

**CLASSIFICATION: Business and Noninstructional
Operations****ADOPTED: 6/24/94****REVISED: 9/13/95****SUBJECT: Monitoring of Federal/State
Contract Compliance****PAGE: 1 of 2**

The County Superintendent of Schools regularly enters into contracts to receive funding from federal/state sources. The County Superintendent of Schools (primary recipient) signs acceptance of compliance clauses that acknowledges that general assurances will be observed as required by federal/state regulations. See Exhibit 1, *General Assurances, California Department of Education 100A*.

The San Diego County Office of Education acts as lead governmental unit on several federal grants. In this capacity, the County Superintendent of Schools performs a number of administrative functions, and receives monies for pass-through to participating school districts. Under the *Single Audit Act*, the County Superintendent of Schools is required to monitor activities of these subrecipients that have received twenty-five thousand dollars (\$25,000) or more from the San Diego County Office of Education. The purpose of this administrative regulation is to establish procedures for monitoring subrecipient compliance with federal/state regulations.

Program Managers of the County Superintendent of Schools are designated to assist and monitor subrecipient in compliance procedures listed below.

COMPLIANCE PROCEDURES

1. When a contract or grant program has pass-through funds to a subrecipient, it is the responsibility of the County Superintendent of Schools or his/her designee to ensure that the required *Assurance of Compliance Document* is signed by the authorized agency of the subrecipient and is placed on file with the County Superintendent of Schools.
2. At the inception and at regular intervals during the term of the program or project, the County Superintendent of Schools or his/her designee shall verbally confirm with the subrecipient that compliance procedures are being observed.
3. When the subrecipient is a school district, the County Superintendent of Schools or his/her designee shall examine the subrecipient district's annual audit report and review with the subrecipient any audit findings which indicate the subrecipient's failure to comply with federal/state requirements.

SAN DIEGO COUNTY OFFICE OF EDUCATION

**ADMINISTRATIVE
REGULATION NO. 3221**

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4. Upon discovery of noncompliance at the subrecipient level, payment of pass-through funds shall be delayed until the noncompliance issues have been resolved.

Board Policy Nos.: 4001, 4002, 4007, 4013

Derivation: Former Administrative Regulation No. 3200, Adopted 6/24/94. Amended and Renumbered 3221, 9/13/95.

GENERAL ASSURANCES

(SDE 100A)

The signature of the authorized agent on the Acceptance Form acknowledges that general assurances will be observed.

1. Program and services shall be in compliance with Title VI and Title VII of the *Civil Rights Act of 1964*, the *California Fair Employment Practices Act*, and Chapter 4 (commencing with section 30) of Division 1 of Title 5., California Administrative Code. A statement of compliance with Title VI of the *Civil Rights Act of 1964* has been filed with the Superintendent of Public Instruction.
2. Program and services shall be in compliance with Title IX (nondiscrimination on the basis of sex) of the Education Amendments of 1972.
3. Programs and services shall be in compliance with the affirmative action provisions of the Education Amendments of 1972.
4. Programs and services shall be in compliance with the *Age Discrimination Act of 1975*.
5. Programs and services for handicapped persons shall be in compliance with the *Education for All Handicapped Children Act of 1975*, Section 613(s) and Section 504 of the *Rehabilitation Act of 1973*.
6. When federal funds are made available, they will be used so as to supplement, and to the extent practicable, increase 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.
7. All state and federal statutes, regulations, program plans, and applications applicable 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, and the undersigned is authorized to file these assurances for such applicant agency.
8. The local agency will use fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, state and federal funds paid to that agency under each program.

9. The public agency shall make reports to the state agency or board and to the Superintendent of Public Instruction as may reasonably be necessary to enable the state agency or board and the Superintendent to perform their duties and will maintain such records and provide access to those records as the state agency or board or the Secretary deem necessary. Such records shall include, but 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 five years after the completion of the activities for which the funds are used.
10. Any application, evaluation, periodic program plan, or report relating to each program will be made readily available to parents and other members of the general public.
11. Auditable records of each participating school program will be maintained on file at the district office. (T5 3944; CFR.220.56)
12. For LEAs the district board of trustees has adopted written procedures to ensure prompt response to complaints from parents, members of advisory committees, and members of other groups, within 30 days, and has disseminated these procedures to parent/community groups in the district. (T5 3951)
13. Any funds under any applicable program, which pursuant to paragraph (1) are available for obligation and expenditure in the year succeeding the fiscal year for which they were appropriated, shall be obligated and expended in accordance with:
 - A. The Federal statutory and regulatory provisions relating to such program which are in effect for such succeeding fiscal year, and
 - B. Any program plan or application submitted by such educational agencies or institutions for such program for such succeeding fiscal year.

"Obligations" are the amounts of orders placed, contracts and subgrants awarded, services received, and similar transactions during a given period, which will require payment during the same or future period.