning Opportunities Program pursuant to this section. If multiple funding sources are used to serve pupils in an expanded learning opportunity program, a conflict in program requirements shall be resolved in favor of the funding source with the stricter requirements.

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(D) Nothing in this section **exempts an expanded learning opportunity program** operating pursuant to this section from **complying with the child daycare facility license requirements** set forth in Chapter 3.4 (commencing with Section 1596.70) of, and Chapter 3.5 (commencing with Section 1596.90) of, Division 2 of the Health and Safety Code when **serving children who do not participate in**

- the **After School Education and Safety Program** (Article 22.5 (commencing with Section 8482) of Chapter 2 of Part 6 of Division 1 of Title 1),
- **21st Century Community Learning Centers** (Article 22.6 (commencing with Section 8484.7) of Chapter 2 of Part 6 of Division 1 of Title 1), or
- the **Expanded Learning Opportunities Program** pursuant to this section.

[HSC, Division 2, Chapter 3.4: California Child Day Care Act & Chapter 3.5: Day Care Centers](#)

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If **multiple funding sources are used** to serve pupils in an expanded learning opportunity program, a **conflict in program requirements shall be resolved in favor of the funding source with the stricter requirements.**

Note: this applies to **program** requirements, **not fiscal** requirements.