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THIRD READING

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Bill No: AB 2107  
Author: Pellerin (D)  
Amended: 5/26/26 in Senate  
Vote: 21

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SENATE EDUCATION COMMITTEE: 7-0, 6/3/26  
AYES: Pérez, Ochoa Bogh, Cabaldon, Choi, Cortese, Gonzalez, Reyes

ASSEMBLY FLOOR: 64-0, 4/9/26 (Consent) - See last page for vote

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**SUBJECT:** Expanded Learning Opportunities Program: offering access:  
unduplicated pupils

**SOURCE:** Author

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**DIGEST:** This bill requires school districts and charter schools participating in the Expanded Learning Opportunities Program (ELOP) that have an unduplicated pupil percentage (UPP) of 55% or higher to prioritize offering access to unduplicated pupils in ELOP programs, which may include, but is not limited to, specialized outreach to the parents and guardians of unduplicated pupils and providing assistance with enrollment of unduplicated pupils.

**ANALYSIS:**

Existing law:

- 1) Defines “expanded learning” as before school, after school, summer, or intersession learning programs that focus on developing the academic, social, emotional, and physical needs and interests of students through hands-on, engaging learning experiences. (Education Code (EC) § 8482.1)
- 2) Expresses the intent of the Legislature that expanded learning programs are pupil-centered, results-driven, include community partners, and complement, but do not replicate, learning activities in the regular schoolday and school year. (EC § 8482.1)

- 3) Defines “unduplicated pupil” as a pupil enrolled in a school district or a charter school who is either classified as an English learner, eligible for a free or reduced-price meal, or is a foster youth. Specifies that a school district’s or charter school’s UPP is calculated by dividing the enrollment of unduplicated pupils in the school district or charter school by the total enrollment in that school district or charter school. (EC § 42238.02)
- 4) Establishes the ELOP with the intent of the Legislature that all local educational agencies (LEAs) offer all unduplicated pupils in classroom-based instructional programs access to comprehensive after school and intersessional expanded learning opportunities. (EC § 46120)
- 5) Defines, for the purposes of ELOP, the term “local educational agency” as a school district or charter school, excluding a charter school that submitted a petition directly to a board of education that would serve pupils for whom the county office of education would otherwise be responsible for providing direct education and related services. (EC § 46120)
- 6) Requires, commencing with the 2023-24 school year, as a condition of receipt of ELOP funding, the following:
  - a) That LEAs with a prior year UPP of 55% or more offer the program to all pupils in kindergarten through 6th grade and provide access to any pupil whose parent or guardian requests their placement in a program. These LEAs are known colloquially as “Tier 1” and receive an allocation equal to \$2,750 multiplied by the number of unduplicated pupils at an LEA.
  - b) That LEAs with a prior year UPP less than 55% offer the program to at least all unduplicated pupils and provide access to any unduplicated pupil whose parent or guardian requests their placement in a program. These LEAs are known colloquially as “Tier 2” and receive an allocation based on the amount of funding remaining after accounting for Tier 1 allotments.
  - c) That on schooldays, LEAs offer no less than 9 hours of combined instructional time, recess, meals, and expanded learning opportunities per instructional day, and that for at least 30 nonschooldays, LEAs offer

no less than 9 hours of in-person expanded learning opportunities per instructional day. (EC § 46120)

- 7) Requires LEAs to prioritize ELOP services at schoolsites in the lowest income communities, while maximizing the number of schools and neighborhoods with ELOP programs across their attendance area. (EC § 46120)
- 8) Defines the following terms:
  - a) “Offer access” means to recruit, advertise, publicize, or solicit through culturally and linguistically effective and appropriate communication channels.
  - b) “Provide access,” with respect to an “expanded learning opportunity program,” means to enroll in the expanded learning opportunity program. If a parent or guardian has a signed expanded learning opportunity program registration form and that form is on file, the pupil shall be considered enrolled in the expanded learning opportunity program. (EC § 46120)

This bill requires school districts and charter schools participating in the ELOP that have a UPP of 55% or higher to prioritize offering access to unduplicated pupils in ELOP programs, which may include, but is not limited to, specialized outreach to the parents and guardians of unduplicated pupils and providing assistance with enrollment of unduplicated pupils.

## Comments

- 1) *Need for the bill.* According to the author, “though local educational agencies’ entitlement amounts are based on the number of unduplicated pupils enrolled and the CDE advises that LEAs prioritize ELOP enrollment for these students, there is currently no explicit requirement that LEAs prioritize offering access to these pupils. While the majority of LEAs respect the intent of the law, stakeholders in the education space have identified instances where access has been offered to non-unduplicated students prior to being offered to unduplicated students.

To ensure that the legislative intent of the Expanded Learning Opportunities Program is fulfilled, AB 2107 clarifies that local education agencies are required to prioritize offering access to low-income students, English learners, and foster youth.”

- 2) *Differences between Tier 1 LEAs and Tier 2 LEAs for ELOP relating to funding rates and program requirements.* Though this bill makes changes to ELOP for Tier 1 LEAs specifically, statute establishes two funding rates for ELOP that vary based on an LEA's percentage of unduplicated pupils, also known as UPP:
- a) Tier 1 LEAs are defined as having a UPP that is 55% or higher, and they receive a rate of \$2,750 per unduplicated pupil. Tier 1 LEAs are required to offer ELOP to all TK-6 pupils and provide access to any pupil whose parent or guardian requests placement in the program.
  - b) Tier 2 LEAs are defined as having a UPP lower than 55%, and they receive an allocation based on the amount of funding remaining after accounting for Tier 1 allotments. Tier 2 LEAs are required to offer the program to at least all unduplicated pupils and provide access to any unduplicated pupils whose parent or guardian requests placement in the program. The 2026-27 Governor's Budget proposes to provide a guaranteed rate of at least \$1,800 per pupil for Tier 2 LEAs.
- 3) *Offering access vs. providing access.* Statute defines and creates distinctions between "offering access" and "providing access" for ELOP. *Offering access* generally refers to outreach, and means to "recruit, advertise, publicize, or solicit through culturally and linguistically effective and appropriate communication channels". This bill specifically aims to require Tier 1 LEAs to prioritize *offering access* to unduplicated pupils in ELOP programs, which may include, but is not limited to, specialized outreach to the parents and guardians of unduplicated pupils and providing assistance with enrollment of unduplicated pupils. This bill intends to ensure that unduplicated pupils in Tier 1 LEAs are aware of ELOP programs in their schools, including resources these pupils may use to access these programs.

*Providing access* generally refers to enrolling a student in ELOP, and if a parent or guardian has a signed ELOP registration form and that form is on file, the pupil shall be considered enrolled. However, the definition for providing access is specific to a signed registration form and does not reference children receiving ELOP services or care.

For Tier 1 LEAs, they are required to offer ELOP to all TK-6 pupils and to provide access to any pupil whose parent or guardian requests placement in

the program. Because providing access to any pupil means enrolling a student, but not necessarily providing services, California Department of Education (CDE) guidance explicitly specifies that LEAs should be prioritizing enrollment for unduplicated pupils. However, given the discrepancy between enrolling and serving pupils, CDE has shared that they have received some complaints from parents reporting that, despite having a signed enrollment form on file with their LEA, their unduplicated children have been placed on a program waitlist while non-unduplicated pupils have been offered spots. CDE has also stated that other complaints indicate that unduplicated pupils are being placed at the bottom of a waitlist once capacity is reached. However, CDE was unable to provide the number of complaints it received on this topic, or any other characteristics about the situation from which these complaints originated. According to some stakeholders, this issue exists but may not be widespread.

### **Related/Prior Legislation**

AB 121 (Committee on Budget, Chapter 8, Statutes of 2025), commencing with the 2025-26 school year, lowers the UPP requirements for Tier 1 LEAs from 75% to 55% and doubles the minimum ELOP funding for LEAs to \$100,000 in a fiscal year.

AB 181 (Committee on Budget, Chapter 52, Statutes of 2022), commencing with the 2023-24 school year, and as a condition of receipt of ELOP funds, LEAs with a calculated UPP less than 75% (Tier 2 LEAs) shall offer to at least all unduplicated pupils in K-6 classroom-based instructional programs access to ELOP, and shall provide access to any unduplicated pupil whose parent or guardian requests their placement in a program.

AB 130 (Committee on Budget, Chapter 44, Statutes of 2021) establishes the ELOP and appropriates \$753 million for allocation to specified school districts and charter schools serving a high proportion of unduplicated pupils. Requires, upon receipt of funding for this purpose, specified schools serving pupils in kindergarten through grade 6 to provide at least 50% of unduplicated pupils with ELOP for a minimum of 9 hours of combined in-person instruction and expanded learning opportunities on school days and no less than 9 hours of expanded learning opportunities per day for at least 30 non-schooldays during summer and intersessional periods.

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: No Local: No

**SUPPORT:** (Verified 6/4/26)

Alameda County Office of Education  
California Association for Bilingual Education  
Delta Kappa Gamma California  
Partnership for Children and Youth

**OPPOSITION:** (Verified 6/4/26)

None received

**ASSEMBLY FLOOR:** 64-0, 4/9/26

**AYES:** Aguiar-Curry, Ahrens, Alanis, Alvarez, Bains, Berman, Boerner, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Fong, Gabriel, Garcia, Gipson, Mark González, Hadwick, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Rivas

**NO VOTE RECORDED:** Addis, Arambula, Ávila Farías, Bauer-Kahan, Bennett, Bonta, Bryan, Flora, Gallagher, Jeff Gonzalez, Haney, Kalra, Ortega, Celeste Rodriguez, Schultz, Zbur

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6/8/26 16:04:26

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