

GENERAL ASSURANCES

California Department of Education

Discrimination

As the duly authorized representative of the applicant, I certify that the applicant will comply with all federal statutes relating to nondiscrimination, including (a) Title VI of the Civil Rights Act of 1964 (*45 United States Code [USC] sections 2000d through 2000d-4*) prohibiting discrimination on the basis of race, color, or national origin; Title IX of the Education Amendments of 1972 (*20 USC sections 1681-1683*) prohibiting discrimination on the basis of sex; Section 504 of the Rehabilitation Act of 1973 (*20 USC Section 794*) prohibiting discrimination on the basis of handicap; and The Age Discrimination Act (*42 USC Section 6101, et seq.*) prohibiting discrimination on the basis of age.

Costs

As the duly authorized representative of the applicant, I certify that the applicant will comply with the general cost principles set forth in federal regulations, *34 Code of Federal Regulations (CFR) Section 74.27* and *34 CFR Section 80.22*, and the Office of Management and Budget circulars applicable to my entity.

I further certify that the applicant will comply with the expenditure requirements set forth in the federal Education Department Guidelines Administrative Regulations (EDGAR) contained in Title 34 of the *CFR*.

Records

As the duly authorized representative of the applicant, I certify that the applicant will make reports to the state or federal agency designated in the application as may reasonably be necessary to enable those agencies to perform their duties. The applicant will maintain and provide access to all records used in the preparation of such reports for a period of five years. Such records shall include, but not be limited to, records which fully disclose the amount and disposition by the recipient of funds, the total cost of the activity for which the funds are used, the share of the cost provided from other sources, and such other records as will facilitate an effective audit. The recipient shall maintain such records for five years after the completion of the activities for which the funds are used.

Applicable Law

As the duly authorized representative of the applicant, I certify that the applicant will comply with all state and federal statutes, regulations, program plans, and eligibility requirements applicable to each program under which federal and state funds are made available through the application.

CDE-100-A Aug-2005

Certification Regarding State and Federal Drug-Free Workplace Requirements

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 85, Subpart F, for grantees, as defined at 34 *CFR* Part 85, Sections 85.605 and 85.610

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 five 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, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

- (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, 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:

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

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 34CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610

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. 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: _____

Name of Program: _____

Printed Name and Title of Authorized Representative:

Signature: _____ Date: _____

CDE-100DF Aug-2005

CERTIFICATION REGARDING LOBBYING

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 Form to Report Lobbying](#), (revised Jul-1997) 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: _____

Name of Program: _____

Printed Name and Title of Authorized Representative:

Signature: _____ Date: _____

ED 80-0013 (Revised Jun-2004)

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transactions.

This certification is required by the U. S. Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 34 *Code of Federal Regulations* Part 85, for all lower tier transactions meeting the threshold and tier requirements stated at Section 85.110.

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled A Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion--Lower Tier Covered Transactions, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may but is not required to, check the Nonprocurement List.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Name of Applicant: _____

Name of Program: _____

Printed Name and Title of Authorized Representative:

Signature: _____ Date: _____

ED 80-0014 (Revised Sep-1990)

**California Department of Education
Adult Education and Family Literacy Act P. L. 105-220**

WORKFORCE INVESTMENT ACT TITLE II SPECIFIC ASSURANCES

In addition to the General Assurances of the California Department of Education, the duly authorized agent of the applicant certifies that the applicant will comply with the following Workforce Investment Act Title II specific program requirements:

1. The duly authorized agent of the applicant agrees not to charge student tuition, fees, or other costs. Students will not be required to purchase any books and/or instructional supplies and materials needed for enrollment or participation in: Adult Basic Education (ABE), English as a Second Language (ESL), ESL Citizenship, Adult Secondary Education (ASE), Vocational Literacy, Family Literacy, or any programs funded for EL Civics (*Education Code §52612*).
2. The duly authorized agent of the applicant agrees to submit the following for approval by the CDE Adult Education Office before grant funds can be disbursed:
 - a. Program Budgets by the due date specified. For additional information, see the *Workforce Investment Act Title II, Adult Education and Family Literacy Act, Section 225, Section 231, and English Literacy and Civics Education, Program Reapplication Guidelines and Requirements 2009-10 (Workforce Investment Act of 1998, Title II §232)*
 - b. Memorandums of Understanding (MOUs) for cooperative arrangements for services (*EDGAR §80.37(a)(1-4) (b)(1-3), and Workforce Investment Act of 1998, Title II §232*).
3. The duly authorized agent of the applicant agrees to fulfill all data collection, surveys, and reporting requirements in an accurate and timely manner (*Workforce Investment Act of 1998, Title II §212 and 224(b), and California State Plan, Chapter 5*)
 - a. Data Foundation and Structure: The duly authorized agent of the applicant agrees to use the state's standardized policies and procedures for intake, placement, goal setting, and follow-up surveys. The agent agrees to implement an assessment and attendance tracking system using the Comprehensive Adult Student Assessment System (CASAS) and TOPSpro software for collecting student information. The duly authorized agent of the applicant agrees that students must attend a minimum of 12 hours before being considered as participating students (*National Reporting System (NRS) Implementation Guidelines, Chapter 1. NRS Measures*).

Note: The CDE will provide TOPSpro software, assessment materials, and staff training to all funded agencies free of charge. If your agency does not use TOPSpro, your data system must be capable of producing all data elements included in TOPSpro and in the same sequence as the TOPSpro reports (Workforce Investment Act of 1998, Title II Sec. 212 and 224(b), and California State Plan, Chapter 5.0).
 - b. Data Collection, Verification, Analysis, and Reporting: The duly authorized agent of the applicant agrees to have staff with clear responsibility for data collection, data entry, attestation, and procedures for correcting errors and resolving missing data. The duly authorized agent of the applicant agrees to use student data for program management and improvement such as evaluating learning gains, teacher performance, and meeting student needs.
4. Professional Development: The duly authorized agent of the applicant agrees to train staff that will be responsible for general NRS requirements including assessment and follow-up policy procedures, and student goal-setting. Staff must receive training on data entry and collection procedures, interpreting reports, the process and ability to conduct follow-up surveys, and data matching procedures.
5. Federal law Title 34 *Code of Federal Regulations 80.21 (i)* requires that any interest earned by grantees on federal dollars be returned to the U.S. Department of Education (ED) if the amount is in excess of \$100. Grantees shall promptly, but at least quarterly, remit interest earned on advances to the California Department of Education for return to the ED.

**California Department of Education
Adult Education and Family Literacy Act P. L. 105-220**

WORKFORCE INVESTMENT ACT TITLE II SPECIFIC ASSURANCES (continued)

- The duly authorized agent of the applicant agrees to use not less than 95 percent of its approved funds for carrying out adult education and literacy activities. The remaining amount, not to exceed 5 percent, shall be used for planning, administration, personnel development, and interagency coordination. In cases where the cost limits are too restrictive to allow for adequate planning, administration, personnel development, and interagency coordination, the CDE will negotiate with the agency an adequate level of funds to be used for non-instructional purposes (*Workforce Investment Act of 1998, Title II, Section 233; Code of Federal Regulations, Title 34, Part 461, Section 461.40*).
- The duly authorized agent of the applicant, if not previously funded with WIA Title II funds agrees to meet state imposed program participation criteria that include, but are not limited to, attendance at CDE-sponsored training related to CASAS, budget development, and program development (*California State Plan 6.1.13*).
- The duly authorized agent of the applicant agrees to document procedures and guidelines pertaining to their standardized assessment practices. Adult literacy providers may use the *Workforce Investment Act Title II Adult Education and Family Literacy Act Assessment Policy Guidelines* as the policy foundation, in conjunction with Test Administration Manuals, *CASAS Administration Manual for California*, and regional training workshops to provide a basis for development of local procedures, guidelines, and implementation practices.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above assurances and requirements. It is also understood that failure to comply will result in withholding or forfeiture of Workforce Investment Act Title II funding.

Name of Applicant: _____

Name of Program: _____

Printed Name and Title of Authorized Representative:

Signature: _____ Date: _____