

The parties referred to in this document are all Federal agencies, including but not limited to the United States Department of Education, the United States Department of Agriculture, the United State Department of Health and Human Services and the United States Department of Labor, all herein referred to as the "DEPARTMENT," and the Utah State Office of Education, herein referred to as the "USOE," and the local educational agency, herein referred to as the "SUBGRANTEE." The USOE may make funds available to the SUBGRANTEE for programs operated by the SUBGRANTEE in accordance with requirements and regulations applicable to such programs. Consistent with 34 C.F.R. Sections 74-85, the SUBGRANTEE assures, if awarded a grant, subgrant, or contract:

1. Assurance - General NCLB/ESEA, as reauthorized as ELEMENTARY AND SECONDARY EDUCATION ACT

ASSURANCES FOR NO CHILD LEFT BEHIND, as

A. General and Cross-Cutting Assurances

The Local Education Agency assures that:

1. Each program will be administered 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 a public agency, a nonprofit private agency, institution, or organization, or an Indian tribe, if the law authorizing the program provides for assistance to those entities.
3. The public agency, nonprofit private agency, institution, organization, or Indian tribe will administer those funds and property to the extent required by the authorizing law.
4. The LEA 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
 - c. The adoption of written procedures for the receipt and resolution of complaints alleging violations of law in the administration of the programs.
5. The local education agency will cooperate in carrying out any evaluation of programs conducted by or for the Secretary or other Federal officials.
6. The LEA will use fiscal control and fund accounting procedures and will ensure proper disbursement of, and accounting for, federal and state funds paid to the LEA under each program.
7. The LEA will—
 - a. Make reports to the State as necessary to enable the State to perform its duties

under each program; b. Maintain records, provide information to the State, and afford access to the records as the State may find necessary to carry out its duties; and c. Afford a reasonable opportunity for public comment on the plan and consider comments.

8. Eligible schools of the local educational agency's authority may obtain waivers on the school's behalf under title IX and the Education Flexibility Partnership Act of 1999.

9. The application and any waiver request under section 4115(a) (3) will be available for public review after submission of the application.

10. The applicant agrees to keep records and provide information to the State or to the federal government as may be required for fiscal audit and program evaluation.

11. Funds under Title I will be used to increase the level of State; local and other non-Federal funds that would, in the absence of these funds, be made available for programs and activities authorized under this plan, and in no case supplant Federal, State local or non-Federal funds.

12. Federal funds will be used to supplement, and not supplant, state or other funds that would otherwise be available to carry out activities included in this Act.

13. The LEA will produce and disseminate an annual Report Card in accordance with section 1111(h)(1) and will ensure that schools that receive Title I, Part A funds produce and disseminate annual local Report Cards in accordance with section 1111(h)(2), that include information containing the required information regarding teacher qualifications.

14. The LEA will participate fully in Utah's State Accountability System required by UPASS and S.B. 154 and will use results of program evaluations and student assessments to improve the quality of teaching and the academic achievement of students.

15. The LEA has consulted with private nonprofit schools in their district to provide an opportunity for equitable participation in the planning, development, and services of programs funded under the NCLB Act.

16. The LEA has no policy that restricts Constitutionally-protected prayer.

2. Assurance - Title I Part A

Title I, Part A—Improving Basic Programs Operated by LEAs

The Local Education Agency assures that:

1. The LEA will, in consultation with teachers, principals, administrators (including administrators of programs described in other parts of Title I), and other appropriate school personnel, and with parents of children in schools served by Title I, assist schools to provide additional educational assistance to students needing help to achieve State standards, including:

a. The use of schoolwide programs;

b. Steps to ensure that both schoolwide program and targeted assisted program schools have highly qualified professional and paraprofessional staff (section 1111);

c. Ensuring that assessment results are used by LEAs, schools, and teachers to improve achievement (section 1111);

d. Use of curricula aligned with state standards (section 1111).

2. The LEA has a strategy for ensuring that children served by Title I, Part A will be taught the same knowledge and skills in other subjects and held to the same expectations as all children.
3. The LEA will fulfill school improvement responsibilities including corrective actions and restructuring requirements as outlined under paragraphs (7) and (8) of section 1116.
4. The LEA will implement the accountability requirements of section 1116(f) regarding schools identified for improvement prior to the passage of No Child Left Behind including:
 - a. Provision of supplemental services, including a list of approved service providers and standards and techniques for monitoring the quality and effectiveness of services (section 1116);
 - b. Choice and options (section 1116);
 - c. Participation in State support system under section 1117; and
 - d. Ensuring that teacher and paraprofessional are highly qualified. (section 1116)
5. The LEA will offer parents of children attending schools identified for program improvement, public school choice, which includes covering the cost of transportation, and giving priority for public school choice to students from low-income families.
6. The LEA will provide parents of children attending a school identified for program improvement the opportunity to participate in supplemental educational services offered by an approved provider at LEA expense. Priority for supplemental services will be given to students from low-income families.
7. The LEA will coordinate with other agencies that provide services to children, youth, and families to address factors that have significantly affected the achievement of students.
8. The LEA will participate in State academic assessments of 4th and 8th grade reading and mathematics under NAEP if the Secretary pays the cost of administering assessments, and will ensure that schools drawn for the NAEP sample will participate in all phases of these assessments.
9. The LEA will assist in identifying and implementing high-quality resources aligned with the State Core Curriculum and will disseminate resources to each local school with the LEA.
10. Eligible schools and parents will be informed of schoolwide program authority and the ability of schools to consolidate funds from Federal, State, and local sources.
11. The LEA will provide homeless children who do not attend participating schools, including providing educationally related support services comparable to those provided to children in shelters and other locations where children may live.
12. Migratory children and formerly migratory children who are eligible to receive services under this part are selected to receive services on the same basis as other children.
13. Services are provided to eligible children attending private schools in accordance with section 1120, and timely and meaningful consultation has occurred with private school officials regarding services.
14. In the case of a LEA that chooses to use funds under this part to provide early childhood development services to low-income children below the age of compulsory school attendance, ensure that services comply with the performance standards established under section 641A(a) of the Head Start Act.
15. Timely notice will be given to parents of students who will be assigned to or taught for 4 or more consecutive weeks by a teacher who is not highly qualified.

16. Ensure, through incentives for voluntary transfers, the provision of professional development, recruitment programs, or other effective strategies, that low-income students and minority students are not taught at higher rates than other students by unqualified, out-of-field, or inexperienced teachers.

17. Use the results of the student academic assessments and other measures or indicators available to review annually the progress of each school served by the agency and receiving funds under this part to determine whether all of the schools are making adequate yearly progress as defined under the state accountability.

18. Use funds received under this part only in eligible school attendance areas. Title I District/School has read and will comply with these ESEA assurances.

19. The LEA ensures adequate maintenance of effort, comparability or services, and supplemental, not supplanting efforts through these funds.

3. Assurance - Title II Part A

Title II, Part A Preparing, Training, and Recruiting High Quality Teachers and Principals
The Local Education Agency assures that:

1. All educators assigned to professional positions in Utah public schools hold a Utah Professional Educator License Level 1, 2, 3 or a temporary license obtained through a State Board of Education approved Letter of Authorization.

2. A) All Title I teachers hired after the first day of the 2002-2003 school year were highly qualified at the time of hire. B) All teachers paid with Title II, Part A funds to reduce class size are highly qualified.

3. Where feasible, all teachers in Core academic subjects are highly qualified not later than the end of the 2005-2006 school year and the teachers new to the professional in programs supported by Title I funds no later than the end of the 2002-2003 school year.

4. The LEA will report annually the increase in the percentage of highly qualified teachers teaching in Core academic subjects in each elementary and secondary school by using CACTUS, the personnel data file, to track qualifications and assignments.

5. The LEA will ensure, through incentives for voluntary transfers, the provision of professional development, recruitment programs, or other effective strategies, that low-income students and minority students are not taught at higher rates than other students by unqualified, out-of-field, or inexperienced teachers.

6. Activities assisted under Title II are aligned with State academic content and student academic achievement standards, State assessments, and State Core Curriculum.

7. Title IIA funds for professional development will be used to support achievement in core academic subjects and close the achievement gap that separates low-income and minority students from other students.

8. Professional development supported with Title II and other federal funds comply with the requirements for high quality professional development activities as described in section 9101 of ESEA.

9. Professional development activities will be developed collaboratively and based on input of teachers, principals, parents, administrators, paraprofessionals, and other school personnel.
10. An LEA needs assessment will be conducted at least every three years, and plans to increase the numbers of highly qualified teachers and professional development plans will address those needs.
11. The LEA will prioritize Title II funds to schools within the jurisdiction of the LEA that:
 - a. Have the lowest proportion of highly qualified teachers; or
 - Have the largest average class size; or
 - Are identified for school improvement.
12. Funds used from Title II for purposes of class size reduction do not supplant state and local funds.
13. The LEA will produce and disseminate an annual Report Card in accordance with section 111(h)(2)(b) containing the required information regarding teacher qualifications.

4. Assurance - Title II Part D

Title II, Part D—Educational Technology

The Local Education Agency assures that:

1. The LEA has submitted to the USOE a new or updated long-range strategic educational technology plan that is consistent with the objectives of the statewide technology plan and that addresses the local plan.
2. The LEA will target funds available under this part to ensure funds will be used to carry out activities consistent with the program and the LEAs local technology plan.
3. The LEA must use at least 25% of allocated formula funds to provide quality professional development activities that result in an increase in the integration of technology into curriculum and instruction to ensure that all teachers are capable of teaching with technology.
4. The LEA will maintain records that disclose the type and costs of technology to be acquired with Educational Technology Funds.
5. Technology related efforts funded through sources other than Title II-D are consistent with best practice as outlined in the local technology plan.
6. The LEA will collaborate with adult literacy service providers.
7. LEAs will ensure that each school will complete the state technology survey.
8. The LEA will inform schools of eligibility to apply for competitive funds made available under this part.

5. Assurance - Title III Part A

Title III, Part A—Language Acquisition and Language Enhancement

The Local Education Agency assures that:

1. Programs funded under this part will develop and implement research-based language instruction programs and academic content instruction programs for ELL students.
2. Programs funded will support educational efforts to ensure that ELL students are able to listen, speak, read, write and comprehend English sufficient to reach the state's academic standards.
3. The program will collect and submit data required as part of an annual and biennial evaluations.
4. Certified teachers who teach ELL students and immigrant children/youth are fluent in English and any other language used for instruction, including written and oral communication skills.
5. Programs will annually assess, using a valid and reliable instrument, the English language proficiency of ELL students to ensure students are making adequate yearly progress.
6. Education-related community groups and non-profit organizations, teachers, school administrators, and researchers will assist the LEA in developing the local plan.
7. All children who have been in the United States for three or more consecutive years will participate in reading and/or language arts assessments given in English.
8. Information on the following will be provided to parents of ELL children (in a language and format that is understandable to parents) selected for participation in a language instruction educational program:
 - a. Notification within 30 days after the beginning of the school year of their student's placement (within 2 weeks if enrolled after the beginning of the school year) in English language acquisition program of
 - i. the reason for identification of their child as limited English proficient and in need of placement in a language instruction educational program,
 - ii. the student's level of English proficiency, how that level was assessed, and the status of the student's academic achievement,
 - iii. the method of instruction (content, goals, English instruction, native language instruction) used in the proposed program,
 - iv. how the program will meet the student's educational strengths and weaknesses and how the program will help their student learn English and meet appropriate academic achievement standards,
 - v. the exit criteria for the program and the expectations for transitioning into classrooms that are not tailored for limited English proficient students,
 - vi. notification of parent rights including written guidance detailing the parents right to have their child removed from a program upon request and the options parents have to decline to enroll their child in the program, or to choose another program or method of instruction if available.
9. Parents will be notified by separate notice of the program's failure to make progress on the annual measurable achievement objectives (AMAOs) within 30 days after such failure occurs.
10. Not more than 2% of funds available under this part will be used for administrative purposes.
11. Language acquisition funding is targeted to supplement current Alternative Language Services (ALS).
12. A consortia requires a fiscal agent and a memorandum of understanding signed by each Superintendent in the consortia.

6. Assurance – Utah Academic Language Proficiency Assessment (UALPA)

The applicant certifies that:

A. The Utah Academic Language Proficiency Assessment (UALPA) will be administered and scored as per USOE guidelines during the school year to every student identified as Limited English Proficient (LEP).

7. Assurance - Title IV Part A

Title IV Part A—Safe and Drug-Free Schools and Communities

The Local Education Agency assures that:

1. Programs will continuously coordinate its efforts with appropriate State and local government representatives, representatives of schools to be served (including private schools) teachers and other staff, parents, students, community-based organizations and others with relevant and demonstrated expertise in drug and violence prevention activities.

2. Not more than 2% of funds of Title IV A funds will be used for administration.

3. The activities or programs to be funded will comply with the following principles of effectiveness:

a. be based on an assessment of objective data regarding the incidence of violence and illegal drug use in the elementary schools and secondary schools and communities to be served,

b. be based on an established set of performance measures aimed at ensuring that the schools and communities to be served by the program have a safe, orderly, and drug-free learning environment;

c. be based on scientifically-based research that provides evidence that the program to be used will reduce violence and illegal drug use;

d. be based on an analysis of the data reasonably available at the time, of the prevalence of risk factors, including high or increasing rates of reported cases of child abuse and domestic violence; protective factors, buffers, assets; or other variables in schools and communities in the State identified through scientifically based research; and

e. include meaningful and ongoing consultation with and input from parents in the development of the plan and administration of the program or activity.

4. Drug and violence prevention programs supported under this subpart will convey a clear and consistent message that acts of violence and the illegal use of drugs are wrong and harmful.

5. The applicant has, or the schools to be served have, a plan for keeping schools safe and drug-free that includes:

a. Appropriate and effective school discipline policies that prohibit disorderly conduct, illegal possession of weapons, and the illegal use, possession, distribution and sale of tobacco, alcohol, and other drugs by students;

b. Security procedures;

c. Prevention activities that are designed to create and maintain safe, disciplined, and drug-free

environments;

d. A crisis management plan for responding to violent or traumatic incidents on school grounds; and

e. A code of conduct policy for all students that clearly states the responsibilities of students, teachers, and administrators in maintaining an environment conducive to learning.