

# ASSURANCES

The assurances should be kept on file in the division.

## GENERAL ASSURANCES

Title I, Part A	– Improving Basic Programs Operated by Local Educational Agencies
Title I, Part C	– Education of Migratory Children
Title I, Part D, Subpart 2	– Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk
Title II, Part A	– Supporting Effective Instruction
Title III, Part A	– Language Instruction for English Learners and Immigrant Students
Title IV, Part A	– Student Support and Academic Enrichment Grants
Title VI, Part B, Subpart 2	– Rural and Low-Income School Program

The school division assures:

- I. Each program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;
- II. The control of funds provided under each program and title to property acquired with program funds will be in a public agency, a nonprofit private agency, institution, organization, or an Indian tribe, if the law authorizing the program provides for assistance to those entities;
- III. The public agency, nonprofit private agency, institution, organization, or Indian tribe, will administer the funds and property to the extent required by the authorizing statutes;
- IV. It will adopt and use proper methods of administering each program, including—
  - A. The enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program;
  - B. The correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation and that:
    1. It will maintain fiscal effort in support of free public education;
    2. It will provide services with state and local funds that are at least comparable to services provided in schools and areas not receiving special federal funds;
    3. The majority of the resources in the school division are derived from nonfederal funds;
    4. It is in compliance with the requirements regarding school prayer as specified in P. L. 114-95, Title VIII, Section 8524;
    5. It will comply with the audit requirements for each program;
    6. The federal funds are used to supplement, not supplant regular nonfederal funds;
    7. It will cooperate in carrying out any evaluation of each program conducted by or for the state educational agency, the Secretary, or other federal officials;
    8. It will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, federal funds paid to the applicant under each program;
    9. It will submit such reports to the state educational agency (which shall make the reports available to the Governor) and the Secretary of Education as the state educational agency and Secretary may require to enable the state educational agency and the Secretary to perform their duties under each program;
    10. It will maintain such records for five years, provide such information, and afford such access to the records as the state educational agency (after consultation with the Governor) or the Secretary may reasonably require to carry out the state educational agency's or the Secretary's duties;
    11. It consulted with teachers, school administrators, parents, members of the community, nonprofit organizations and other interested parties in the development of this plan;
    12. It afforded a reasonable opportunity for public comment on the plan or application and considered such comment before the application was submitted;
    13. It will provide information in an understandable and uniform format and, to the extent practicable, be provided in a language that the parents can understand;

14. It is in compliance with the requirement regarding equal access to public school facilities as specified in P. L. 114-95, Title VIII, Section 8525;
  15. It is in compliance with the requirement regarding the prohibition on aiding and abetting sexual abuse as specified in P. L. 114-95, Title VIII, Section 8546;
  16. It will comply with the other application requirements outlined in  
Section 8501. Private School Children;  
Section 8502. Bypass; and  
Section 8521. Maintenance of Effort under Title VIII –Other Provisions;
  17. It will ensure that funds are expended in accordance with the school division’s approved application or amended application. In the event the local division needs to expend funds in any manner other than stipulated in the approved application, the plan must be amended using the amendment process provided by the Department of Education. The application must be amended before funds can be expended for activities not approved in the original application;
- C. That it will collect and disseminate information collected under Section 1111 in a manner that protects the privacy of individuals;
  - D. It will adhere to the provisions of the Federal Funding Transparency and Accountability Act (FFATA), and will obtain a valid DUNS number prior to applying for funds.
- V. The division shall comply with Section 22.1-277.07, of the *Code of Virginia* that requires the expulsion for one year of any student determined to have brought a firearm to school. A description of each incident, the name of the school concerned, the number of students expelled from each school, and the type of firearm used in each instance of expulsion will be reported to the Virginia Department of Education in compliance with provisions under Section 8561 (Gun-Free Schools Act). This agency has a policy that requires referral to the criminal justice or the juvenile delinquency system of any student who brings a firearm or weapon to school; and
- VI. It will participate, if selected, in the state National Assessment of Educational Progress in 4th and 8th grade reading and mathematics carried out under Section 303 of the National Assessment of Educational Progress Act.

## PROGRAM SPECIFIC ASSURANCES

### **Title III, Part A – Instruction for English Learners and Immigrant Students**

Title III funds cannot be used for academic programs and services and language instruction educational programs and services provided to ELs that are required under other local, state, and federal laws to include Title VI of the Civil Rights Act of 1964, the Equal Educational Opportunities Act of 1974 (EEOA), and other requirements, including those under State or local laws. The division will comply with the supplement, not supplant, provisions as described below:

#### **Section 3115**

(g) SUPPLEMENT, NOT SUPPLANT - Federal funds made available under this subpart shall be used so as to supplement the level of federal, state, and local public funds that, in the absence of such availability, would have been expended for programs for English learners and immigrant children and youth and in no case to supplant such Federal, State, and local public funds.

Each school division's plan shall ensure:

- I. That it will include in the plan under ESEA section 3114 a certification that all teachers in any language instruction educational program for ELs that are, or will be, funded under this part are fluent in English and any other language used for instruction, including having written and oral communications skills;
- II. That all ELs will be identified within 30 days of enrollment
- III. That it will comply with the parental notification requirements as described below:
  - (a) Each eligible entity using funds provided under this title to provide a language instruction educational program shall, not later than 30 days after the beginning of the school year, inform a parent or the parents of ELs identified for participation in, or participating in, such program of —
    - (1) the reasons for the identification of their child as an EL and in need of placement in a language instruction educational program;
    - (2) the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement;
    - (3) the method of instruction used in the program in which their child is, or will be, participating, and the methods of instruction used in other available programs, including how such programs differ in content, instruction goals, and use of English and a native language in instruction;
    - (4) how the program in which their child is, or will be participating, will meet the educational strengths and needs of the child;
    - (5) how such program will specifically help their child learn English, and meet age appropriate academic achievement standards for grade promotion and graduation;
    - (6) the specific exit requirements for such program, the expected rate of transition from such program into classrooms that are not tailored for ELs, and the expected rate of graduation from secondary school for such program if funds under this title are used for children in secondary schools;
    - (7) in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child; and
    - (8) information pertaining to parental rights that includes written guidance —
      - (A) detailing —
        - (i) the right that parents have to have their child immediately removed from such program upon their request; and

- (ii) the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available; and
    - (B) assisting parents in selecting among various programs and methods of instruction, if more than one program or method is offered by the eligible entity.
  - (b) RECEIPT OF INFORMATION- The information required to be provided under subsection (a) to a parent shall be provided in an understandable and uniform format and, to the extent practicable, in a language that the parent can understand.
- IV. That it will comply with the Parents Right-to-Know requirements in ESEA section 1112(e);
- V. That it will annually assess the English proficiency of all ELs participating in programs funded under this part;
- VI. That it will base its proposed plan on effective research on teaching ELs;
- VII. That it will ensure that the programs will enable children to speak, read, write, and comprehend the English language and meet challenging state academic content and student academic achievement standards;
- VIII. That it will not violate any state law, including state constitutional law, regarding the education of ELs, consistent with ESEA sections 3125 and 3126;
- IX. That the school division consulted with teachers, researchers, school administrators and other school personnel, parents and family members, community members, public or private entities, institutions of higher education, and other stakeholders in developing the Title III local plan described in the program overview section;
- X. That it will, if applicable, coordinate activities and share relevant data under the plan with local Head Start agencies, including migrant and seasonal Head Start agencies, and other early childhood education providers; and
- XI. That Immigrant Children and Youth (IY) funds will be specifically targeted to eligible immigrant students and their families.

