

Legal Assurances

Consolidated Application Legal Assurances for fiscal year 2016-17.

The applicant agency, by signature of its authorized representative (district superintendent or designee) on the first page of the Consolidated Application, hereby assures the California State Board of Education that the agency will adhere to the following legal assurances.

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Last Reviewed: Wednesday, May 18, 2016

General Assurances 2016-17

General assurances and certifications required for grants supported by state or federal funds in 2016-17.

1. Programs and services are and will be in compliance with Title VI and Title VII of the Civil Rights Act of 1964; the California Fair Employment Practices Act, Government Code §11135; and Chapter 1, Subchapter 4 (commencing with §30) of Division I of Title 5, California Code of Regulations (5 CCR)
2. Programs and services are and will be in compliance with Title IX (nondiscrimination on the basis of sex) of the Education Amendments of 1972. Each program or activity conducted by the local educational agency (LEA) will be conducted in compliance with the provisions of Chapter 2, (commencing with §200), Prohibition of Discrimination on the Basis of Sex, of Part 1 of Division 1 of Title I of the California Education Code (EC), as well as all other applicable provisions of state law prohibiting discrimination on the basis of sex.
3. Programs and services are and will be in compliance with the affirmative action provisions of the Education Amendments of 1972.
4. Programs and services are and will be in compliance with the Age Discrimination Act of 1975.
5. Programs and services for individuals with disabilities are in compliance with the disability laws. (Public Law (PL) 105-17; 34 Code of Federal Regulations (34 CFR) 300, 303; and Section 504 of the Rehabilitation Act of 1973)
6. When federal funds are made available, they will be used to supplement the amount of state and local funds that would, in the absence of such federal funds, be made available for the uses specified in the state plan, and in no case supplant such state or local funds. (20 United States Code (USC) §6321(b)(1); PL 107-110 §1120A(b)(1))
7. All state and federal statutes, regulations, program plans, and applications appropriate to each program under which federal or state funds are made available through this application will be met by the applicant agency in its administration of each program.
8. Schoolsite councils have developed and approved a Single Plan for Student Achievement (SPSA) for schools participating in programs funded through the consolidated application process, and any other school program they choose to include, and that school plans were developed with the review, certification, and advice of any applicable school advisory committees. (EC §64001)
9. The LEA will use fiscal control and fund accounting procedures that will ensure proper disbursement for state and federal funds paid to that agency under each program. (5 CCR, §4202)
10. The LEA will make reports to the state agency or board and to the Secretary of Education as may reasonably be necessary to enable the state agency or board and the Secretary to perform their duties and will maintain such records and provide access to those records as the state agency or board or the Secretary deems necessary. Such records will include, but will not be limited to, records which fully disclose the amount and disposition by the recipient of those funds, the total cost of the activity for which the funds are used, the

share of that cost provided from other sources, and such other records as will facilitate an effective audit. The recipient shall maintain such records for three years after the completion of the activities for which the funds are used. (34 CFR 76.722, 76.730, 76.731, 76.734, 76.760; 2 CFR 200.333)

11. The local governing board has adopted written procedures to ensure prompt response to complaints within 60 days, and has disseminated these procedures to students, employees, parents or guardians, district/school advisory committees, appropriate private school officials or representatives, and other interested parties. (5 CCR, §4600 et seq.)
12. The LEA declares that it neither uses nor will use federal funds for lobbying activities and hereby complies with the certification requirements of 34 CFR Part 82.
13. The LEA has complied with the certification requirements under 34 CFR Part 84 regarding debarment, suspension and other requirements for a drug-free workplace. (34 CFR Part 84)
14. The LEA provides reasonable opportunity for public comment on the application and considers such comment. (20 USC §7846(a)(7); 20 USC, §1118(b)(4); PL 107-110, §1118(b)(4))
15. The LEA will provide the certification on constitutionally protected prayer that is required by PL 107-110, §9524 and 20 USC §7904.
16. The LEA administers all funds and property related to programs funded through the Consolidated Application. (20 USC §6320(d)(1); PL 107-110, §1120(d)(1))
17. The LEA will adopt and use proper methods of administering each program including enforcement of any obligations imposed by law on agencies responsible for carrying out programs and correction of deficiencies in program operations identified through audits, monitoring or evaluation. (20 USC §7846 (a)(3)(B))
18. The LEA will participate in the Smarter Balanced Assessment Consortium program. (20 USC §6316(a)(1)(A-D); PL 107-110, §1116(a)(1)(A-D); EC §60640, et seq.)
19. The LEA assures that classroom teachers who are being assisted by instructional assistants retain their responsibility for the instruction and supervision of the students in their charge. (EC §45344(a))
20. The LEA governing board has adopted a policy on parent involvement that is consistent with the purposes and goals of *EC* Section 11502. These include all of the following: (a) to engage parents positively in their children's education by helping parents to develop skills to use at home that support their children's academic efforts at school and their children's development as responsible future members of our society; (b) to inform parents that they can directly affect the success of their children's learning, by providing parents with techniques and strategies that they may utilize to improve their children's academic success and to assist their children in learning at home; (c) to build consistent and effective communication between the home and the school so that parents may know when and how to assist their children in support of classroom learning activities; (d) to train teachers and administrators to communicate effectively with parents; and (e) to integrate parent involvement programs, including compliance with this chapter, into the school's master plan for academic accountability. (EC §§11502, 11504)
21. Results of an annual evaluation demonstrate that the LEA and each participating school are implementing Consolidated Programs that are not of low effectiveness, under criteria established by the local governing board. (5 CCR §3942)

22. The program using consolidated programs funds does not isolate or segregate students on the basis of race, ethnicity, religion, sex, sexual orientation or socioeconomic status. (USC, Fourteenth Amendment; Calif. Constitution, art. 1, §7; Gov.C §§11135-11138; 42 USC §2000d; 5 CCR, §3934)
23. Personnel, contracts, materials, supplies, and equipment purchased with Consolidated Program funds supplement the basic education program. (EC §§62002)
24. At least 85 percent of the funds for School Improvement Programs, Title I, Title VI and Economic Impact Aid (State Compensatory Education and programs for English learners) are spent for direct services to students. One hundred percent of Miller-Unruh apportionments are spent for the salary of specialist reading teachers. (EC §63001; 5 CCR, §3944(a)(b))
25. State and federal categorical funds will be allocated to continuation schools in the same manner as to comprehensive schools, to the maximum extent permitted by state and federal laws and regulations. (EC §48438)
26. Programs and services are and will be in compliance with Section 8355 of the California Government Code and the Drug-Free Workplace Act of 1988, and implemented at CFR Part 84, Subpart F, for grantees, as defined at 34 CFR Part 84, Sections 84.105 and 84.110.
27. Federal grant recipients, sub recipients and their grant personnel are prohibited from text messaging while driving a government owned vehicle, or while driving their own privately owned vehicle during official grant business, or from using government supplied electronic equipment to text message or email when driving. Recipients must comply with these conditions under Executive Order 13513, "Federal Leadership On Reducing Text Messaging While Driving," October 1, 2009.

ESEA, Title I, Part A General Assurances

Consolidated Application Elementary and Secondary Education Act (ESEA) General Assurances, Title I, Part A for fiscal year 2016-17.

Elementary and Secondary Education Act (ESEA): General Assurances

1. Except as otherwise provided, the local educational agency (LEA) will ensure that Title I schools are provided with State and local services that, taken as a whole, are at least comparable to that in schools that are not receiving Title I, Part A funds. If the LEA is providing Title I, Part A services to all of its schools, the LEA ensures that State and local funds provided to all of its schools, taken as a whole, are at least comparable in each school. (20 United States Code (USC) §6321(c)(1)(A) and (B), (4), (5); Public Law (PL) 107-110, §1120A(c)(1)(A) and (B), (4), (5))
2. The LEA has established and implemented specific policies to ensure the LEA has used State and local funds to provide comparable services in all its schools including, but not limited to, an LEA-wide salary schedule, a policy to ensure equivalence among schools in teachers, administrators, and other staff, and a policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies. The LEA shall not include staff salary differentials for years of employment when determining per pupil expenditures or instructional salaries per pupil of State and local funds. The LEA has developed procedures for compliance with comparability, annually performs comparability calculations to make adjustments, as necessary to make Title I schools comparable, and maintains updated records documenting the compliance. (20 USC §6321(c)(1)(A) and (B), (2)(A) and (B), (3); PL 107-110, §1120A(c)(1)(A) and (B), (2)(A) and (B), (3))
3. The LEA assures that it is in compliance with the disclosure requirements of the debarment and suspension regulations in the Federal Register 2 Code of Federal Regulations, Part 180 subparts F, G, and H.
4. An LEA that contracts with an organization as a provider of educational services will ensure that all publicly funded services to be delivered by the provider are secular, neutral, and non-ideological. (20 USC §6316(e)(5)(D); PL 107-110, §1116(e)(5)(D))
5. The LEA has adopted a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm or weapon to a school. (20 USC §7151)
6. Each LEA shall periodically review and, as necessary, revise its LEA Plan. (20 USC §6312(d)(3); PL 107-110, §1112 (d)(3))

Title I, Part A, and State Compensatory Education

Consolidated Application Elementary and Secondary Education Act (ESEA) Title I, Part A, and State Compensatory Education (SCE) legal assurances for fiscal year 2016-17.

ESEA, Title I, Part A, and State Compensatory Education

1. Each local educational agency (LEA) receiving Title I funds is allocating time and resources to coordinate and integrate services with Even Start, Head Start, Reading First, Early Reading First, and other preschool programs, as well as other educational services for students who are English Learners (EL), children with disabilities, homeless, migratory, American Indian and neglected and delinquent students, along with other health and welfare agencies, if appropriate. (20 United States Code (USC) §§6301(b)(11), 6311(a)(1), 6312(b)(1)(E); Public Law (PL) 107-110, §1112(b)(1)(E))
2. School eligibility is determined by district-wide criteria for Title I. (PL 107-110, §1113(b)(5), 1112(b)(G); California Education Code (EC) §62002; California Code of Regulations (CCR) Title 5, §4414)
3. Each Title I participant in a Targeted Assistance School Program (TAS) is identified as being most in need using consistently applied multiple objective educational criteria established by the LEA and supplemented by the school, except that children from preschool through grade two shall be selected solely on the basis of such criteria as teacher judgment, interviews with parents and developmentally appropriate measures. (20 USC §6315(b)(1)(B); PL107-110, §1115(b)(1)(B))
4. All students in a School-wide Program (SWP) Title I school are eligible for Title I services. A required comprehensive needs assessment of all the children enrolled in the school identifies the specific needs of the students, which must be addressed in the school plan. In order to be eligible to be a SWP school, not less than 40 percent of the students must be from low-income families. (20 USC §6314(a)(1)-(2)); (20 USC §6314(b)(1)(A))
5. The LEA will:
 - a. Work in conjunction with schools as each schoolsite council (SSC) develops their Single Plan for Student Achievement (SPSA) to include the specific requirements for either a TAS program or SWP and implement the SPSA. (20 USC §6312(c)(1)(C); (PL 107-110, §1112(c)(1)(C))
 - b. Provide for services to eligible migratory children and former migratory children. (20 USC §6312(b)(1)(J); (PL 107-110, §1112(b)(1)(J))
 - c. Implement programs and early intervention for the educationally disadvantaged students based on scientifically based research. (20 USC §6312(c)(1)(F); (PL 107-110, §1001(9))
 - d. Coordinate and collaborate as determined necessary with other agencies providing services to children, youth and families including health and social services. (20 USC §6312(c)(1)(K); (PL 107-110, §1112(c)(1)(K))

- e. Inform eligible schools and parents operating a schoolwide program of its ability to consolidate federal funds and coordinate state or local resources. (20 USC §6312(c)(1)(A); (PL 107-110 §1112(c)(1)(A))
 - f. Ensure that schools which operate schoolwide programs meet the Title I criteria. (20 USC §6314(a)(1); (PL 107-110, §1114(a)(1))
 - g. Spend, at a minimum, a per child amount of the state and local funds, as was present during the preceding fiscal year. (20 USC §6320 (a); (PL 107-110, §1120A(a))
6. For schools currently identified as program improvement (PI), the LEA agrees to report the following:
- a. the amount of funds available for alternative supports instead of providing public school choice (Choice) and supplemental educational services (SES);
 - b. the number of students who were eligible for alternative supports instead of providing Choice and SES;
 - c. the number of students who participated in alternative supports instead of providing Choice and SES.
- A school identified for PI will continue to implement improvement activities during the 2016-17 transition year to the Every Student Succeeds Act (ESSA).
7. The LEA is maintaining fiscal efforts on behalf of eligible children to ensure that these funds supplement the regular program and do not supplant the local efforts to educate eligible children. (20 USC §6321(a); PL 107-110, §1120(A)(a))
8. The LEA agrees to implement programs, activities, and procedures for the involvement of parents in programs assisted under and consistent with Title I, Part A requirements. Such programs, activities, and procedures shall be planned and implemented with meaningful consultation with parents of participating children. Each LEA shall develop jointly with, agree on with, and distribute to parents of participating children, a written parent involvement policy. The policy shall be incorporated into the LEA local plan and describe how the LEA will:
- a. Involve parents in the joint development of the local plan and the process of school review for PI schools under Section 1116;
 - b. Help schools to plan and implement effective parent involvement activities to improve student academic achievement and school performance;
 - c. Build the schools' and parents' capacity for strong parental involvement;
 - d. Coordinate and integrate parental involvement strategies under Part A and under other programs as specified;
 - e. Conduct with the involvement of parents, an annual evaluation of the content and effectiveness of the parental involvement policy and use the findings of the evaluation to design more effective parental involvement; and,
 - f. Involve parents in the activities of the Title I schools.
- Parents shall be notified of the policy in an understandable and uniform format and to the extent practicable, provided in a language the parents can understand. The policy shall be made available to the local community and updated periodically to meet the changing needs of parents and the school. (20 USC §6318(a)(1)(2)(A)-(F), §6318(b)(1); PL 107-110, §1118(a)(1)(2)(A)-(F), §1118(b)(1))
9. To ensure effective involvement of parents each LEA shall provide:

- a. Assistance to parents of children served by the school or LEA, in understanding topics such as the state's content standards and academic assessments, the parental involvement requirements of Section 1118, and how to monitor a child's progress and work with educators to improve the achievement of their children.
 - b. Materials and training to help parents work with their children to improve their children's achievement.
 - c. Training to teachers, counselors, principals and other staff in how to reach out to, communicate with, and work with parents as equal partners.
 - d. Ensure to the extent feasible, the coordination and integration of various parent involvement programs.
 - e. Ensure that information related to school and parent programs, meetings, and other activities is sent to the parents of participating children in a format and, to the extent practicable, in a language the parents can understand.
 - f. Other reasonable support for parental involvement activities as parents may request. (20 USC §6318(e); PL 107-110, §1118(e))

The LEA may also involve parents in activities as specified in Section 1118(e)(1)-(14). In carrying out the parent involvement requirements the LEA, to the extent practicable, shall provide full opportunities for the participation of parents with limited English proficiency, parent with disabilities, and parents of migratory children, including providing information and school reports required under Section 1111 in format and, to the extent practicable, in a language such parents understand. (20 USC §6318(f); PL 107-110, §1118(f))

The LEA will present in an understandable and uniform format and language that the parents can understand, the annual LEA and School Accountability Report Cards. (20 USC §6318(a)(1), §6318(b), §6318(e), §6318(f); PL 107-110, §1118(a)(1), §1118(b), §1118(e), §1118(f))

The LEA shall provide high-quality professional development to enable teachers to become highly effective classroom teachers. The LEA shall develop strategies for providing professional development for paraprofessionals, parents and other staff. (20 USC §6319(a)(2)(B), (h); PL 107-110, §1119(a)(2)(B), (h))
10. The LEA will ensure that all teachers working in Title I funded schools meet applicable state certification and licensure requirements. (20 USC §6312(c)(6))
 11. Paraprofessionals working in a program supported with ESEA funds must demonstrate through a local or state assessment that is appropriate to the responsibilities to be assigned to the paraprofessional, knowledge of, and ability to assist in, instructing reading writing, and mathematics. (20 USC 6312(c)(5)(6); EC § 45330(c)(3))
 12. The LEA will reserve such funds as are necessary under this part to provide services comparable to those provided to children in schools funded under this part to serve homeless children, children in local institutions for neglected children, and, if appropriate, children in local institutions for delinquent children, and neglected or delinquent children in community day school programs. (20 USC §6313(c)(3)(A)-(C); PL 107-110, §1113(c)(3)(A-C))
 13. The LEA has maintained fiscal effort. The combined fiscal effort per student or the aggregate expenditures of the LEA from state and local funds for free public education for the preceding year was not less than 90 percent of the combined fiscal effort or

aggregate expenditures for the second preceding year. (20 USC §7901; PL 107-110, Title XIV §14501(a))

14. The LEA will inform eligible schools of the LEA authority to obtain waivers on the school's behalf under Title IX and under the Education Flexibility Partnerships Act of 1999. (20 USC §6311(c)(12); PL 107-110, §1112(c)(1)(J))
15. Each LEA receiving Title I funds will assist each school served by the LEA in developing or identifying examples of high-quality, effective curricula. The LEA will provide services to each school served to ensure that all Title I students meet the state content and student performance standards, each school gives reasonable promise to provide substantial progress toward meeting the educational needs of compensatory education students, and that these services are designed and implemented in consultation with all appropriate staff and parents. (20 USC §6311(b)(8); (PL 107-110, §1112(c)(1)(O))
16. Each LEA will use the results of the student academic assessments required under section 1111(b)(3) to ensure that all students meet the state's proficient level of achievement. The LEA will ensure that the results from the academic assessments are provided to parents and teachers as soon as it is practically possible. (USC 20 §6312 (c)(1)(M)(N); PL 107-110, §1112(c)(1)(M)(N))

ESEA, Title I, Part A Targeted Assistance

Consolidated Application Elementary and Secondary Education Act (ESEA) Title I, Part A, Targeted Assistance Programs (TAS) legal assurances for fiscal year 2016-17.

ESEA, Title I, Part A, Targeted Assistance Programs

In general, each targeted assistance program section shall:

1. Use such program's resources under this part to help participating children meet such State's challenging student academic achievement standards expected for all children;
2. Ensure that planning for students served under this part is incorporated into existing school planning;
3. Use effective methods and instructional strategies that are based on scientifically based research that strengthens the core academic program of the school and that:
 - a. give primary consideration to providing extended learning time, such as an extended school year, before- and after-school, and summer programs and opportunities;
 - b. help provide an accelerated, high-quality curriculum, including applied learning; and
 - c. minimize removing children from the regular classroom during regular school hours for instruction provided under this part;
4. Coordinate with and support the regular education program, which may include services to assist preschool children in the transition from early childhood programs such as Head Start, Even Start, Early Reading First or State-run preschool programs to elementary school programs;
5. Provide instruction by qualified teachers;
6. Provide opportunities for professional development with resources provided under this part, and, to the extent practicable, from other sources, for teachers, principals, and paraprofessionals, including, if appropriate, pupil services personnel, parents, and other staff, who work with participating children in programs under this section or in the regular education program (in accordance with subsection (e)(3) and section 1119);
7. Provide strategies to increase parental involvement in accordance with section 1118, such as family literacy services; and
8. Coordinate and integrate Federal, State, and local services and programs, including programs supported under this Act, violence prevention programs, nutrition programs, housing programs, Head Start, adult education, vocational and technical education, and job training. (ESEA Section 1115 (c))

ESEA Title I, Part A, Schoolwide Programs

Consolidated Application Elementary and Secondary Education Act (ESEA) Title I, Part A, Schoolwide Programs legal assurances for fiscal year 2016-17.

ESEA, Title I, Part A, Schoolwide Programs

1. Each school participating in the schoolwide program services an eligible school attendance area in which not less than 40 percent of the children are low-income families. (20 United States Code (USC) §6314 (a)(1); Public Law (PL) 107-110, §1114(a)(1))
2. Each participating school has received high quality technical assistance and support from providers of assistance such as comprehensive technical center, regional laboratories, institutions of higher education, educational service agencies, or other local consortia. (20 USC §6314(b); PL 107-110, §1114(b))
3. Participating schools use funds only to supplement the amount of funds that would, in the absence of funds under this part, be made available from non-Federal sources for the school. (20 USC §6314(a)(2)(B); PL 107-110, §1114(a)(2)(B))
4. Each schoolwide program includes the following components:
 - a. A comprehensive needs assessment of the entire school (including taking into account the needs of migratory children as defined in Section 1309(2)) that is based on information that includes the achievement of children in relation to the State academic content standards and the State student academic achievement standards described in Section 1111(b)(1).
 - b. Schoolwide reform strategies that –
 - provide opportunities for all children to meet the State’s proficient and advanced levels of student academic achievement described in Section 1111(b)(1)(D);
 - use effective methods instructional strategies that are based on scientifically based research, that:
 - strengthen the core academic program in the school;
 - increase the amount and quality of learning time, such as providing an extended school year and before- and after-school and summer programs and opportunities, and help provide an enriched and accelerated curriculum; and
 - include strategies for meeting the educational needs of historically underserved populations;
 - include strategies to address the needs of all children in the school, but particularly the needs of low-achieving children and those at risk of not meeting the state student academic achievement standards who are members of the target population of any program that is included in the schoolwide program, which may include counseling, pupil services, and mentoring services; college and career awareness and preparation, such as college and career guidance, personal finance education, and innovative teaching methods, which may include applied learning and team-teaching strategies; and the integration of vocational and technical education

programs; and address how the school will determine if such needs have been met; and are consistent with, and are designed to implement, the state and local improvement plans, if any.

- c. Instruction by qualified teachers.
- d. In accordance with Section 1119 and subsection (a)(4), high-quality and ongoing professional development for teachers, principals, and paraprofessionals and, if appropriate, pupil services personnel, parents, and other staff to enable all children in the school to meet the State's student academic achievement standards.
- e. Strategies to attract quality teachers to high-need schools.
- f. Strategies to increase parental involvement in accordance with Section 1118, such as family literacy services.
- g. Plans for assisting preschool children in the transition from early childhood programs, such as Head Start, Even Start, Early Reading First, or a State-run preschool program, to local elementary school programs.
- h. Measures to include teachers in the decisions regarding the use of academic assessments described in Section 1111(b)(3) in order to provide information on, and to improve, the achievement of individual students and the overall instructional program.
- i. Activities to ensure that students who experience difficulty mastering the proficient or advanced levels of academic achievement standards required by Section 1111(b)(1) shall be provided with effective, timely additional assistance which shall include measures to ensure that students' difficulties are identified on a timely basis and to provide sufficient information on which to base effective assistance.
- j. Coordination and integration of federal, state, and local services and programs, including programs supported under this Act, violence prevention programs, nutrition programs, housing programs, Head Start, adult education, vocational and technical education, and job training.
- k. A participating school in consultation with the local educational agency and its technical assistance provider shall develop a comprehensive plan for reforming the total instructional program in the school.
- l. The school maintains a schoolwide process of developing improvement plans that are broadly reflective of the socio-economic composition of the school attendance area, principals, teachers, other school personnel, parents, and members of the community in the development of school improvement plans (including taking into account the needs of migratory children as defined in section 1909(2)). The school plan describes improvement efforts related to instruction, auxiliary services, school environment, and organization. (20 USC §6314(b)(1)(A-J); PL 107-110, §1114(b)(1)(A-J))

ESEA Title I, Part A, Title X, Part C

Homeless

Consolidated Application Elementary and Secondary Education Act (ESEA) Title I, Part A, Title X, Part C Education of Homeless Children and Youths legal assurances for fiscal year 2016-17.

ESEA, Title I, Part A, Title X, Part C, Education for Homeless Children and Youths

1. The local educational agency (LEA) shall reserve Title I, Part A funds to provide comparable services to homeless children and youths that assist them to effectively take advantage of educational opportunities as provided to children in schools funded under Title I, Part A. These comparable services shall be provided to homeless children in public and private schools, shelters and other locations where children may live, institutions for neglected children and, where appropriate, local institutions such as local community day school programs. This reservation requirement is not formula driven. The LEA shall reserve funds as are necessary to provide comparable services. (20 United States Code (USC) §6313(c)(3)(A); Public Law (PL) 107-110, §1113(c)(3)(A))
2. LEAs will demonstrate coordination with the McKinney-Vento Homeless Assistance Act, Title X, Part C. (20 USC §6312(a)(1); PL 107-110, §1112(a)(1))
3. LEAs will adopt policies and practices to ensure that homeless children and youths are not stigmatized or segregated on the basis of their status as homeless. (42 USC §11432(g)(1)(J)(i); PL 107-110, §722(g)(1)(J)(i))
4. LEAs will designate an appropriate staff person as a LEA liaison for homeless children and youths, who will fulfill his/her required duties and ensure equal access to a free, appropriate public education for homeless children and youths. (42 USC 11432(g)(1)(J)(ii); PL 107-110, §722(g)(1)(J)(ii))
5. LEAs will adopt policies and practices to ensure that transportation is provided or arranged for homeless children and youths, at the request of the parent or guardian, to and from the school of origin for the duration of their homelessness. (42 USC §11432(g)(1)(J)(iii); PL 107-110, §722 (g)(1)(J)(iii))

ESEA, Private Nonprofit School Students

Consolidated Application Elementary and Secondary Education Act (ESEA), Participation of Private Nonprofit School Students legal assurances for fiscal year 2016-17.

ESEA, Participation of Private Nonprofit School Students

1. The local educational agency (LEA) shall, after timely and meaningful consultation with appropriate private school officials, provide to those children and their teachers or other educational personnel, on an equitable basis, special educational services or other benefits that address their needs under the following programs:
 - Title I, Part B (subparts 1 and 3) and C;
 - Title II, Parts A, B, and D;
 - Title III, Part A; and
 - Title IV, Parts A and B. (20 United States Code (USC) §9501 (b)(1)(A-H))
2. Educational services or other benefits, including materials and equipment, provided under this section, shall be secular, neutral, and nonideological. (20 USC §9501 (a)(2))
3. Educational services for private school children, teachers and other educational personnel shall be equitable in comparison to services and other benefits for public school children, teachers, and other educational personnel participating in the program and shall be provided in a timely manner. (20 USC §9501(a)(3))
4. Expenditures for educational services and other benefits for eligible private school children, their teachers, and other educational personnel shall be equal, taking into account the number and educational needs of the children to be served, to the expenditures for participating public school children. (20 USC §9501(a)(4))
5. The LEA may provide equitable services directly or through contracts with public and private agencies, organizations, and institutions. (20 USC §9501(a)(5))
6. To ensure timely and meaningful consultation, the LEA shall consult with appropriate private school officials during the design and development of programs under this part, on issues such as:
 - how the children's needs will be identified;
 - what services will be offered;
 - how, where, and by whom the services will be provided;
 - how the services will be assessed and how the results of that assessment will be used to improve those services;
 - the size and scope of the equitable services to be provided to the eligible private school children, teachers, and other educational personnel and the amount available for those services; and
 - how and when the agency will make decisions about the delivery of services, including a thorough consideration and analysis of the views of the private school officials on the provision of contract services through potential third-party providers. (20 USC §9501(c)(1))
7. If the agency disagrees with the views of the private school officials on the provision of services through a contract, the LEA will provide the private school officials a written

explanation of the reasons why the LEA has chosen not to use a contractor. (20 USC §9501 (c)(2))

8. The consultation required shall occur before the LEA makes any decision that affects the opportunities of eligible private school children, teachers, and other educational personnel to participate in programs under this Act, and shall continue throughout the implementation and assessment of activities under this section. (20 USC §9501 (c)(3))
9. The consultation required shall include a discussion of service delivery mechanisms that the agency could use to provide equitable services to equitable private school children, teachers, administrators and other staff. (20 USC §9501 (c)(4))
10. The control of funds used to provide equitable services, and title to materials, equipment, and property purchased with those funds, shall be in a public agency for the uses and purposes provided in this Act, and a public agency shall administer the funds and property. (20 USC §9501 (d)(1))
11. The provision of services under this section shall be provided, (i) by employees of a public agency; or (ii) through a contract by the public agency with an individual, association, agency, organization, or other entity. (20 USC §9501 (d)(2)(A))
12. In the provision of those services, the employee, person, association, agency, organization or other entity shall be independent of the private school and of any religious organization, and the employment or contact shall be under the control and supervision of the public agency. (20 USC §9501 (d)(2)(B))
13. Funds used to provide services under this section shall not be commingled with non-federal funds. (20 USC §9501 (d)(2)(C))

ESEA, Title II, Part A High Quality Teachers

Consolidated Application Elementary and Secondary Education Act (ESEA), Title II, Part A High Quality Teachers and Principals legal assurances for fiscal year 2016-17.

ESEA, Title II, Part A, Preparing, Training, and Recruiting High Quality Teachers and Principals

1. The local educational agency (LEA) conducted a comprehensive and collaborative needs assessment that involved teachers, paraprofessionals, principals, parents and other relevant school personnel. The results are used to create a plan that increases the number of qualified teachers in every classroom in core academic subjects, increases the percentage of teachers participating in high quality professional development including training on effective instructional strategies, and use of State academic content standards and assessments. (20 United States Code (USC) §6622(c); Public Law (PL) 107-110, §2122(c))
2. The LEA will consult in a timely and meaningful way with appropriate officials at eligible private schools located in the LEA and, when requested, will provide teachers of those schools services or activities comparable to those provided to teachers in the public schools within the LEA. The LEA will maintain written affirmations signed by officials of each participating private school that the consultation has occurred. (20 USC §7881(a)(1),(3); PL 107-110, §9501(a)(1),(3))
3. The LEA plan, and authorized activities, targets Title II, Part A funds to schools that:
 - a. have the lowest proportion of qualified teachers;
 - b. have the largest average class size; or
 - c. are identified for school improvement. (20 USC §6622(b)(3)(C); PL 107-110, §2122(b)(3)(C))
4. The LEA will use funds to meet the requirements contained in Title II, Part A, and all other applicable provisions of the ESEA Reauthorization of 2001 and will submit necessary documentation of compliance with requirements upon request to the California Department of Education. (20 USC §6621; PL 107-110, §2121)

itle III, Language Instruction: LEP and Immigrant

Consolidated Application Elementary and Secondary Education Act (ESEA), Title III, Part A, Language Instruction for Limited English Proficient (LEP) and Immigrant Students legal assurances for fiscal year 2016-17.

ESEA, Title III, Part A, Language Instruction for English Learners (EL) and Immigrant Students

1. The local educational agency (LEA) will use ESEA, Title III, Part A, funds according to the purposes of the ESEA Act of 2001. (20 United States Code (USC) §6811; Public Law (PL) 107-110, §3102)
2. ESEA, Title III, Part A, funds shall be used so as to supplement the level of Federal, State, and local public funds that, in the absence of such availability, would have been expended for programs for EL children and immigrant children and youth and in no case to supplant such federal, state, and local public funds. (20 USC §6825(g); PL 107-110, §3115(g))
3. The LEA will develop and submit to the California Department of Education an LEA Plan inclusive of all elements required by the state and ESEA, Title III, Part A, Section 3116. (20 USC §6826; PL 107-110, §3116). The LEA must annually review and update the LEA Plan, Goal 2. The annual LEA Plan, Goal 2 must include a budget. Any revisions and updates should be approved by the local school board and kept on file with the original plan

ESEA Title III, Part A, English Learners (EL)

Consolidated Application Elementary and Secondary Education Act (ESEA), Title III, Part A, English Learners legal assurances for fiscal year 2016-17.

ESEA, Title III Part A, EL

1. The local educational agency (LEA) may use no more than 2 percent of the EL student subgrant for administrative costs and indirect costs for a fiscal year. (20 United States Code (USC) §6825(b); Public Law (PL) 107-110, §3115(b))
2. The LEA will comply with ESEA, Title III, Part A, Section 3302 regarding parent notifications, prior to, and throughout, each school year. (20 USC §7012(b); PL 107-110, §3302)
3. The LEA annually will assess the English proficiency of all children identified as EL. (20 USC §6826 (b)(3)(C)); PL 107-110, §3116 (b)(3)(C))
4. The LEA will base its proposed plan under ESEA, Title III, Part A, on scientifically based research on teaching EL children. (20 USC §6825(a); PL 107-110, §3115(a))
5. The LEA ensures that the programs will enable EL children served under ESEA, Title III, Part A, to speak, read, write, and comprehend the English language and meet challenging state academic content and student academic achievement standards. (20 USC §6825(a); PL 107-110, §3115(a))
6. The LEA will comply with ESEA, Title III, Part A, §3122 (b) (1) Improvement status requirements. (PL 107-110, §3122 (b)(1)).
7. The LEA is responsible for ensuring that the Year 2 LEA Improvement Plan is developed, submitted and implemented expeditiously and inclusive of all elements required by the state and ESEA, Title III, Part A, Section 3122 b(2).
8. The LEA is responsible for ensuring that the Year 4 LEA Improvement Plan is developed, submitted and implemented expeditiously and inclusive of all elements required by the state and ESEA, Title III, Part A, Section 3122 b(4).
9. The LEA is not in violation of any State law, including State constitutional law, regarding the education of EL children, consistent with ESEA, Title III, Part A, sections 3126 and 3127. (20 USC §6826(d)(5); PL 107-110, §3116(d)(5))
10. The LEA shall provide the California Department of Education with an evaluation every fiscal year addressing all elements under ESEA, Title III, Part A. (20 USC §6841(a); PL 107-110, §3121(a)).

Title III, Instructional Opportunities: Immigrant

Consolidated Application Elementary and Secondary Education Act (ESEA), Title III, Part A, Instructional Opportunities for Immigrant Children and Youth legal assurances for fiscal year 2016-17.

ESEA, Title III Part A, Instructional Opportunities for Immigrant Children & Youth

1. Each local educational agency (LEA) receiving funds under ESEA, Title III, Part A Section 3114(d)(1) shall use the funds to pay for activities that provide enhanced instructional opportunities for immigrant children and youth, which may include:
 - a. Family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;
 - b. Support for personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;
 - c. Provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth;
 - d. Identification and acquisition of curricular materials, educational software, and technologies to be used in the program carried out with funds;
 - e. Basic instruction services that are directly attributable to the presence of immigrant children and youth in the school district, including the costs of providing additional classroom supplies, costs of transportation, or other costs which are directly attributable to instruction services of immigrant students;
 - f. Other instruction services that are designed to assist immigrant children and youth to achieve in elementary and secondary schools in the United States, such as programs of introduction to the educational system and civics education; and
 - g. Activities, coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents of immigrant children and youth by offering comprehensive community services. (20 United States Code §3115(e); Public Law 107-110 §3115(e))
2. LEAs are authorized to assess costs for administration of the Title III Immigrant Education Student Subgrant Program, which include the assessment of indirect costs up to the approved indirect cost rate. A list of California's approved indirect cost rates is available on the California Department of Education [Indirect Cost Rates \(ICR\)](#) Web page.
3. The LEA is authorized to assess costs for administration that are necessary and reasonable for proper and efficient performance and administration of Federal awards (Appendix A subsection C.1(a) and C.2(a) of 2 *Code of Federal Regulations* part 225, Cost Principles for State, Local, and Indian Tribal Governments [Uniform Guidance, Subpart E]).

4. Administrative costs include both direct and indirect costs. Administrative costs are any costs, indirect or direct, that are administrative in nature and support the management of a program. (California School Accounting Manual Procedure 915)
5. For LEAs who consolidate administrative funds, the maximum amount available for administrative costs is what is reasonable and necessary for the proper and efficient administration of the programs, (California School Accounting Manual Procedure 780).

State Program for English Learners

Consolidated Application State Program for English Learners legal assurances for fiscal year 2016-17.

State Program for English Learners

1. A Home Language Survey (HLS) is used at the time of initial enrollment to determine the student's primary language, and within 30 calendar days of initial enrollment, each student whose HLS indicates a language other than English, has been assessed for English proficiency by means of the state-designated instrument California English-Language Development Test (CELDT). The provision of these services is not contingent upon the receipt of state or federal categorical assistance funds. (20 United States Code (USC) §6312(g); California Education Code (EC) §62002, §52164; 5 California Code of Regulations (CCR) §11307, §11511; EC §52164.1 (a)(b)(c); 5 CCR §11307(a))
2. All parents of English learners (EL) and fluent English proficient (FEP) students have been notified in writing of their child's English language proficiency assessment results. (EC §52164.1(c))
3. Each EL receives a program of instruction in English-language development in order to develop proficiency in English as effectively and efficiently as possible. (20 USC §1703(f), §6825(c)(1)(A); EC §300, §305, §306, §310; 5 CCR §11302(a); *Castañeda v. Pickard* (5th Circuit (Cir.) 1981) 648 F.2d 989, 1009-1011)
4. All ELs are receiving access to the local educational agency's (LEA's) content and performance standards for their respective grade levels or the LEA has a plan that describes how academic deficits will be monitored and overcome within a reasonable time before such deficits become irreparable. (20 USC §1703(f), §6312 (c)(1)(M), §6825(c)(1)(B); EC §306, 5 CCR §11302(b); *Castañeda v. Pickard* (5th Cir. 1981) 648 F.2d 989, 1009-1011)
5. The LEA has established and implemented procedures for parental exception waivers for student program choice as required by law. (EC §310, §311; 20 USC §6312(g)(1)(A); 5 CCR §11309(a)).
6. The Individualized Education Program (IEP) team determines placement of each Special Education student, regardless of language proficiency. No provision of an IEP requires a parental exception waiver under this section.
7. Parents and guardians of ELs have been notified of the opportunity to apply for a parental exception waiver. (EC §310, §311; 5 CCR §11309(a))
8. The LEA has assigned an adequate number of qualified teachers to implement the required English-language development instruction and all other academic areas of the curriculum: (20 USC §6319(a)(1); EC §44253.1, §44253.2, §44253.3, §44253.10; *Castañeda v. Pickard* (5th Cir. 1981) 648 F.2d 989, 1009-1011)
9. The LEA provides a staff development program to qualify existing and future personnel (both teachers and paraprofessionals) in the skills necessary to help each English learner learn English and access the core curriculum. (20 USC §682 (c)(2)(b)(c)(d); *Castañeda v. Pickard* (5th Cir. 1981) 648 F.2d, 989, 1009-1011)

10. There are adequate basic and supplemental resources to provide each EL with learning opportunities in an appropriate program to provide equal opportunity for academic achievement across the core curriculum, including classes necessary to complete graduation requirements. (20 USC §1703(f); *Castañeda v. Pickard* (5th Cir. 1981) 648 F.2d 989, 1010, 1012-1013)
11. Reclassification: Consistent and verifiable criteria to change a student's designation from EL to FEP status have been established by the district if ELs are enrolled. Each former EL who has been redesignated to FEP has:
 1. demonstrated English language proficiency comparable to that of the average native speakers; and
 2. can participate equally with average native speakers in the school's regular instructional program. (20 USC §1703(f); *Gomez v. Illinois State Board of Education* (7th Cir. 1987) 811 F.2d 1030, 1041-1042, *Castañeda v. Pickard* (5th Cir. 1981) 648 F.2d 989, 1010, 1012-1014); and *Keyes v. School Dist. No. 1* (D. Colo. 1983) 576 F. Supp. §§1503, 1516-1522; 5 CCR §11303)
12. The LEA has met the requirements of EC §62002.5 regarding the advisory functions of the LEA and school committees on services for ELs. (EC §62002.5; 5 CCR §4312)
13. The LEA has established and implemented a process and criteria to determine the effectiveness of the program(s) for ELs. (20 USC §1703(f), 6841; *Castañeda v. Pickard* (5th Cir. 1981) 648 F.2d 989, 1009-1011)