

**CONTRACT NAME: AGREEMENT BETWEEN CALIFORNIA DEPARTMENT OF  
EDUCATION MIGRANT EDUCATION PROGRAM AND THE DAVIS JOINT UNIFIED  
SCHOOL DISTRICT**

**BRIEF DESCRIPTION OF CONTRACT:** This contract documents Legal Assurances and Certifications for Local Educational Agencies that Davis Joint Unified School District will adhere to all of the legal assurances contained herein and with all other federal and state statutory and regulatory requirements for the Migrant Education Program, (MEP). The assurances covered by this contract are the following: General Assurances, Drug Free Workplace, Lobbying Certifications, and Lobbying Disclosures.

## 2018-19 Legal Assurances and Certifications for Local Educational Agencies

### California Department of Education Migrant Education Program

The operating agency, by signature of its authorized representative on the **signature** page of this document, hereby assures the California Department of Education (CDE) that the local educational agency (LEA) will adhere to all of the legal assurances contained herein and with all other federal and state statutory and regulatory requirements for the Migrant Education Program (MEP) referenced in this document.

#### Required Assurances

General assurances and certifications are required for grant applications submitted to the CDE. The General Assurances and Drug Free Workplace Certification forms are required for applications for funds. (Note that the signed grant application submitted to the CDE confirms a commitment to comply with the general assurances.) Applicants must download the certifications and submit the signed forms with their applications.

- General Assurances form: <http://www.cde.ca.gov/fq/fo/fm/generalassurances2016.asp> (no signature required)
- Drug Free Workplace form: <http://www.cde.ca.gov/fq/fo/fm/drug.asp> (signature required)
- Lobbying Certification form: <http://www.cde.ca.gov/fq/fo/fm/lobby.asp> (signature required)
- Lobbying Disclosure form: <http://www.cde.ca.gov/fq/fo/fm/sfilll.asp> (signature required if applicable)

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#### Migrant Assurances

##### Use of Funds

1. Funds for MEP will be used only:
  - a. For programs and projects, including the acquisition of equipment in accordance with 20 United States Code (USC) sections 6396(b) and 6394([c][1][A]).
  - b. To coordinate such programs and projects within the State and other states, as well as with federal programs that can benefit migratory children and their families. (20 USC 6394([c][1][B])
2. Programs and projects funded for MEP will be carried out in a manner consistent with the objectives of Section 6314, subsections (b) and (d) of Section 6315, and subsections (b) and (c) of Section 6321 of 20 USC, and Part F of 20 USC, Chapter 70, subchapter 1. (20 USC 6394 [c][2])

##### Program Purpose

3. Use of MEP funds:
  - a. Support high-quality and comprehensive educational programs and services during the school year and, as applicable, during summer or intersession periods that address the unique educational needs of migratory children.

- b. Ensure that migratory children who move among the States are not penalized in any manner by disparities among the States in curriculum, graduation requirements, and challenging state academic standards.
- c. To ensure that migratory children receive full and appropriate opportunities to meet the same challenging state academic standards that all children are expected to meet.
- d. To help migratory children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit the ability of such children to succeed in school.
- e. To help migratory children benefit from state and local systemic reforms.

#### Authorized Activities

- 4. MEP funds shall be used, first, to meet the identified needs of migratory children that:
  - a. Result from the effects of their migratory lifestyle, or are needed to permit migratory children to participate effectively in school.
  - b. Are not addressed by services available from other federal or nonfederal programs.
- 5. Migratory children who are eligible to receive services pursuant to Part A 20 *USC* Section 6311, Improving Basic Programs Operated by LEAs, may receive those services through MEP funds that remain after the agency addresses the identified needs described in item 4., above.
- 6. A school that receives MEP funds shall continue to address the identified needs described in item 4., above, notwithstanding its participation in schoolwide programs under 20 *USC* Section 6314. (20 *USC* Section 6396[b][4])

#### Program Planning, Operation, and Evaluation

- 7. The LEA will ensure that:
  - a. In the planning and operation of programs and projects, there is appropriate consultation with parents of migratory children, including parent advisory councils, for programs of at least one school year in duration, and
  - b. All such programs and projects are carried out in a manner that provides for the same parental involvement as is required for programs and projects under 20 *USC* Section 6318, and
  - c. Programs and projects are carried out in a format and language understandable to the parents. (20 *USC* Section 6394[c][3][B])
  - d. The LEA will make available to the MEP all student academic assessment, immunization, and other health information data for the purpose related to student assessment, program services planning, and the transfer of student records. (20 *USC* Section 6398[b][2])

- e. The transfer of school records without parental consent is permitted if the LEA transfers the records to other school officials within the agency (whom the agency has determined to have legitimate educational interest) or to officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll. (Title 34, Code of Federal Regulations [34 *CFR*], Section 99.31) This exception applies only if the local operating agency notifies parents annually of this policy. (34 *CFR*, Section 99.34) in addition, the notification of this exception is recorded via parent/guardian signature on the Certificate of Eligibility (COE) form.
  - f. The availability of funds from other federal, state, and local programs must be taken into account. (20 *USC* Section 6394(b)[5])
8. In planning and carrying out such programs and projects, there will be adequate provision for addressing the unmet educational needs of preschool migratory children and migratory children who have dropped out of school. (20 *USC* Section 6394[c][4])
9. The effectiveness of such programs and projects will be determined, where feasible, using the same approaches and standards that will be used to assess the performance of students, schools, and LEAs under Part A Improving Basic Programs Operated by LEAs, 20 *USC* Section 6311 et seq. (20 *USC* Section 6394[c][5])
10. Such programs and projects will provide for:
- a. Advocacy and outreach activities for migratory children and their families, including informing such children and families of, or helping such children and their families gain access to, other education, health, nutrition and social services.
  - b. Professional development programs, including mentoring, for teachers and other program personnel.
  - c. Family literacy programs.
  - d. The integration of information technology into educational and related programs, and
  - e. Programs that facilitate the transition of secondary school students to postsecondary education or employment. (20 *USC* Section 6394[c][7])
11. It will assist the State Educational Agency (SEA) in identifying, and recruiting eligible children, including the identification and recruitment of preschool migratory children and migratory children who have dropped out of school, and will provide its local Migrant Education Region and the SEA with eligibility and needs assessment information, by which the SEA can complete its reporting and subgranting activities. The LEA will implement a program to monitor the eligibility requirements of children and youths enrolled in the MEP (*EC* Section 54444.1 [d]) and will establish and implement a system of quality controls for the proper identification and recruitment of eligible migratory children. (34 *CFR* 200.89[c])

#### Priority for Services

12. LEAs shall give priority to migratory children who are failing, or most at risk of failing, to meet the State's challenging academic standards, or have dropped out of school. (20 *USC* Section 6394[d])

#### Continuation of Services

13. Notwithstanding any other provision of Title I, Part C,

- a. A child who ceases to be a migratory child during a school term shall be eligible for services until the end of such term,
- b. A child who is no longer a migratory child may continue to receive services for one additional school year, but only if comparable services are not available through other programs, and
- c. Secondary school students who were eligible for services in secondary school may continue to be served through credit accrual programs until graduation. (20 *USC* Section 6394[e])

#### Schoolwide Programs

- 14. Before the school chooses to consolidate in its schoolwide program funds received under ESEA, Title I, Part C, the school must:
  - a. Use these funds, in consultation with parents of migratory children or organizations representing those parents, or both, first to meet the unique educational needs of migratory students that result from the effects of their migratory lifestyle, and those other needs that are necessary to permit these students to participate effectively in school, as identified through the comprehensive Statewide needs assessment under 34 *CFR*, 200.83, and
  - b. Document that these needs have been met. (34 *CFR*, 200.29[c][1])
- 15. Funds available under Part C of Title 20 may be used in a Schoolwide program subject to the requirements of 34 *CFR*, 200.29(c)(1).

#### Coordination of Migrant Activities

- 16. The LEA will coordinate with the SEA to improve intrastate coordination, including the development or improvement of programs for credit accrual and exchange. (20 *USC* 6398[a][1])

#### Unique MEP Functions

- 17. LEAs are to assist in the conduct of any and all of the following activities as deemed necessary by the State:
  - a. Statewide identification and recruitment of eligible migratory children,
  - b. Interstate and intrastate coordination of the state MEP and its local projects with other relevant programs and local projects in the state and in other states,
  - c. Procedures for providing for educational continuity for migratory children through the timely transfer of educational and health records, beyond that required generally by state and local agencies,
  - d. Collecting and using information for accurate distribution of subgrant funds,
  - e. Development of a statewide needs assessment and a comprehensive State plan for MEP service delivery,
  - f. Supervision of instructional and support staff,
  - g. Establishment and implementation of a state parent advisory council, and
  - h. Conducting an evaluation of the effectiveness of the State MEP. (34 *CFR*, 200.82)

## MEP Assessment and Evaluation

18. The LEA shall determine the effectiveness of its program and projects in providing migratory children with the opportunity to meet the same challenging State academic standards. (20 *USC* 6394 and 34 *CFR*, 200.83[a])
19. Evaluations of program and project effectiveness shall, wherever feasible, use the same approaches and standards that the state establishes for use to assess the performance of students, schools, and LEAs under Title I, Part A. (20 *USC* 6394)
20. In a project where it is not feasible to use the same student assessments that are being used under Title I, Part A, the operating agency must carry out some other reasonable process or processes for examining the effectiveness of the project. (20 *USC* 6394 generally, and 34 *CFR*, 200.84)
21. Operating agencies shall use the results of the assessments carried out under 34*CFR*, 200.84 to improve the services provided to migratory children. (20 *USC* 6396 generally)

## Migratory Children in Private Schools

22. Operating agencies must conduct Migrant programs and projects in a manner consistent with the basic requirements of Section 8501 of the Every Student Succeeds Act (ESSA). (2 *CFR*, 200.87) Operating agencies should note the changes to those requirements enacted through the ESSA.

## Audits and Fiscal Procedures/Cash Management

23. Operating agencies agree to maintain fiscal and programmatic records and use fiscal control and operating procedures in accordance with state and federal laws and regulations including those found in Section 435 (b)(2) and (5) of General Education Provisions Act (GEPA) and 2 *CFR*, sections 200.302, 200.327, 200.328.
24. Operating agencies agree to comply with the audit requirements of 34 *CFR*, 76.910 and the cost principles in Subpart E of 2 *CFR* Part 200 and the audit requirements in Subpart F of 2 *CFR* Part 200. As required in 2 *CFR* Part 200.305, LEAs must demonstrate the ability to minimize the time elapsing between the receipt and disbursement of migrant funds (Cash Management). LEAs must promptly pay the federal agency any interest greater than \$500 per year that they earned on the cash advances. LEA's must minimize the time between the receipt and disbursement of the federal migrant funds. (2 *CFR* 200.305[b])
25. Operating agencies agree to repay the CDE any amounts of Title I funds determined to be expended for non-approvable purposes or in violation of federal or state laws and regulations in accordance with GEPA procedures in 20 *USC* 1231b-2. (2 *CFR* 200.338)
26. Operating agencies agree to cooperate with the Inspector General and his/her representatives in the conduct of audits authorized by the Inspector General Act of 1978. Cooperation shall include providing access to records and personnel for the purpose of obtaining clarifications, explanations, and other related information. (2 *CFR* 200.333–337, and 200.344)
27. Operating agencies agree to expend MEP funds solely on the basis of activities and functions described in regional applications and district service agreements approved by the CDE.
28. Operating agencies agree to keep fiscal records and make fiscal accounting reports for the MEP using forms and procedures developed by the CDE.

## Comparability

29. The LEAs may receive funds under Title I Comparability, 20 *USC* 6321(c), only if State and local funds will be used in participating schools to provide services that, taken as a whole, are at least comparable to services that the LEA is providing in schools not receiving Title I, Part A or Migrant Education Program funds. An LEA may determine comparability on a school-by-school basis or on a grade span by grade span basis. The LEA must file with the CDE a written assurance that it has established and implemented:
- a. An LEA-wide salary schedule
  - b. A policy to ensure equivalence among schools in teachers, administrators, and other staff, and
  - c. A policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies. (20 *USC*. 6321[c])
30. The comparability requirements do not apply to an LEA that has only one school for each grade span. (20 *USC*. 6321[c][4])
32. The LEA has developed procedures for complying with comparability requirements and must maintain records that are updated biennially documenting compliance with those requirements. (20 *USC*. Section 6321[c][3])
33. The LEAs Failure to comply with the requirements may result in the loss of Title I funds and/or MEP funds.

## **Migrant State Assurances**

### **Operation of Regional Offices**

1. The regional offices of the MEP agree to render services and/or reimburse school districts for services approved in district service agreements in accordance with state and federal laws and administrative directives from the U.S. Department of Education and the CDE (*EC 54444* and *54444.1*)
2. Each regional office is responsible for, but not limited to, the provision of the following services:
  - a. Funding to districts operating under service agreements.
  - b. Technical assistance to districts operating under service agreements.
  - c. Interagency coordination to improve services available to eligible migrant children and their families.
  - d. Training for the parents and members of district, regional, and school parent advisory councils.
  - e. Professional development services for migrant education staff at the school and district levels.
  - f. Direct services to migrant children and their families pursuant to district service agreements. (*EC 54444.4[c]*)

### **Subgrantee**

3. It is agreed that "Operating agency" means an LEA operating under a subgrant of state migrant education funding pursuant to a special arrangement with the department to directly implement the State's migrant education program or projects. (a regional office is an LEA to which the SEA makes a subgrant under this part) (*EC 54441[e]* and *20 USC 6399[1]*)
4. The operating agency will review and recommend, in coordination with the SEA, the approval of the District Service Agreements. The operating agency's review process will be in accordance with SEA procedures to identify and address the unique needs of migrant children and their families. (*EC 54444[a]* and *54444.1[a][d][e]*)
5. The SEA will review and recommend approval of the operating agency Regional (Direct Funded) Application. The operating agency's review process will be in accordance with SEA procedures. (*EC 54444.1[a][d][e]*)



## Service Priorities

6. LEAs agree to establish service priorities for migrant children as established in state and federal laws, the U.S. Department of Education, and the CDE (*Education Code [EC] 54444 and 54444.1*)

## Summer School Services

7. Operating agencies agree to conduct summer school programs for eligible migrant students according to the provisions contained in this chapter. (*EC 54444.3[a]*)

## Articulation and Coordination

8. Operating agencies agree to operate programs and services for migrant children and their families, which are articulated and coordinated with existing resources from school districts and other state and federal programs. (*EC 54443.1[c][10]*)
9. Operating agencies will solicit and make provisions for the active participation of the parents and guardians of eligible migrant students, including but not limited to, review and comment on the annual program application by the members of the appropriate advisory councils. (*EC 54444.2*)

## Staff Development and Support

10. Operating agencies agree to provide adequate professional support to staff serving migrant children and their families. Support must include, but is not limited to, training opportunities, materials, counseling, program review, and leadership. (*EC 54444.4[b][3]*)
11. Operating agencies agree to develop and submit to the CDE, professional development plans which address the needs of staff that serve migrant children and their families. (*EC 54444.1[e]*)

## Parent Advisory Councils (PACs)

12. Operating agencies agree to establish and operate PACs in accordance with federal and state laws and regulations, such that (*EC 54444.2*):
  - a. The membership of each regional PAC shall be comprised of members who are knowledgeable of the needs of migrant children.
  - b. Membership shall be elected by the parents of migrant children currently enrolled in the operating agencies programs.
  - c. The composition of the council shall be determined by the migrant parents at a general meeting to which all parents of migrant children currently enrolled in the program shall be invited.
  - d. Parents shall be informed, in a language they understand, that the parents have the sole authority to decide on the composition of the council.
  - e. All parent candidates for the council shall be nominated by migrant parents.

- f. All community candidates shall be nominated by the migrant parents.
  - g. All non-parent candidates shall be nominated by the groups they represent (i.e., teachers by teachers, administrators by administrators, other school personnel by other school personnel, and pupils by pupils.
  - h. Each PAC shall hold meetings on a regular basis during the operation of the regular program, but not less than six times during the year.
  - i. At least two-thirds of the members of each PAC shall be the parents of migrant children. (EC 54444.1[d] and 54444.2)
  - j. PACS shall nominate and elect representatives to the statewide PAC per California Code of Regulations § 12034. (5 CCR §12034)
13. All other responsibilities required under other state and federal laws and regulations. (EC 54444.1 and 54444.4), 20 USC 6394[c][3])

#### Direct Funded Districts

- 14. A biennial vote (every other year) by the PAC of a directly funded district, to approve the participation of that district in the directly funded program, including the approval of a majority of the members who are the parents of migrant children. (EC 54444.1[c])
- 15. Operating agencies agree to provide each member of an appropriate advisory council, upon request, with a copy of all applicable state and federal laws, regulations, guidelines, audit reports, monitoring reports, and evaluation reports. (EC 54444.2[a][3])
- 16. Operating agencies agree to offer training programs to members of appropriate advisory councils to enable them to carry out their responsibilities. Training programs shall be developed in consultation with the members and include as appropriate, materials and sessions in a language understandable to each member. (EC 54444.2[a][4] and 54444.4[c][4])
- 17. Operating agencies agree to provide information regarding the MEP to parents and guardians of migrant children. (EC 5444.4 [b][2])

#### Evaluation Reports

- 18. Operating agencies agree to submit evaluation reports, including information on pupil progress, overall program effectiveness, and quality control as required by state and federal laws and U.S. Department of Education directives. (EC 54443.1[g])

#### Fiscal Procedures

- 19. Operating agencies agree to adhere to fiscal procedures and submit fiscal reports as required by the CDE. (EC 54444.1[A][5])

Name of Applicant: Davis Joint Unified School District

Region/District: Region 2/Davis Joint Unified

Printed Name of Authorized Representative: Bruce E. Colby Chief Business Officer

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



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# Disclosure of Lobbying Activities Instructions

Instructions and standard form required for lobbying activities related to federal grants.

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## Form

[Standard Form LLL \(DOC\)](#)

Standard form for disclosure ed80-013..

## Instructions

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitations for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Included prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action. (b) Enter the full names of the individual(s) performing services, and include full address if different from 10(a). Enter Last Name, First Name, and Middle Initial (MI).
11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

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According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503

**Questions: Funding Master Plan | [fmp@cde.ca.gov](mailto:fmp@cde.ca.gov) | 916-322-5111**

Last Reviewed: Wednesday, January 18, 2017

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## Lobbying

Certification regarding lobbying for federal grants in excess of \$100,000.

Applicants must review the requirements for certification regarding lobbying included in the regulations cited below before completing this form. Applicants must sign this form to comply with the certification requirements under 34 *Code of Federal Regulations (CFR)* Part 82, "New Restrictions on Lobbying." This certification is a material representation of fact upon which the Department of Education relies when it makes a grant or enters into a cooperative agreement.

As required by Section 1352, Title 31 of the *U.S. Code*, and implemented at 34 *CFR* Part 82, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 34 *CFR* Part 82, Sections 82.105 and 82.110, the applicant certifies that:

- a. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;
- b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Lobbying Activities" (DOC), in accordance with its instructions;
- c. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

Name of Applicant: Davis Joint Unified School District

Name of Program: Migrant Summer Scholar Program

Printed Name and Title of Authorized Representative: Bruce Colby; Chief Business & Operations Manager

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

ED 80-0013 (Revised Jun-2004) - U. S. Department of Education

**Questions: Funding Master Plan | [fmp@cde.ca.gov](mailto:fmp@cde.ca.gov) | 916-322-5111**

Last Reviewed: Monday, May 8, 2017





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## Drug Free Workplace

Certification regarding state and federal drug-free workplace requirements.

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**Note:** Any entity, whether an agency or an individual, must complete, sign, and return this certification with its grant application to the California Department of Education.

### Grantees Other Than Individuals

As required by Section 8355 of the *California Government Code* and the Drug-Free Workplace Act of 1988, and implemented at 34 *Code of Federal Regulations (CFR)* Part 84, Subpart F, for grantees, as defined at 34 *CFR* Part 84, Sections 84.105 and 84.110

- A. The applicant certifies that it will or will continue to provide a drug-free workplace by:
  - a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition
  - b. Establishing an on-going drug-free awareness program to inform employees about:
    1. The dangers of drug abuse in the workplace
    2. The grantee's policy of maintaining a drug-free workplace
    3. Any available drug counseling, rehabilitation, and employee assistance programs
    4. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace
  - c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a)
  - d. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:
    1. Abide by the terms of the statement
    2. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than 5 calendar days after such conviction
  - e. Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d) (2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee. Notice shall include the identification number(s) of each affected grant.
  - f. Taking one of the following actions, as to any employee who is convicted, within 30 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction:
    1. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973 (29 U.S.C. Section 794), as amended; or
    2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law

enforcement, or other appropriate agency

g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant: Grantee must ensure all such site(s) are identified.

Place of Performance (street address, city, county, state, zip code)

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Check ☐ if there are workplaces on file that are not identified here.

## Grantees Who Are Individuals

As required by Section 8355 of the *California Government Code* and the Drug-Free Workplace Act of 1988, and implemented at 34 *CFR* Part 84, Subpart F, for grantees, as defined at 34 *CFR* Part 84, Sections 84.105 and 84.110

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction to every grant officer or designee, in writing, within 10 calendar days of the conviction. Notice shall include the identification number(s) of each affected grant.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

Name of Applicant: Davis Joint Unified School District

Name of Program: Migrant Summer Scholar Program

Printed Name and Title of Authorized Representative: Bruce Colby; Chief Business & Operations Manager

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

CDE-100DF (May-2007) - California Department of Education

**Questions: Funding Master Plan | [fmp@cde.ca.gov](mailto:fmp@cde.ca.gov) | 916-322-5285**

Last Reviewed: Wednesday, January 18, 2017





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## General Assurances 2016-17

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

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1. Programs and services are and will be in compliance with Title VI and Title VII of the Civil Rights Act of 1964; the California Fair Employment Practices Act, Government Code §11135; and Chapter 1, Subchapter 4 (commencing with §30) of Division I of Title 5, California Code of Regulations (5 CCR)
2. Programs and services are and will be in compliance with Title IX (nondiscrimination on the basis of sex) of the Education Amendments of 1972. Each program or activity conducted by the local educational agency (LEA) will be conducted in compliance with the provisions of Chapter 2, (commencing with §200), Prohibition of Discrimination on the Basis of Sex, of Part 1 of Division 1 of Title I of the California Education Code (EC), as well as all other applicable provisions of state law prohibiting discrimination on the basis of sex.
3. Programs and services are and will be in compliance with the affirmative action provisions of the Education Amendments of 1972.
4. Programs and services are and will be in compliance with the Age Discrimination Act of 1975.
5. Programs and services for individuals with disabilities are in compliance with the disability laws. (Public Law (PL) 105-17; 34 Code of Federal Regulations (34 CFR) 300, 303; and Section 504 of the Rehabilitation Act of 1973)
6. When federal funds are made available, they will be used to supplement the amount of state and local funds that would, in the absence of such federal funds, be made available for the uses specified in the state plan, and in no case supplant such state or local funds. (20 United States Code (USC) §6321(b)(1); PL 107-110 §1120A(b)(1))
7. All state and federal statutes, regulations, program plans, and applications appropriate to each program under which federal or state funds are made available through this application will be met by the applicant agency in its administration of each program.
8. Schoolsite councils have developed and approved a Single Plan for Student Achievement (SPSA) for schools participating in programs funded through the consolidated application process, and any other school program they choose to include, and that school plans were developed with the review, certification, and advice of any applicable school advisory committees. (EC §64001)
9. The LEA will use fiscal control and fund accounting procedures that will ensure proper disbursement for state and federal funds paid to that agency under each program. (5 CCR, §4202)
10. The LEA will make reports to the state agency or board and to the Secretary of Education as may reasonably be necessary to enable the state agency or board and the Secretary to perform their duties and will maintain such records and provide access to those records as the state agency or board or the Secretary deems necessary. Such records will include, but will not be limited to, records which fully disclose the amount and disposition by the recipient of those funds, the total cost of the activity for which the funds are used, the share of that cost provided from other sources, and such other records as will facilitate an effective audit. The recipient shall maintain such records for three years after the completion of the activities for which the funds are used. (34 CFR 76.722, 76.730, 76.731, 76.734, 76.760; 2 CFR 200.333)
11. The local governing board has adopted written procedures to ensure prompt response to complaints within 60 days, and has disseminated these procedures to students, employees, parents or guardians,

- district/school advisory committees, appropriate private school officials or representatives, and other interested parties. (5 CCR, §4600 et seq.)
12. The LEA declares that it neither uses nor will use federal funds for lobbying activities and hereby complies with the certification requirements of 34 CFR Part 82.
  13. The LEA has complied with the certification requirements under 34 CFR Part 84 regarding debarment, suspension and other requirements for a drug-free workplace. (34 CFR Part 84)
  14. The LEA provides reasonable opportunity for public comment on the application and considers such comment. (20 USC §7846(a)(7); 20 USC, §1118(b)(4); PL 107-110, §1118(b)(4))
  15. The LEA will provide the certification on constitutionally protected prayer that is required by PL 107-110, §9524 and 20 USC §7904.
  16. The LEA administers all funds and property related to programs funded through the Consolidated Application. (20 USC §6320(d)(1); PL 107-110, §1120(d)(1))
  17. The LEA will adopt and use proper methods of administering each program including enforcement of any obligations imposed by law on agencies responsible for carrying out programs and correction of deficiencies in program operations identified through audits, monitoring or evaluation. (20 USC §7846 (a)(3)(B))
  18. The LEA will participate in the Smarter Balanced Assessment Consortium program. (20 USC §6316(a)(1)(A-D); PL 107-110, §1116(a)(1)(A-D); EC §60640, et seq.)
  19. The LEA assures that classroom teachers who are being assisted by instructional assistants retain their responsibility for the instruction and supervision of the students in their charge. (EC §45344(a))
  20. The LEA governing board has adopted a policy on parent involvement that is consistent with the purposes and goals of *EC* Section 11502. These include all of the following: (a) to engage parents positively in their children's education by helping parents to develop skills to use at home that support their children's academic efforts at school and their children's development as responsible future members of our society; (b) to inform parents that they can directly affect the success of their children's learning, by providing parents with techniques and strategies that they may utilize to improve their children's academic success and to assist their children in learning at home; (c) to build consistent and effective communication between the home and the school so that parents may know when and how to assist their children in support of classroom learning activities; (d) to train teachers and administrators to communicate effectively with parents; and (e) to integrate parent involvement programs, including compliance with this chapter, into the school's master plan for academic accountability. (EC §§11502, 11504)
  21. Results of an annual evaluation demonstrate that the LEA and each participating school are implementing Consolidated Programs that are not of low effectiveness, under criteria established by the local governing board. (5 CCR §3942)
  22. The program using consolidated programs funds does not isolate or segregate students on the basis of race, ethnicity, religion, sex, sexual orientation or socioeconomic status. (USC, Fourteenth Amendment; Calif. Constitution, art. 1, §7; Gov.C §§11135-11138; 42 USC §2000d; 5 CCR, §3934)
  23. Personnel, contracts, materials, supplies, and equipment purchased with Consolidated Program funds supplement the basic education program. (EC §§62002)
  24. At least 85 percent of the funds for School Improvement Programs, Title I, Title VI and Economic Impact Aid (State Compensatory Education and programs for English learners) are spent for direct services to students. One hundred percent of Miller-Unruh apportionments are spent for the salary of specialist reading teachers. (EC §63001; 5 CCR, §3944(a)(b))
  25. State and federal categorical funds will be allocated to continuation schools in the same manner as to comprehensive schools, to the maximum extent permitted by state and federal laws and regulations. (*EC* §48438)
  26. Programs and services are and will be in compliance with Section 8355 of the California Government Code and the Drug-Free Workplace Act of 1988, and implemented at CFR Part 84, Subpart F, for grantees, as defined at 34 CFR Part 84, Sections 84.105 and 84.110.

27. Federal grant recipients, sub recipients and their grant personnel are prohibited from text messaging while driving a government owned vehicle, or while driving their own privately owned vehicle during official grant business, or from using government supplied electronic equipment to text message or email when driving. Recipients must comply with these conditions under Executive Order 13513, "Federal Leadership On Reducing Text Messaging While Driving," October 1, 2009.

**Questions: Education Data Office | [conappsupport@cde.ca.gov](mailto:conappsupport@cde.ca.gov) | 916-319-0297**

Last Reviewed: Thursday, February 9, 2017

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