



## **Legal Assurances**

### **July 18, 2022**

### **Consolidated Categorical Aid Programs, Program Year 2022–23**

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

#### **General Assurances**

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; PL 114-95, §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 School 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. LEAs using their own school planning template in place of the SPSA have ensured that the content meets the statutory requirements of schoolwide programs and school improvement (comprehensive support and improvement, targeted support and improvement, and additional targeted support and improvement) under the Every Student Succeeds Act, as applicable. (EC §64001; 20 USC §6311; PL 114-95, §1111(d)(1)(2))
10. 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)
11. 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, 76.760; 2 CFR 200.333)
12. The local governing board has adopted written procedures to ensure prompt response to complaints within 60 calendar 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.)
13. 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.
14. 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)

15. The LEA will provide the certification on constitutionally protected prayer. (20 USC §7904; PL 114-95, §8524(b))
16. The control of funds provided under each such program and title to property acquired with program funds will be in a public agency, an eligible private agency, institution, or organization, or an 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 those funds and property to the extent required by the authorizing law. (20 USC §7844; PL 114-95, §8304(a)(2)(A-B))
17. The LEA administers all funds and property related to programs funded for equitable services provided to students attending private schools. (20 USC §6320; PL 114-95, §11117(d)(1))
18. 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; PL 114-95, §8306(a)(3)(A-B))
19. The LEA will participate in the California Assessment of Student Performance and Progress. (EC §60640, et seq.)
20. 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))
21. 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)
22. 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)

23. 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)
24. Personnel, contracts, materials, supplies, and equipment purchased with Consolidated Program funds supplement the basic education program. (EC §62002; 5 CCR, §§3944, 3946)
25. 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))
26. 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)
27. 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.
28. 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.
29. The Federal grant sub recipient has complied with the Federal Funding Accountability and Transparency Act, as defined in 2 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/SAM/>.
30. Tribal consultation is required for all Title programs covered by ESSA (ESEA section 1111(a)(1)(A)) when an LEA have received a Title VI Indian Education formula grant in the previous fiscal year that exceeds \$40,000, or have 50 percent or more (using enrollment from the previous year) of its student enrollment made up of American Indian/American Native (AI/AN) students. The total AI/AN enrollment data would include those students who self-identify as AI/AN alone and AI/AN in combination with one or more races, regardless of Hispanic ethnicity. A list of LEAs required to conduct tribal consultation can be found on the California Department of Education Tribal Consultation web page at

<https://www.cde.ca.gov/sp/ai/tc/>. Each affected LEA shall maintain in the agency's records and provide to the state educational agency a written affirmation signed by the appropriate officials of the participating tribes—or tribal organizations approved by the tribes—that the consultation required by this section has occurred. (20 USC §7918; PL 114-95, §8538)

## Local Educational Agency 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. (20 United States Code (USC) §7846, Public Law (PL) 114-95, §8306(a)(1))
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. (20 USC §7846, PL 114-95, §8306(a)(2))
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. (20 USC §7846, PL 114-95, §8306(a)(3))
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. (20 USC §7846, PL 114-95, §8306(a)(4))
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. (20 USC §7846, PL 114-95, §8306(a)(5))
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. (20 USC §7846, 114-95, §8306(a)(5))

7. Before the application was submitted, the applicant afforded a reasonable opportunity for public comment on the application and considered such comment. (20 USC §7846, PL 114-95, §8306(a)(7))
8. Each LEA requesting funds shall provide an assurance that it is in compliance with State law requiring LEA's to expel from school for a period of not less than one year a student who is determined to have brought a firearm to a school, or to have possessed a firearm at a school. State law shall allow the chief administering officer or a LEA to modify such expulsion requirement for a student on a case-by-case basis if such modification is in writing. (20 USC §7961; PL 114-95, §8561(d)(1))
9. Each grantee receiving funds under this Act understands the importance of privacy protections for students and is aware of the responsibilities of the grantee under section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly known as the "Family Education Rights and Privacy Act of 1974"). (20 USC §7928; PL 114-95, §8548)

## **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. (20 United States Code (USC) §6312; Public Law (PL) 114-95, §1112(c)(1))
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. (20 USC §6312; PL 114-95, §1112(c)(2))
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 USC §9622(b)(3)). (20 USC §6312; PL 114-95, §1112(c)(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. (20 USC §6312; PL 114-95, §1112(c)(4))
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. (20 USC §6312; PL 114-95, §1112(c)(5))



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. (20 USC §6312; PL 114-95, §1112(c)(6))
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; PL 114-95, §1112(c)(7))
8. At the beginning of each school year, parents shall be notified of their right to request, and the LEA will provide in a timely manner upon request, information regarding classroom teachers' professional qualifications. Additionally, a school that receives funds shall provide timely notice that the student has been assigned, or has been taught for 4 or more consecutive weeks by, a teacher who does not meet applicable State certification or licensure requirements at the grade level and subject area in which the teacher has been assigned. (20 USC §6312; PL 114-95, §1112(e)(1)(A), §1112(e)(1)(B)(ii))

## **Title I, Part A, Comparability Assurances**

1. Each local educational agency (LEA) shall be considered to have met the requirements of comparability of services if the LEA has filed with the State educational agency a written assurance that such LEA has established and implemented (20 United States Code (USC) §6321; Public Law (PL) 114-95, §1118(c)(2)(A))—
  - i. a LEA-wide salary schedule;
  - ii. a policy to ensure equivalence among schools in teachers, administrators, and other staff; and
  - iii. a policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies.
2. For the purpose of this subsection, in the determination of expenditures per pupil from State and local funds, or instructional salaries per pupil from State and local funds, staff salary differentials for years of employment shall not be included in such determinations. (20 USC §6321; PL 114-95, §1118(c)(2)(B))
3. A LEA need not include unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year in determining comparability of services under Title I. (20 USC §6321; PL 114-95, §1118(c)(2)(C))

## **Title I, Part A Participation of Students Enrolled in Private Schools Assurances**

1. Consult with appropriate private school officials in the design and development of the LEA's programs to ensure timely and meaningful consultation. (20 USC §6320; Public Law (PL) 114-95, §1117(b)(1))
2. Maintain records that such consultation has, or attempts that such consultation have taken place, if private school officials do not provide such affirmation within a reasonable period of time. (20 USC §6320; PL 114-95, §1117(b)(5))
3. Maintain in the LEA's records a written affirmation signed by officials of each participating private school that the meaningful consultation required under this section has occurred in accordance with the Every Student Succeeds Act. (20 USC 6320; PL 114-95, §1117(b)(5))

## **Title I, Part A, Education for Children in Foster Care Assurances**

1. Foster youth referred in the following assurances are defined as youth under the care and placement of Title IV-E agency which includes Child Welfare and Probation. (Welfare and Institutions Code §11400(k); Title 45 Code of Federal Regulations §1355.20(a))
2. 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))
3. 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))
4. 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))
5. LEAs will 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 §6312; PL 114-95, §1112 (c)(5)(A))
6. LEAs will collaborate with the state or local child welfare agency to, 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;
    - I. the local child welfare agency agrees to reimburse the LEA for the cost of such transportation;
    - II. the LEA agrees to pay for the cost of such transportation; or
    - III. the LEA and the local child welfare agency agree to share the cost of such transportation. (20 USC § 6312; PL 114-95; §1112(c)(5)(B))

## **Title I, Part A, Title X, Part C, Education for Homeless Children and Youths Assurances**

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. (20 United States Code (USC) §6313; Public Law (PL) 114-95, §1113(c)(3)(A))
2. This reservation requirement is not formula driven. The method of determination of such funds shall be determined;
  - i. Based on the total allocation received by the LEA; and
  - ii. Prior to any allowable expenditure or transfers by the LEA. (20 USC §6313; PL 114-95, §1113(c)(3)(B))
3. LEAs will demonstrate coordination with the McKinney-Vento Homeless Assistance Act. (20 USC §6312; PL 114-95, §1112(a)(1)(B))
4. 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; PL 114-95, §1112(b)(6))
5. 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; PL 114-95, §722(g)(1)(J)(i))
6. LEAs will designate an appropriate staff person, able to carry out the duties described in 42 USC §11432(g)(6), and as an LEA liaison for homeless children and youths, will fulfill their required duties and ensure equal access to a free, appropriate public education for homeless children and youths. (42 USC §11432; PL 114-95, §722(g)(1)(J)(ii))
7. LEAs will adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), to and from the school of origin, in accordance with the following, as applicable:
  - i. If the child or youth continues to live in the area served by the LEA in which the school of origin is located, the child's or youth's transportation to and from the school of origin shall be provided or arranged by the LEA in which the school of origin is located, or
  - ii. If the child's or youth's living arrangements in the area served by the LEA of origin terminate and the child or youth, though continuing the child's or youth's

education in the school of origin, begins living in an area served by another LEA, the LEA of origin and the LEA in which the child or youth is living shall agree upon a method to apportion the responsibility and costs for providing the child or youth with transportation to and from the school of origin. If the LEAs are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally. (42 USC §11432; PL 114-95, §722(g)(1)(J)(iii))

8. 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; PL 114-95, §722(g)(1)(J)(iv))

## **Title II, Part A, Supporting Effective Instruction Assurances**

1. The local educational agency (LEA) will conduct meaningful consultation with teachers, principals, other school leaders, paraprofessionals (including organizations representing such individuals), specialized instructional support personnel, charter school leaders (in a LEA that has charter schools), parents, community partners, and other organizations or partners. The results will be used to create a plan that describes the LEA's system of professional growth and improvement, how the LEA prioritizes funds for activities under section 1111(d) and section 1124(c), and how the LEA uses data and ongoing consultation to continually update and improve its plan. The LEA shall coordinate the activities under this part with other related strategies, programs, and activities being conducted in the community. (20 United States Code (USC) §6612; Public Law (PL) 114-95, §2102(b)(2)(B), 2102(b)(2)(C), 2102(b)(2)(D), §2102(b)(3)(A), §2102(b)(3)(C))
2. The LEA will comply with the requirements regarding participation by private school children and teachers. (20 USC §6612; PL 114-95, §2102(b)(2)(E))
3. The LEA will coordinate professional development activities authorized under this part with professional development activities provided through other Federal, State, and local programs. (20 USC §6612; PL 114-95, §2102(b)(2)(F))
4. The programs and activities described in the LEA plan will be in accordance with the purpose of Title II, Part A and address the learning needs of all students, including children with disabilities, English learners, and gifted and talented students in accordance with the type of activities authorized under this Section. (20 USC §6613; PL 114-95, §2103(b))
5. The LEA plan shall describe how the 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 USC §6312; PL 114-95, §1112(b)(2))
6. The LEA will use funds to meet the requirements contained in Title II, Part A, and all other applicable provisions of the ESEA as amended by the Every Student Succeeds Act; funds made available under Title II, Part A shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under Title II, Part A. The LEA will submit necessary documentation of compliance with requirements upon request to the California Department of Education. (20 USC §6613, 20 USC §6614, 20 USC §6691; PL 114-95, §2103(b), §2104(b), §2301)
7. The LEA will 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. (20 USC §6312(c)(6); PL 114-95, §1112(c)(6))



## **Title III English Learner and Immigrant Student Program Subgrant Assurances**

Assurances from the Elementary and Secondary Education Act, as Amended by the Every Student Succeeds Act (ESSA):

1. The local educational agency (LEA) will use ESSA Title III, Part A funds according to the purposes of the ESSA. (20 United States Code (USC) §§6812, 6825; Public Law (PL) 114-95, §3102)
2. The LEA agrees to expend the funds to improve the education of English learner (EL) students and immigrant children and youth 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; PL 114-95, §3115(a))
3. ESSA Title III funds shall be used 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 students and immigrant children and youth, and in no case to supplant such federal, state, and local public funds. (20 USC §6825; PL 114-95, §3115(g))
4. The LEA will maintain an updated Local Control and Accountability Plan (LCAP) Federal Addendum that addresses Title III provisions of the state and ESSA, Title III Section 3116 (20 USC §6826; PL 114-95, §3116). LEAs applying for Title III Subgrant funds for the first time must complete and submit to the California Department of Education (CDE) the LCAP Federal Addendum. The LEA shall provide to the CDE a proposed budget per the Title III program requirements, as part of the Consolidated Application. (20 USC §§6824, 6825, 6826; PL 114-95, §§3114, 3115, 3116)
5. The LEA shall consult with appropriate private school officials in a timely and meaningful manner to provide Title III, Part A equitable services to eligible EL and Immigrant students attending private schools located within the LEA's geographical boundaries. (20 USC §7881; PL 114-95, §8501(c))

## **Title III English Learner Student Program Subgrant Assurances**

Assurances from the Elementary and Secondary Education Act, as Amended by the Every Student Succeeds Act (ESSA):

1. The local educational agency (LEA) receiving Title III English Learner (EL) funds agrees to use the funds to increase the English language proficiency and academic proficiency of ELs, provide effective professional development, and other effective activities and strategies that enhance or supplement language instruction educational programs including, but not limited to implementation of effective parent, family, and community engagement activities and strategies for ELs. (20 United States Code (USC) §6825; Public Law (PL) 114-95, §3115 (c)) Subject to this subsection, the LEA also may use the funds to achieve any of the required and authorized activities described in 20 USC §6825(c)(d).
2. The LEA may use no more than 2 percent of the EL program subgrant for administrative costs and indirect costs for a fiscal year. (20 USC §6825; PL 114-95, §3115(b))
3. The LEA can apply its approved indirect rate to the portion of the subgrant that is not reserved for direct administrative costs. A list of approved indirect cost rates is available on the California Department of Education (CDE) Indirect Cost Rates (ICR) web page at <https://www.cde.ca.gov/fq/ac/ic/>.
4. The LEA is not in violation of any state law, including State constitutional law, regarding the education of EL, consistent with 20 USC §6826; 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; PL 114-95, §3121(a).
6. The LEA assures that it annually assesses the English proficiency of all EL students enrolled in their schools using the state's English language proficiency assessment. (20 USC §6311; PL 114-95, §1111(b)(2)(G)(i))

## Title III Immigrant Student Program Subgrant Assurances

Assurances from the Elementary and Secondary Education Act, as Amended by the Every Student Succeeds Act (ESSA):

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 and families of immigrant children and youth by offering comprehensive community services. (20 USC §6825; 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. (20 USC §6825; Public Law 114-95, §3115(b))
3. LEAs are authorized to assess approved indirect costs to the portion of the subgrants that is not reserved for direct administrative costs. A list of approved indirect cost rates is available on the California Department of Education Indirect Cost Rates web page at <https://www.cde.ca.gov/fq/ac/ic/>.

## General Requirements for English Learner Student Programs

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, is assessed for English proficiency by means of the state-designated instrument. (California Education Code (EC) §313, 60810; Title 5, California Code of Regulations (5 CCR) §11307(a); 20 United States Code (USC) §6312; Public Law (PL) 114-95, §1112(e)(3)(A)(i))
2. All English learners (ELs) are annually assessed for English language proficiency until the pupil is reclassified as fluent English proficient (FEP). The assessment used must be aligned with the State's English language development standards. (20 USC §6312; PL 114-95, §1112(e)(3)(A)(i); EC §313, §60810[c][5], §60810[e][7])
3. All parents of EL and FEP students are notified in writing of their child's English language proficiency assessment results. (20 USC §6312; PL 114-95, §1112[e][3][A][iii])
4. The LEA provides each EL a program of instruction in English-language development in order to develop proficiency in English as effectively and efficiently as possible. (20 USC §6825; PL 114-95, 3115(c)(1)(A); EC §305, §306, § 310; 5 CCR §11302(a); *Castañeda v. Pickard* (5<sup>th</sup> Circuit (Cir.) 1981) 648 F.2d 989)
5. The LEA provides all ELs access to the 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 §6825; PL 114-95, 3115 (c)(1)(B); EC §305(a), 5 CCR §11302(b); *Castañeda v. Pickard* (5<sup>th</sup> Cir. 1981) 648 F.2d 989)
6. The Individualized Education Program team determines placement of each student with disability, regardless of language proficiency. (20 U.S.C. §1414(d)(A)(B), §1414(d)(3)(B)(ii))
7. The LEA will assign 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; PL 114-95, §3116(c); EC §44253.1, §44253.2, §44253.3, §44253.10; *Castañeda v. Pickard* (5<sup>th</sup> Cir. 1981) 648 F.2d 989)
8. 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 student learn English and access to the content and performance standards for their respective grade levels. (20 USC §6825; PL 114-95, §3115(c)(2); *Castañeda v. Pickard* (5<sup>th</sup> Cir. 1981) 648 F.2d 989)

9. The LEA provides adequate basic and supplemental resources to each EL student with learning opportunities in an appropriate program providing 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)
10. The LEA uses verifiable criteria consistent with EC §313(f) that have been established by the district, if EL students are enrolled, to change a student's designation from EL to reclassified fluent English proficient (RFEP) status. Each former EL who has been RFEP has:
  - a. demonstrated English language proficiency comparable to that of the average native speakers; and
  - b. participated 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, *Castañeda v. Pickard* (5th Cir. 1981) 648 F.2d 989); and *Keyes v. School Dist. No. 1* (D. Colo. 1983) 576 F. Supp. §§1503, 1516-1522; 5 CCR §§11302, 11303(d))
11. The LEA meets the requirements of EC §62002.5 regarding the advisory functions of the LEA and school committees on services for ELs.
12. The LEA establishes and implements 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)
13. Upon submission of the Title III EL and Immigrant Student 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).
14. 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.

## **Title IV, Part A Student Support and Academic Enrichment Assurances**

1. Each local educational agency (LEA) or consortium of such agencies shall include assurances that it will prioritize the distribution of funds to schools served by the LEA, or consortium of such agencies, that—
  - i. are among the schools with the greatest needs, as determined by such LEA, or consortium;
  - ii. have the highest percentages or numbers of children counted under section 1124(c);
  - iii. are identified for comprehensive support and improvement under section 1111(c)(4)(D)(i);
  - iv. are implementing targeted support and improvement plans as described in section 1111(d)(2); or
  - v. are identified as a persistently dangerous public elementary school or secondary school under section 8532. (20 United States Code (USC) §7116; Public Law (PL) 114-95, §4106(e)(2)(A)(i-v))
2. The LEA, or consortium will comply with section 8501 (regarding equitable participation by private school children and teachers). (20 USC §7116; PL 114-95, §4106(e)(2)(B))
3. The LEA, or consortium of such agencies, will use not less than 20 percent of funds received under this subpart to support one or more of the activities authorized under section 4107. (20 USC §7116; PL 114-95, §4106(e)(2)(C))
4. The LEA, or consortium of such agencies, will not use not less than 20 percent of funds received under this subpart to support one or more activities authorized under section 4108. (20 USC §7116; PL 114-95, §4106(e)(2)(D))
5. The LEA, or consortium of such agencies, will use a portion of funds received under this subpart to support one or more activities authorized under section 4109(a), and will comply with section 4109(b). (20 USC §7116; PL 114-95, §4106(e)(2)(E))
6. The LEA, or consortium of such agencies, will annually report to the State for inclusion in the report described in section 4104(a)(2) how funds are being used under this subpart to meet the requirements of subparagraphs (C) through (E). (20 USC §7116; PL 114-95, §4106(e)(2)(F))

Pursuant to ESSA Section 5103[b], if an LEA federally transfers all of the funds allocated within a fiscal year, the LEA shall:

1. Conduct consultations in accordance with ESSA Section 8501, if such transfer transfers funds from a program that provides for the equitable participation of students, teachers, or other educational personnel, from private schools. (20 USC §7305b; PL 114-95, §5103(e))

2. (a) modify, to account for such transfer, each local plan, or application submitted by the LEA, to which such funds relate;  
  
(b) not later than 30 days after the date of such transfer, submit a copy of such modified plan or application to the State; and  
  
(c) not later than 30 days before the effective date of such transfer, notify the State of such transfer. (20 USC §7305b; PL 114-95, §5103(d)(2))