

Title III SECTION II: ASSURANCES

INSTRUCTIONS

STEP 1:

Carefully read the Assurances below. They include the General Assurances for Federal Applications and the Supplementary Assurances for Title I and Title III.

STEP 2:

At the end of the Assurances are signature lines. The LEA Superintendent and the LEA Business Manager must sign and date this page to verify the district's commitment to the Assurances.

GENERAL ASSURANCES

THE APPLICANT HEREBY ASSURES THE MISSISSIPPI DEPARTMENT OF EDUCATION THAT:

1. The local educational agency (LEA) will administer each program covered under this application in accordance with all applicable statutes, regulations, program plans, and applications.
2. The control of funds provided under each program and title to property acquired with program funds will be in the local public education agency.
3. The LEA will administer funds received under grants from this application to the extent required by the authorizing statutes.
4. The recipient of funds shall adopt and use proper methods of administering each program including:
 - a) the enforcement of any obligations imposed by law on the LEA responsible for carrying out the programs; and
 - b) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluations.
5. The recipient of funds will cooperate in carrying out any evaluation of the programs conducted by or for the State education agency, the Secretary of the U.S. Department of Education, or other Federal officials.
6. The LEA will use such fiscal control and fund accounting procedures as will ensure proper reimbursement of, and accounting for, federal funds paid to such applicant under the applicable programs.
7. The LEA will:
 - a) make reports to the State education agency and the Secretary of the U.S. Department of Education as may be necessary to enable such agency and the Secretary to perform their duties under the programs; and
 - b) maintain such records, provide such information, and afford access to the records as the State education agency or the Secretary of the U.S. Department of Education may find necessary to carry out their duties.
8. Before the application was submitted, the LEA afforded a reasonable opportunity for public comment on the application and has considered such comment.
9. The applicant will repay to the State education agency with nonfederal funds or from federal funds for which no accountability is required to the federal government, any amounts which the U.S. Department of Education orders the State education agency to repay because of the applicant's failure to comply with applicable statutes, regulations, and requirements.
10. The applicant will further repay to the State education agency with nonfederal funds or from federal funds for which no accountability is required to the federal government, any amounts determined by

the State education agency to have been misspent or misapplied because of the applicant's failure to comply with applicable statutes, regulations, and requirements.

11. To the extent consistent with the number of school-age children in the attendance area of a local educational agency receiving funds under the programs covered by this application, the LEA shall, after consultation with the appropriate representatives from eligible private nonprofit schools, make provisions for including services and arrangements for the equitable participation of children attending these schools and make provisions for including services and arrangements for the equitable participation of their teachers and other educational personnel in these programs.
12. The LEA will implement the approved programs described in the approved application.
13. The LEA will use funds from awards resulting from approval of this application to supplement current programs and activities, and that in no case will these funds be used to supplant local programs or activities already in place.
14. The grantee adheres to the applicable provisions of the Education Department General Administrative Regulations (EDGAR): 34 CFR Subtitle A, Parts 1-99. The grantee adheres to the applicable regulations of the Office for Civil Rights, U.S. Department of Education: 34 CFR Subtitle B, Parts 100-199. The grantee shall be an equal opportunity employee and shall perform to all applicable requirements; accordingly, the applicant shall neither discriminate nor permit discrimination in its operations or employment practices against any person or group of persons on the grounds of race, color, religion, national origin, handicap, or sex in a manner prohibited by law. Further, the applicant agrees to comply with the *Civil Rights Act of 1964*, *Title IX of the Educational Amendments of 1972*, *Section 504 of the Rehabilitation Act of 1973*, *the Age Discrimination Act of 1975*, and the *Americans with Disabilities Act*.
15. The grantee adheres to the Office of Management and Budget (OMB) Circular A-87 (Cost Principles for State, Local, and Indian Tribal Governments). The grantee assures that salary and wage charges will be supported by proper time reporting documentation that meets the requirements of OMB Circular A-87.

SUPPLEMENTARY ASSURANCE FOR GENERAL EDUCATION PROVISIONS ACT (GEPA)

The LEA will develop and describe the steps the LEA proposes to take to ensure equitable access to, and equitable participation in the project or activity to be conducted with such assistance by addressing the special needs of students, teachers, and other program beneficiaries in order to overcome barriers based on gender, race, color, national origin, disability, and age.

SUPPLEMENTARY ASSURANCE FOR SCHOOL PRAYER

The LEA certifies that it has no policy that prevents, or otherwise denies participation in, constitutionally protected prayer as set forth in Federal Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools.

SUPPLEMENTARY ASSURANCES FOR TITLE I, PART A

1. Eligible schools and parents will be informed of schoolwide project authority.
2. Technical assistance and support will be provided to schoolwide projects and schools in need of improvement.
3. The LEA will work in consultation with schools to develop and assist in the implementation of applications to ensure that each school will make adequate yearly progress toward meeting State content and student performance standards.
4. School improvement responsibilities will be fulfilled, including taking corrective actions.

5. Services will be provided to eligible children attending private schools allowing for timely and meaningful consultation with private school officials.
6. The LEA will consider model programs and relevant research indicating that services may be most effective in the earliest grades.
7. The programs and projects described in the Application for Funds:
 - a) were developed in consultation with teachers including vocational teachers, and pupil services personnel, where appropriate, and parents of children in schools served;
 - b) reflect the shared responsibility of schools and teachers in making decisions regarding school-wide and targeted assistance programs; and
 - c) will be conducted in attendance areas in the LEA in rank order on the basis of the total number of children from low-income families in each area or school, using the same measure of poverty with respect to all school attendance areas in the LEA.
8. The programs and projects described in the Application for Funds include:
 - a) programs, activities and procedures for the involvement of parents, which are planned and implemented with meaningful consultation with parents of participating children, and
 - b) a written parental involvement policy developed jointly with, agreed upon, and distributed to parents of participating children.
9. If the LEA uses Title I funds to employ instructional assistants, the applicant will ensure that such assistants:
 - a) possess the knowledge and skills sufficient to assist participating children in meeting the educational goals of Title I;
 - b) meet the requirements listed in *Section 1119* of Title I; and
 - c) are under the direct supervision of a teacher who has primary responsibility for providing instructional services to eligible children.
10. The LEA will use State and Local funds to provide services in project areas, including schoolwide projects, which, taken as a whole, are at least comparable to services provided in areas which are not receiving funds under Title I. Where all attendance is in project areas, the LEAs will use State and Local funds to provide services that are subsequently comparable in each project area. The LEA further assures that it has:
 - a) established a district-wide salary schedule, a policy to ensure equivalence among schools in teachers, administrators, auxiliary personnel; and
 - b) established and implemented other measures for determining competence.

SUPPLEMENTARY ASSURANCES FOR TITLE III, PART A

All district and school personnel (superintendent, principals, teachers, finance officers and support staff) shall be knowledgeable of the requirements below to comply with the *No Child Left Behind Act of 2001* and the *1964 Civil Rights Act*. LEAs shall:

1. Develop and implement a plan which will not be in violation of any State or federal laws regarding the education of English Language Learners (ELL) or Limited English Proficient (LEP) children. (*Section 3126*)
2. Be required to use funds to build capacity to continue to provide high-quality language instruction educational programs for ELL/LEP students once the sub grant is no longer available. [*Section 3113(b)(3)(G)*]
3. Include in its plan a certification that all teachers in a Title III language instruction educational program for ELL/LEP children are fluent in English and any other language used for instruction. [*Section 3116(c)*]
4. Ensure that students enrolled in this program participate in the English Language Proficiency Test (ELPT) Program. In those grades that students do not participate in the (ELPT), the public school district shall develop and implement an assessment and evaluation program. [*Section 3113(b)(3)(C)*]

5. Assess students on an annual basis until proficiency in English is achieved. ELL students not participating in the program must also be assessed for English Language Proficiency and be served to meet their linguistic needs. *[Section 3113(b)(3)(D)]*
6. Notify parents of a child's placement in a language instruction program not later than 30 days after the beginning of the school year, or for later enrollment, within two weeks of the student's placement. The notification must be provided in an understandable and uniform format, and to the extent practicable, in a language that the parent can understand. The parent notification shall include: *(Section 3302)*
 - a) reasons for student's placement;
 - b) the child's level of English Language proficiency, how such level was assessed, and the status of the child's academic achievement;
 - c) description of the range of program models available;
 - d) description of how the program will meet the linguistic and academic needs of the child;
 - e) specific exit requirements for the program;
 - f) description of how the program meets the objectives of the Individualized Education Program of a child with a disability; and
 - g) parents' options to decline to enroll their child in the program or to choose another program, if available.
7. Ensure that the programs and projects described in the application for funds were developed in consultation with teachers including vocational teachers, school administrators, parents, charter school representatives, and where appropriate, private school representatives, pupil services personnel and other relevant external groups *[Section 3116(b)(5)]*.
8. Be required to use its funds to increase English language proficiency and academic achievement in the core academic subjects for ELL/LEP students with activities including: *[Section 3115(c)]*
 - a) language instruction programs supported by scientifically based research; and
 - b) high-quality professional development for classroom teachers (including teachers not in language instruction settings), principals, administrators and other community based organizational personnel. Professional development activities shall be designed to improve instruction and assessment of ELL/LEP students; based on scientifically based [scientifically-conducted] research models; of sufficient intensity and duration to have a positive and lasting impact on the teacher's performance in the classroom.
9. Use funds for the following authorized (i.e., recommended) activities: *[Section 3115(d)]*
 - a) upgrading program objectives and instruction;
 - b) improving instruction by upgrading or developing curriculum, assessment information, educational software, and instructional materials;
 - c) providing tutorials, academic or vocational education, and intensified instruction;
 - d) programs that are coordinated with other services;
 - e) improving English proficiency and academic achievement;
 - f) community participation that improves English language skills of ELL/LEP students and assists parents through family literacy programs and parent outreach training;
 - g) improving instruction of ELL/LEP students through educational technology, instructional materials, access to and participation in electronic networks, and incorporating technology resources; and
 - h) other activities that are consistent with the purposes of Title III.
10. Report accurate information in Mississippi Student Information System (MSIS), including:

- a) the ELL/LEP student's classification as ELL/LEP;
 - b) the ELL/LEP student's participation status in State Title III programs; and,
 - c) professional development training on English as a Second Language (ESL), second language acquisition, and related topics in ELL Education that was received by LEA staff members during the school year (i.e., teachers of ESL or teachers of other subjects, administrators, instructional support personnel, community members, etc.).
11. Evaluate the LEA's program to determine effectiveness and needs for improvement. The evaluation will include: (*Section 3121*)
- a) a description of activities conducted by the LEA with Title III funds;
 - b) a description, number, and percentage of ELL/LEP children making progress in learning English language and meeting challenging State academic content and student academic achievement standards;
 - c) the number and percentage of ELL/LEP students in the program attaining English Language Proficiency by the end of each school year; and
 - d) a description of the progress made by students who have been exited from ELL/LEP status for each of the two years after they are no longer served by a Title III program.
12. For any fiscal year, each school with ELL students that fails to meet the Annual Measurable Achievement Objectives (AMAOs) for English Language Proficiency (AMAOs 1 and 2) and Adequate Yearly Progress (AYP) (must meet both) shall separately inform students' parents or guardians of this failure. (i.e., a school newsletter will not suffice; separate letters must be sent in the language most familiar to students' parents/guardians.)
13. The LEA shall ensure that each of its schools with ELL students that fails to make progress toward meeting AMAOs and/or AYP for two consecutive years will be required to develop an improvement plan that will ensure that the school meets those objectives. This plan must be submitted to and approved by the MDE. [*Section 3122(b)(2)(A)*]
14. Include in the LEA's plan a certification that all teachers - in any language instruction educational program for ELL/LEP children - are fluent in English and any other language used for instruction, including having written and oral communication skills. [*Section 3115(c)*]