2015–16 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 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/fg/fo/fm/generalassur2013.asp (no signature required)
- Drug Free Workplace form: http://www.cde.ca.gov/fg/fo/fm/drug.asp (signature required)
- Lobbying Certification form: http://www.cde.ca.gov/fg/fo/fm/lobby.asp (signature required)
- Lobbying Disclosure form: http://www.cde.ca.gov/fg/fo/fm/sflll.asp (signature required if applicable)

Migrant Assurances

Use of Funds

1. Funds for Migrant Education Program (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)(1) 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 Section 6321 and subsections (b) and (c) of Section 6322 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 for migrant children to help reduce the educational disruptions and other problems that result from repeated moves

b. Ensure that migrant children who move among the State are not penalized in any manner by disparities among the States in curriculum, graduation requirements, and State academic content and student academic achievement standards

c. Ensure that migrant children are provided with appropriate educational services (including supportive services) that address their special needs in a coordinated and efficient manner

d. Ensure that migrant children receive full and appropriate opportunities to meet the same challenging State academic content and student academic achievement standards that all children are expected to meet

e. Design programs to help migrant children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit their ability to do well in school, and to prepare them to make a successful transition to postsecondary education or employment

f. Ensure that migrant 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 provided under other programs under Improving Basic Programs Operated by Local Educational Agencies, 20 USC 6311

5. Migrant children who are eligible to receive services pursuant to Improving Basic Programs Operated by Local Educational Agencies, 20 USC 6311

6. A school that receives MEP funds shall continue to address the identified needs described in 4, above. (20 USC 6396[b][3])

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 parent advisory councils for programs of one school year in duration,

   b. And that all such programs and projects are carried out in a manner consistent with 20 USC 6319. (20 USC 6394[c][3])

   c. The LEA will make available to the Migrant Education Program 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 6396[b][2][)

   d. The transfer of school records without parental consent is if the local educational agency 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. (See 34 Code of Federal Regulations [CFR] 99.31) This exception applies only if the local operating agency notifies parents annually of this policy. In addition, the notification of this exception is recorded via parent/guardian signature on the Certificate of Eligibility (COE) form

e. The available of funds from other federal, state, and local programs must be taken into account. (NCLB 1304 [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 (20 USC 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 local educational agencies under Improving Basic Programs Operated by Local Educational Agencies, 20 USC 6311 et seq. (20 USC 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, including such programs that use models developed under Even Start

    d. The interaction of information technology into educational and related programs

    e. Programs that facilitate the transition of secondary school students to postsecondary education or employment. (20 USC 6394[c][6])

11. It will assist the SEA in identifying, and recruiting eligible children, 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 sub granting activities. (20 USC 6394[c][7]) The LEA will implement a program to monitor the eligibility requirements of children and youths enrolled in the Migrant Education Program. (EC 54444.1 [d]. Will establish and implement a system of quality controls for the proper identification and recruitment of eligible migratory children. (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 State content standards and challenging State student performance standards, and whose education has been interrupted during the regular school year. (20 USC 6394[d]) Priority for Services-In providing services with funds received under this part, each LEA of such funds shall give priority to migratory children who are failing, or most at risk of failing, to meet the State's challenging State academic content standards and challenging State student academic achievement standards, and whose education has been interrupted during the regular school year. (NCLB 1304 [d])

Continuation of Services

13. Notwithstanding any other provision of 20 USC□6394,

    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

    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 6394[e])

Schoolwide Programs

14. Before the school chooses to consolidate in its Schoolwide program funds received under part C of Title I of the ESEA, 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 §200.83 and

    b. Document that these needs have been met. (34 CFR 200.29[c][1][i][ii]

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][i][ii].

Coordination of Migrant Activities

16. The LEA will coordinate with the SEA to improve interstate and 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. Interstate and intrastate coordination of the State MEP and its local projects with other relevant programs local projects in the State and in other States

    b. 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

    c. Collecting and using information for accurate distribution of sub grant funds

    d. Development of a statewide needs assessment and a comprehensive State plan for MEP service delivery

e. Supervision of instructional and support staff

f. Establishment and implementation of a State parent advisory council

g. Conducting an evaluation of the effectiveness of the State MEP. (34 CFR 200.82, 20 USC and Authority: 20 USC 6392, 6571)

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 content and performance standards. (20 USC 6394 and 34 CFR 200.42[a])

19. Evaluations of program and project effectiveness shall, wherever feasible, use the same high-quality yearly student assessments or transitional assessments that the State establishes for use in meeting the requirements of 34 CFR Section 200.4. (20 USC 6394 34 CFR 200.42[b])

20. In a project where it is not feasible to use the same student assessments that are being used to meet the requirements of 34 CFR Section 200.4, the operating agency must carry out some other reasonable process or processes for examining the effectiveness of the project. (20 USC 6394 and 34 CFR 200.42[c])

21. Operating agencies shall use the results of the assessments carried out under 34 CFR Section 200.42 to improve the services provided to migratory children. (20 USC 6396 and 34 CFR 200.43)

Migratory Children in Private Schools

22. Operating agencies shall conduct programs and projects under this subpart in a manner consistent with the basic requirements of 20 USC Section 6321. (20 USC 6394[c][2])

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 200.327, 200.328).

24. Operating agencies agree to comply with the audit requirements of 34 CFR 75.910 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 200.305, LEA's must demonstrate the ability to minimize the time elapsing between the receipt and disbursement of migrant funds (Cash Management). LEA's 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 California Department of Education any amounts of Title I funds determined to be expended for non-approvable purposes or in violation of federal or state laws and regulations. (2 CFR 200.344)

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 California Department of Education.

28. Operating agencies agree to keep fiscal records and make fiscal accounting reports for the MEP using forms and procedures developed by the California Department of Education.

Comparability

29. The local educational agencies (LEAs) may receive funds under Title I Comparability Section 1120 (A)(c) of NCLB (Public Law 107-110), 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. A LEA may determine comparability on a district wide basis or on a grade span basis if the LEA files with the state educational agency (SEA) a written assurance that it has established and implemented:

    a. A LEA-wide salary schedule

    b. A policy to ensure equivalence among schools in teachers, administrators, and other staff

    c. A policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies. (20 U.S.C. 6321[c] PL 103-382, PL 103-382, Title XIV, Section 14101[10] and Section 14501[a])

30. The LEA may also use other measures to determine comparability such as comparing the average number of students per instructional staff or the average staff salary per student in each school receiving Title I, Part A or MEP funds with those in schools that do not receive Title I, Part A or MEP funds. If all the schools are served by Title I, Part A or MEP, a LEA must use state and local funds to provide services that, taken as a whole, are substantially comparable in each school. (20 U.S.C. 6321[c], PL 103-382, Section 1120[A]PL 103-382, Title XIV, Section 14101 [10] and Section 14501 [a])

31. The LEA may exclude schools with fewer than 100 students from its comparability determinations. The comparability requirements do not apply to an LEA that has only one school for each grade span. (20 U.S.C. 6321[c] PL 103-382, Section 1120[A] PL 103-382, Title XIV, Section 14101[10] and Section 14501[a])

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 U.S.C. Section 6321[c])

33. The LEA is required by federal regulations to develop procedures and maintain records that are updated biennially to document compliance with requirements in Section 1120A(c).

34. Annual documentation of implementation should include, but not limited to, calculations, a process or procedure that demonstrates how staff were distributed or assigned

35. The LEA's Failure to comply with the requirements may result in the loss of Title I funds and/or Migrant Education 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 California Department of Education (*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])

Sub Grantee

3. It is agreed that "Operating agency" means a local educational agency operating under a sub grant 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 a local education agency to which the State Education Agency [SEA] makes a sub grant under this part.) (*EC* 54441[e] and 20 USC 6399)

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 California department of Education (*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 California Department of Education, 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 parent advisory councils in accordance with federal and state laws and regulations, such that:

    a. The membership of each regional parent advisory council 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 parent advisory council 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 parent advisory council shall be the parents of migrant children. (*EC* 54444.1[d] and 54444.2)

13. All other responsibilities required under other state and federal laws and regulations. (*EC* 54444.1 and 54444.4) Sec. 1304[c][3][A][B] NCLB)

Direct Funded Districts

14. A biennial vote (every other year) by the parent advisory council (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* 54444.4 [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 California Department of Education (*EC*□54444.1[A][5])

Name of Applicant: _____
Region/District: _____
Printed Name of Authorized Representative: _____
Signature:_____Date: _____