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General Assurances 2017-18

General Assurances and Certifications required for grants supported by state or federal funds in 2017-18.

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 11 §1118(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, §6318; PL 111-95, §1116(b)(4))
15. The LEA will provide the certification on constitutionally protected prayer that is required by PL 11-95, §8524 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 11-95, §1117(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); PL 114-95, §8306)
18. The LEA will participate in the California Assessment of Student Performance and Progress. 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. (United States Constitution, Fourteenth Amendment; California Constitution, Article 1, §7; California Government Code §§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.
28. The Federal grant sub recipient has complied with the Federal Funding Accountability and Transparency Act, as defined in CFR Part 25 (PL 109-282; PL 110-252) regarding the establishment of a Data Universal Numbering System (DUNS) number and maintaining a current/active registration in the System for Award Management Web page at <https://www.sam.gov/portal/SAM/#1>.

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Last Reviewed: Friday, June 9, 2017



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ESEA, Title I, Part A General Assurances

Consolidated Application Elementary and Secondary Education Act (ESEA) General Assurances, Title I, Part A for fiscal year 2017-18.

Elementary and Secondary Education Act (ESEA), Title I, Part A: 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; Public Law (PL) 114-95, §1118)
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; PL 114-95, §1118(c)(2))
3. 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 §6320; PL 114-95, §1117(c)(2))
4. The 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 §6320; PL 114-95, §1117(c)(2))
5. Each LEA shall periodically review and, as necessary, revise its Plan. (20 USC §6312; PL 114-95, §1112(a)(5))

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ESEA, Title I, Part A, LEA Plan Assurances

Consolidated Application Elementary and Secondary Education Act (ESEA) Title I, Part A Local Educational Agency (LEA) Plan Assurances for fiscal year 2017-18.

Elementary and Secondary Education Act, Title I, Part A, Local Educational Agency Plan Assurances

Each local educational agency (LEA) plan shall provide assurances that the LEA will—

1. Ensure that migratory children and formerly migratory children who are eligible to receive services under this part are selected to receive such services on the same basis as other children who are selected to receive services under this part.
2. Provide services to eligible children attending private elementary schools and secondary schools in accordance with ESEA §1117, and timely and meaningful consultation with private school officials regarding such services.
3. Participate, if selected, in the National Assessment of Educational Progress in reading and mathematics in grades 4 and 8 carried out under section 303(b)(3) of the National Assessment of Educational Progress Authorization Act. (20 United States Code (USC) §9622(b)(3))
4. Coordinate and integrate services provided under this part with other educational services at the LEA or individual school level, such as services for English learners, children with disabilities, migratory children, American Indian, Alaska Native, and Native Hawaiian children, and homeless children and youths, in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the instructional program.
5. Collaborate with the state or local child welfare agency to—
 - a. designate a point of contact if the corresponding child welfare agency notifies the LEA, in writing, that the agency has designated an employee to serve as a point of contact for the LEA; and
 - b. by not later than 1 year after the date of enactment of the Every Student Succeeds Act, develop and implement clear written procedures governing how transportation to maintain children in foster care in their school of origin when in their best interest will be provided, arranged, and funded for the duration of the time in foster care, which procedures shall—
 - i. ensure that children in foster care needing transportation to the school of origin will promptly receive transportation in a cost-effective manner and in accordance with section 475(4)(A) of the Social Security Act (42 USC §675(4)(A)); and

- ii. ensure that, if there are additional costs incurred in providing transportation to maintain children in foster care in their schools of origin, the LEA will provide transportation to the school of origin if;
 - A. the local child welfare agency agrees to reimburse the LEA for the cost of such transportation;
 - B. the LEA agrees to pay for the cost of such transportation; or
 - C. the LEA and the local child welfare agency agree to share the cost of such transportation.
- 6. Ensure that all teachers and paraprofessionals working in a program supported with funds under this part meet applicable state certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification.
- 7. In the case of an LEA that chooses to use funds under this part to provide early childhood education services to low-income children below the age of compulsory school attendance, ensure that such services comply with the performance standards established under section 641A(a) of the Head Start Act. (42 USC §9836a(a)) (20 USC §6312(c); Public Law 114-95; §1112(c))

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ESEA LEA Plan General Assurances

Consolidated Application Elementary and Secondary Education Act (ESEA) Local Educational Agency (LEA) Plan General Assurances for fiscal year 2017-18.

ESEA, LEA Plan General Assurances

Any applicant, other than a State educational agency (SEA) that submits plan or application under this Act, shall have on file with the SEA a single set of assurances, applicable to each program for which a plan or application is submitted, that provides that—

1. Each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications.
2. (a) The control of funds provided under each such program and title to property acquired with program funds will be in a public agency or in an eligible private agency, institution, organization, or Indian tribe, if the law authorizing the program provides for assistance to those entities; and
(b) The public agency, eligible private agency, institution, or organization, or Indian tribe will administer the funds and property to the extent required by the authorizing statutes.
3. The applicant will adopt and use proper methods of administering each such program, including—
 - a. The enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program; and
 - b. The correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation.
4. The applicant will cooperate in carrying out any evaluation of each such program conducted by or for the SEA, the Secretary, or other federal officials.
5. The applicant will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, federal funds paid to the applicant under each such program.
6. The applicant will—
 - a. Submit such reports to the SEA (which shall make the reports available to the Governor) and the Secretary as the SEA and Secretary may require to enable the SEA and the Secretary to perform their duties under each such program; and
 - b. Maintain such records, provide such information, and afford such access to the records as the SEA (after consultation with the Governor) or the Secretary may reasonably require to carry out the SEAs or the Secretary's duties. and

- 7. Before the application was submitted, the applicant afforded a reasonable opportunity for public comment on the application and considered such comment. (20 United States Code §7846, Public Law 114-95; §8306(a))

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Education for Children in Foster Care Assurances

Consolidated Application Elementary and Secondary Education Act (ESEA), Title I, Part A
Education for Children in Foster Care Assurances for fiscal year 2017-18.

ESEA, Title I, Part A, Education for Children in Foster Care

1. The local educational agency (LEA) will enroll foster youth or allow the foster youth to remain in their school of origin, unless a determination is made that it is not in the child's best interest to attend that school. Best interest factors include, but are not limited to, appropriateness of the current educational setting and proximity to the school in which the child is enrolled at the time of placement. (20 United States Code (USC) §6311; Public Law (PL) 114-95, §1111(g)(1)(E)(i))
2. LEAs will ensure that if a determination is made that it is not in the student's best interest to remain in the school of origin, the student will be immediately enrolled in a new school, even if the child is unable to produce records normally required for enrollment. (20 USC §6311; PL 114-95, §1111(g)(1)(E)(ii))
3. LEAs will immediately contact the school of origin to obtain relevant academic and other records. (20 USC §6311; PL 114-95, §1111(g)(1)(E)(iii))
4. LEAs will develop and implement clear written procedures governing how transportation to maintain students in foster care in their school of origin when in their best interest will be provided, arranged, and funded for the duration of their time in foster care, and ensure that students promptly receive that transportation. These transportation procedures must describe how this requirement will be met in the event of a dispute regarding which agency or agencies will pay any additional costs incurred in providing transportation, and must describe which agency or agencies will initially pay the additional costs so that transportation is provided promptly during the pendency of the dispute. (20 USC §6312; PL 114-95, §1112(c)(5); 34 Code of Federal Regulations §299.13(c)(1)(ii))
5. LEAs shall designate a point of contact (POC) if the corresponding child welfare agency notifies the LEA in writing that it has designated an employee to serve as a POC for the LEA. (20 USC §6311; PL 114-95, §1111(g)(1)(E)(iv))

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Title I, Part A Compensatory Education Assurances

Consolidated Application Elementary and Secondary Education Act (ESEA) Title I, Part A,
Compensatory Education legal assurances for fiscal year 2017-18.

ESEA, Title I, Part A, Compensatory Education

Each local educational agency (LEA) assures that it will—

1. Coordinate and integrate services provided under this part with other educational services at the LEA or individual school level, such as services for early childhood education programs including plans for the transition of participants in such programs to local elementary school programs, as well as services for English learners, children with disabilities, migratory children, American Indian, Alaska Native, and Native Hawaiian children, and homeless children and youths, in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the instructional program. (20 United States Code (USC) §6312; Public Law (PL) 114-95, §1112(b)(2)(8)(c)(4))
2. Ensure that all children receive a high-quality education, and close the achievement gap between children meeting the challenging State academic standards and those children who are not meeting such standards, and the LEA planning efforts shall describe the poverty criteria that will be used to select school attendance areas. (20 USC §6312; PL 114-95, §1112(b), 1112(b)(4))
3. Ensure that Title I Targeted Assistance School (TAS) Program students are identified as failing, or most at risk of failing, to meet the challenging State academic standards on the basis of multiple, educationally related, objective criteria established by the LEA and supplemented by the school, except that children from preschool through grade 2 shall be selected solely on the basis of criteria, including objective criteria, established by the LEA and supplemented by the school. (20 USC §6315; PL114-95, §1115(c)(B))
4. Ensure that all students in a Schoolwide Program (SWP) Title I school are eligible for Title I services and that 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; PL 114-95, §§1114(a)(1)(A), 1114(a)(1)(B), 1114(b)(6))
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 a SWP

- and implement the SPSA. (20 USC §6314; PL 114-95, §1114(b))
- b. Ensure that migratory children and former migratory children who are eligible to receive services under this part are selected to receive such services on the same basis as other children who are selected to receive services under this part. (20 USC §6312; PL 114-95, §1112(c)(1))
 - c. Address the needs of all children in the school, but particularly the needs of those at risk of not meeting the challenging State academic standards, through activities which may include counseling, school-based mental health programs, specialized instructional support services, mentoring services, and other strategies to improve students' skills outside the academic subject areas. (20 USC §6314; PL 114-95, §1114(b)(7)(A)(iii)(I))
 - d. Ensure that schools which operate SWP meet the Title I criteria or have received a waiver to do so from the State educational agency (SEA). A school that serves an eligible school attendance area in which less than 40 percent of the children are from low-income families, or a school for which less than 40 percent of the children enrolled in the school are from such families, may operate a SWP under this section if the school receives a waiver from the SEA to do so, after taking into account how a SWP will best serve the needs of the students in the school served under this part in improving academic achievement and other factors. (20 USC §6314; PL 114-95, §1114(a)(1)(B))
6. Ensure that funds made available under this title shall be used to supplement, and not supplant, non-federal funds that would otherwise be used for activities authorized under this title. (20 USC §6691; PL 114-95, §2301)
7. Conduct outreach to all parents and family members and implement programs, activities, and procedures for the involvement of parents and family members in programs assisted under this part consistent with this section. 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 and family members of participating children a written parent and family engagement policy. The policy shall establish the agency's expectations and objectives for meaningful parent and family involvement. (ESEA §1116(a)(1-2)) The LEA will:
- a. Involve parents and family members in the joint development of the LEA planning efforts and in the development of support and improvement plans. (ESEA §1116(a)(2)(A))
 - b. Provide the coordination, technical assistance, and other support necessary to assist and build the capacity of all participating schools within the LEA in planning and implementing effective parent and family involvement activities to improve student academic achievement and school performance. (ESEA §1116(a)(2)(B))
 - c. Coordinate and integrate parent and family engagement strategies under this part with parent and family engagement strategies, to the extent feasible and appropriate, with other relevant federal, state, and local laws and programs. (ESEA §1116(a)(2)(C))
 - d. Conduct, with the meaningful involvement of parents and family members, an annual evaluation of the content and effectiveness of the parent and family engagement policy in improving the academic quality of all schools served under this part. This includes identifying the following:
 - i. barriers to greater participation by parents in activities authorized by this section (with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial

- or ethnic minority background);
 - ii. the needs of parents and family members to assist with the learning of their children, including engaging with school personnel and teachers; and
 - iii. strategies to support successful school and family interactions. (ESEA §1116(a)(2)(D)(i-iii))
 - e. Use the findings of such evaluation to design evidence-based strategies for more effective parental involvement, and to revise it, if necessary. (ESEA §1116(a)(2)(E))
 - f. Each school served under this part shall jointly develop with, and distribute to, parents and family members of participating children a written parent and family engagement policy, agreed on by such parents, that shall describe the means for carrying out the requirements of subsections (c) through (f).
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. Such 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; PL 114-95, §1116(b)(1))
8. The LEA shall:
- a. Provide assistance to parents of children served by the school or LEA, as appropriate, in understanding such topics as the challenging State academic standards, state and local academic assessments, the requirements of this part, and how to monitor a child's progress and work with educators to improve the achievement of their children. (ESEA §1116(e)(1))
 - b. Provide materials and training to help parents to work with their children to improve their children's achievement, such as literacy training and using technology (including education about the harms of copyright piracy), as appropriate, to foster parental involvement. (ESEA §1116(e)(2))
 - c. Educate teachers, specialized instructional support personnel, principals and other school leaders, and other staff, with the assistance of parents, in the value and utility of contributions of parents, and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between parents and the school. (ESEA §1116(e)(3))
 - d. To the extent feasible and appropriate, coordinate and integrate parent involvement programs and activities with other federal, state, and local programs, including public preschool programs, and conduct other activities, such as parent resource centers, that encourage and support parents in more fully participating in the education of their children. (ESEA §1116(e)(4))
 - 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. (ESEA §1116(e)(5))
 - f. Provide such other reasonable support for parental involvement activities under this section as parents may request. (ESEA §1116(e)(14))
 - g. In carrying out the parent and family engagement requirements of this part LEAs and schools, to the extent practicable, shall provide opportunities for the informed participation of parents and family members (including parents and family members who have limited English proficiency, parents and family members with disabilities, and parents and family members of migratory children), including providing information and

school reports in a format and, to the extent practicable, in a language such parents understand. (ESEA §1116(f))

- h. Prepare and disseminate an annual LEA report card that includes information on such agency as a whole and each school served by the agency. Each LEA report card shall be presented in an understandable and uniform format, and to the extent practicable in a language that the parents can understand. (20 USC §6311; PL 114-95, §1111(2)(A))
[See page 52 of Every Student Succeeds Act]
9. Ensure that all teachers and paraprofessionals working in a program supported with Elementary and Secondary Education Act funds meet applicable state certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification. (20 USC §6311; PL 114-95, §1111(g)(2)(J))
10. 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 and youths, including providing educationally related support services to children in shelters and other locations where children may live, 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 114-95, §1113(c)(3)(A-C))
11. Maintain fiscal effort so that for a covered program for any fiscal year either the combined fiscal effort per student or the aggregate expenditures of the agency with respect to the provision of free public education for the preceding fiscal year was not less than 90 percent of the combined fiscal effort or aggregate expenditures for the second preceding fiscal year. (20 USC §7901; PL 114-95, §8521(a))
12. As a component of the school-level parent and family engagement policy, each school served under this part shall jointly develop with parents for all children served under this part a school-parent compact that among other items describes the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables the children served under this part to meet the challenging State academic standards, and the ways in which each parent will be responsible for supporting their children's learning. (20 USC §6318; PL 114-95, §1116(d)(1))
13. To ensure effective involvement of parents and to support a partnership among the school involved, parents, and the community to improve student academic achievement, each school and LEA assisted under this part shall provide assistance to parents of children served by the school or LEA, as appropriate, in understanding such topics as the challenging State academic standards, state and local academic assessments, the requirements of this part, and how to monitor a child's progress and work with educators to improve the achievement of their children. (USC 20 §6318; PL 114-95, §1116(e)(1))

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Title I, Part A Targeted Assistance Assurances

Consolidated Application Elementary and Secondary Education Act (ESEA) Title I, Part A, Targeted Assistance Programs (TAS) legal assurances for fiscal year 2017-18.

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 strengthens the core academic program of the school and that:
 - a. give primary consideration to providing expanded learning time, such as an extended school year, before- and after-school, and summer programs and opportunities; and
 - b. provide a schoolwide tiered model to prevent and address behavior problems, and early intervening services, coordinated with similar activities and services carried out under the Individuals and Disabilities Education Act. (20 United States Code (USC) 1400 et seq.)
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, the literacy program under subpart 2 of part B of Title II, or State-run preschool programs to elementary school programs.
5. Provide opportunities for professional development with resources provided under this part, and, to the extent practicable, from other sources, to teachers, principals, and paraprofessionals, including, if appropriate, specialized instructional support personnel and other school personnel, who work with participating children in programs under this section or in the regular education program (in accordance with ESEA §1115).
6. Provide strategies to increase parental involvement in accordance with ESEA §1116, such as family literacy services.
7. Coordinate and integrate federal, state, and local services and programs, including programs supported under ESEA, violence prevention programs, nutrition programs, housing programs, Head Start, adult education, vocational and technical education, and job training (ESEA §1111(d)). and
8. Provide to the local educational agency assurances that the school will:

- a. help provide an accelerated, high-quality curriculum, including applied learning;
- b. minimize removing children from the regular classroom during regular school hours for instruction provided under this part; and
- c. on an on-going basis, review the progress of eligible children and revise the Targeted Assistance School program under this section, if necessary, to provide additional assistance to enable such children to meet the challenging State academic standards.

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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 2017-18.

ESEA, Title I, Part A, Schoolwide Programs

1. Each school participating in the Schoolwide Program (SWP) services an eligible school attendance area in which not less than 40 percent of the children are from low-income families, or has obtained a schoolwide waiver from the State educational agency (SEA). (20 United States Code (USC) §6314 (a)(1); Public Law (PL) 114-95, §1114(a)(1))
2. Each participating school has developed its SWP Plan during a 1-year period unless the local educational agency (LEA), in consultation with the school, determines less time is needed. (20 USC §6314(b); PL 114-95, §1114(b)(1))
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 114-95, §1114(a)(2)(B))
4. Each SWP includes the following components:
 - a. A comprehensive needs assessment of the entire school that takes into account information on the academic achievement of children in relation to the challenging State academic standards, particularly the needs of those children who are failing, or are at-risk of failing, to meet the challenging State academic standards and any other factors as determined by the LEA. (20 USC §6314); PL 114-95, §1114(b)(6))
 - b. Schoolwide reform strategies that:
 - i. provide opportunities for all children, including each of the subgroups of students (as defined in ESEA §1111(c)(2)) to meet the challenging State academic standards;
 - ii. use methods and instructional strategies that strengthen the academic program in the school, increase the amount and quality of learning time, and help provide an enriched and accelerated curriculum, which may include programs, activities, and courses necessary to provide a well-rounded education; and
 - iii. address the needs of all children in the school, but particularly the needs of those at risk of not meeting the challenging State academic standard, through activities which may include—
 - A. counseling, school-based mental health programs, specialized instructional support services, mentoring services, and other strategies to improve students' skills outside the academic subject areas;

- B. preparation for and awareness of opportunities for postsecondary education and the workforce, which may include career and technical education programs and broadening secondary school students' access to coursework to earn postsecondary credit while still in high school (such as Advanced Placement, International Baccalaureate, dual or concurrent enrollment, or early college high schools);
- C. implementation of a schoolwide tiered model to prevent and address problem behavior, and early intervening services, coordinated with similar activities and services carried out under the Individuals with Disabilities Education Act (20 USC 1400 et seq.);
- D. professional development and other activities for teachers, paraprofessionals, and other school personnel to improve instruction and use of data from academic assessments, and to recruit and retain effective teachers, particularly in high need subjects; and
- E. strategies for assisting preschool children in the transition from early childhood education programs to local elementary school programs. (ESEA §1114(b)(7)(A))

If programs are consolidated, the specific SEA and LEA programs and other federal programs that will be consolidated in the SWP. (ESEA §1114(b)(7)(B))

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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 2017-18.

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 as are necessary 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 and youths in public 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 method of determination of such funds shall be determined;
 - a. based on the total allocation received by the LEA; and
 - b. prior to any allowable expenditure or transfers by the LEA. (20 United States Code (USC) §6313(c)(3)(A); Public Law (PL) 114-95, §1113(c)(3)(A))
2. LEAs will demonstrate coordination with the McKinney-Vento Homeless Assistance Act. (20 USC §6312(a)(1)(B); PL 114-95, §1112(a)(1)(B))
3. Each LEA plan shall describe the services the LEA will provide homeless children and youths, including services provided with funds reserved to support the enrollment, attendance, and success of homeless children and youths. (20 USC §6312(b)(6); PL 114-95, §1112(b)(6))
4. 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 114-95, §722(g)(1)(J)(i))
5. LEAs will designate an appropriate staff person, able to carry out the duties described, as an 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))
6. LEAs will adopt policies and practices to ensure participation by LEA liaisons in professional development and other technical assistance activities, as determined appropriate by the State Coordinator. (42 USC §11432(g)(1)(J)(iv); PL 114-95, §722(g)(1)(J)(iv))

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ESEA, Title II, Part A High Quality Teachers

Consolidated Application Elementary and Secondary Education Act (ESEA), Title II, Part A
Preparing, Training, and Recruiting High Quality Teachers and Principals legal assurances for fiscal
year 2017-18.

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

1. The local educational agency (LEA) will identify and address any disparities that result in low-income students and minority students being taught at higher rates than other students by ineffective, inexperienced, or out-of-field teachers. (20 United States Code (USC) §6612(b)(2); Public Law (PL) 114-95; §2102(b)(2))
2. Funds made available under Title II, Part A shall be used to supplement, and not supplant, non-federal state and local funds that would otherwise be used for activities authorized under Title II, Part A. (20 USC §6691; PL 114-95; §2301)
3. All teachers and paraprofessionals working in a program supported with funds under this part meet applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification. (20 USC §6312(c)(6); PL 114-95; §1112(c)(6))
4. At the beginning of each school year, parents shall be notified of their right to request information regarding classroom teachers' professional qualifications. (20 USC §6312(e)(1)(A); PL 114-95; §1112(e)(1)(A))
5. Meaningful consultation has occurred regarding private school participation and equitable services. (20 USC §7881; PL 114-95; §8501(c))
6. LEA shall submit such information as required by the California Department of Education. (20 USC §6614(b); PL 114-95; §2104(b))
7. LEA shall meet LEA Plan requirements. (20 USC §6612(a)(3)(B)(2); PL 114-95; §2102(a)(3)(B)(2))

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Title III, Language Instruction: EL and Immigrant

Consolidated Application Elementary and Secondary Education Act (ESEA), Title III, Part A, Language Instruction for English Learners (EL) and Immigrant Students legal assurances for fiscal year 2017-18.

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

1. The local educational agency (LEA) will use ESEA, Title III, Part A, funds according to the purposes of the ESEA. (20 United States Code (USC) §6812; Public Law (PL) 114-95, §3102)
2. The LEA agrees to expend the funds to improve the education of English learner (EL) and Immigrant students by assisting them to learn English and meet the challenging State academic standards. In carrying out activities with such funds, the eligible entity shall use effective approaches and methodologies for teaching EL and immigrant children and youth. (20 USC §6825(a); PL 114-95, §3115(a))
3. 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 114-95, §3115(g))
4. The LEA will develop and maintain an LEA Plan inclusive of all elements required by the state and ESEA, Title III, Part A, Section 3116 (20 USC §6826; PL 114-95, §3116). The LEA shall provide to the California Department of Education a proposed budget per the Title III, Part A, program requirements, as part of the Consolidated Application and Reporting System. (20 USC §§6824, 6825, 6826, PL 114-95, §3114, 3115, 3116)

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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 2017-18.

ESEA, Title III, Part A, EL

1. The local educational agency (LEA) receiving Title III English Learner (EL) funds agrees to use the funds to increase the English language proficiency of ELs, provide effective professional development, and implement effective parent, family, and community engagement activities and strategies that enhance or supplement language instruction educational programs for ELs. (20 United States Code (USC) §6825(c); Public Law (PL) 114-95, §3115 (c)) Subject to this subsection, the LEA also may use the funds to achieve any of the authorized activities described in 20 USC §6825(c)(d).
2. The LEA may use no more than 2 percent of the EL student subgrant for administrative costs and indirect costs for a fiscal year. (20 USC §6825(b); PL 114-95, §3115(b))
3. LEA related indirect expenses may not exceed LEA's approved indirect cost rate. A list of approved indirect cost rates are available on the California Department of Education (CDE) [Indirect Cost Rates \(ICR\)](#) Web page.
4. The LEA is not in violation of any state law, including State constitutional law, regarding the education of EL children, consistent with 20 USC §6826(b)(4)(B); PL 114-95, §3116(b)(4)(B).
5. The LEA shall provide the CDE with a report every fiscal year addressing all elements under 20 USC §6841(a); PL 114-95, §3121(a).

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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 2017-18.

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

1. Each local educational agency (LEA) receiving funds under 20 United States Code (USC) §6825(e)(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 and family outreach, and training activities designed to assist parents and families to become active participants in the education of their children;
 - b. Recruitment of, and support for personnel, including teachers and paraprofessionals 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, development, and acquisition of curricular materials, educational software, and technologies to be used in the program carried out with awarded funds;
 - e. Basic instructional services that are directly attributable to the presence of immigrant children and youth in the LEA involved, including the payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as directly attributable to such additional instructional services;
 - f. Other instructional 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 USC §6825(e); Public Law, 114-95 §3115(e))
2. Recommended direct administration expenses for a fiscal year may not exceed 2 percent of such funds for the cost of administering the program.
3. LEAs are also authorized to assess indirect costs of up to the approved indirect cost rates. A list of approved indirect cost rates are available on the California Department of Education [Indirect Cost Rates \(ICR\) Web page](#).
4. For LEAs that consolidate administrative funds, the maximum amount available for direct

administrative costs is what is reasonable and necessary for the proper and efficient administration of the programs. (California School Accounting Manual Procedure 780)

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Program for English Learners Assurances

Consolidated Application Program for English Learners legal assurances for fiscal year 2017-18.

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 Education Code (EC) §52164.1; Title 5, California Code of Regulations (5 CCR) §11307(a), 11511; 20 United States Code (USC) §6312(e)(3)(A)(i); Public Law (PL) 114-95, §1112(e)(3)(A)(i))
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. (USC §6312(e)(3)(A)(ii); PL 114-95, §1112(e)(3)(A)(ii))
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, 1012-1013)
4. All ELs are receiving access to the content and performance standards for their respective grade levels or the local educational agency (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), §6825(c)(1)(B); EC §305(a), 5 CCR §11302(b); *Castañeda v. Pickard* (5th Cir. 1981) 648 F.2d 989, 1012-1013)
5. The Individualized Education Program team determines placement of each student with disability, regardless of language proficiency. (20 USC §1414(d)(a))
6. 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 §6826(c); EC §44253.1, §44253.2, §44253.3, §44253.10; *Castañeda v. Pickard* (5th Cir. 1981) 648 F.2d 989, 1012-1013)
7. The LEA provides a staff development program to qualify existing and future personnel (both teachers and paraprofessionals) in the skills necessary to help each EL learn English and access the core curriculum. (20 USC §6825 (c)(2)(A); *Castañeda v. Pickard* (5th Cir. 1981) 648 F.2d 989, 1012-1013)
8. 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)

9. 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:

- a. demonstrated English language proficiency comparable to that of the average native speakers; and
- b. 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 §§11302, 11303(d))

10. 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)

11. 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, 1012-1013)

12. Upon submission of Title III, Part A, English Learner and Immigrant subgrant application on the Consolidated Application and Reporting System (CARS), LEAs acknowledge responsibility for accuracy of all data and narrative information submitted to the California Department of Education (CDE).

13. Acceptance of the CARS application by the CDE does not:

- a. constitute approval or validation of the information provided, or acceptance of that information for purposes of satisfying any outstanding corrective actions under program determination letters or program monitoring reports; or
- b. limit or compromise in any way the CDE's ability to conduct audits, investigations, or program monitoring in connection with the information provided in your application and then secure any needed corrective actions.

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