

# District Assurances and E-mail Instructions

## Submission of Assurances

A separate address has been set up in the **Global Address List** to enable district personnel to email Assurances to KDE. Please choose "**KDE Assurances**" from the Global Address List for the "To:" box when submitting email to guarantee the Assurances for your plan. In the Subject Line, enter: Assurances for \_\_\_\_\_ District. In the message box, please send the following message:

*As Superintendent of the \_\_\_\_\_ school district, I declare that all the schools in our district (including private schools receiving funding from our district) are in compliance with all of the assurances listed in the Assurances document. These assurances were approved at a regular meeting of the \_\_\_\_\_ Board of Education on \_\_\_\_\_. The approval is contained in the Board minutes that are available for review at the district's central office. All pertinent information related to these assurances is available for review at the district's central office."*

**By submitting this e-mail you are assuring all of the following assurances:**

## LOCAL EDUCATION AGENCY: General Assurances

1. A comprehensive and current needs assessment, consistent with local board policy, supports the district improvement plan. The needs assessment is considered comprehensive and current if all of the following areas have been assessed at some point in the last three years: 1) curriculum; 2) classroom evaluation/assessment; 3) instruction; 4) school culture; 5) family and community involvement; 6) professional growth and evaluation; 7) leadership; 8) organizational structure and resources; and 9) an effective planning process.
2. The district has a planning policy in place for school councils to follow that describes the form and function of school improvement planning in the district as per KRS 160.345(3)(c). This policy includes a description of the district's annual planning cycle (with dates). The district and all schools develop their improvement plans in accordance with this policy and with the involvement of representative groups, including required members of the needs assessment team.
3. The local school district reviews its district improvement plan at least annually and revises as needed. Implementation of activities and strategies described in the action plan are evaluated for impact on student performance and classroom practices. The local school district assures that at least annually, an updated district improvement plan is approved by the local board and posted on the World Wide Web.
4. The local school district will administer each covered program in accordance with all program plans and applications.
5. Before its district improvement plan is posted, the district has afforded a reasonable opportunity for public comment on the plan and has considered such comment.
6. Where appropriate, the local school district will consult with private school officials in a timely and meaningful way to assure equitable participation of children and/or teachers in the private schools.

7. The local school district will coordinate and collaborate with other agencies as required by the No Child Left Act Behind (NCLB) Title I, Parts A, C, and D; NCLB Title II, Parts A, B and D; NCLB Title IV, Title VII, Title X, Part C, the Individuals with Disabilities Education Act (IDEA), and the Carl D. Perkins Vocational and Technical Education Act of 2006.
8. The local school district will adopt and use proper methods of administering the covered programs, including: implementation of obligations, the correction of deficiencies in program operations as identified through technical assistance, program audits, monitoring or evaluation, and the adoption of written procedures for the receipt and resolution of complaints alleging violations of law in the administration of such programs
9. The local school district will cooperate in carrying out any evaluation of each program conducted by or for the Kentucky Department of Education (KDE), or the U. S. Department of Education.
10. The local school district will:
  - a. Provide timely program reports to the Kentucky Department of Education on activities and expenditures, including reports requested by the U. S. Department of Education
  - b. Maintain records, provide information, and afford access to the records as the Kentucky Department of Education or the federal offices may find necessary to carry out their responsibilities
11. The local school district will comply with the Civil Rights Act of 1964, Title VI, Title VII, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, American Disabilities Act of 1990, and the Age Discrimination Act prohibiting discrimination on the basis of race, color, national origin, age, religion, marital status, sex or disability.
12. The local school district assures that its district improvement plan describes steps it will 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 to equitable participation, including barriers to gender, race, color, national origin, disability, and age. [General Education Provisions Act (GEPA) Section 427].
13. The local school district will comply with the Single Audit Act.
14. The local school district has control of programs and holds title to property acquired with the funds. The district will administer the funds and property as required by the authorizing law and for the purpose for which they are granted. The district retains control in the event of contractual arrangements made with other parties.
15. The local school district will use fiscal control and fund accounting procedures (MUNIS) to ensure proper disbursement of and accounting for federal/state funds paid to the district under the covered programs.
16. The local school district will submit an amendment prior to opening an object code series or to purchase equipment that costs \$5,000 or more per unit after the initial budget has been submitted and approved.

17. The local school district assures that:

- a. Federal appropriated funds have not been paid or are paid by or on behalf of the local school district, 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, for entering any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement.
- b. Any funds other than federal appropriated funds have not been paid or are paid to any person for influencing or attempting to influence an officer or employee of any agency in connection with the federal grant, the superintendent shall complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

18. The superintendent shall require that these assurances and certifications be included in the award documents for all sub-grantees.

19. Federal funds received under covered programs are used only to supplement and in no case supplant funds from non-federal sources.

20. If the project involves construction, the project is consistent with overall state plans for the construction of school facilities; and, in developing plans for construction, due consideration is given to excellence of architecture and design, compliance with the Americans with Disabilities Act and standards prescribed by the Secretary under Section 504 of the Rehabilitation Act of 1973 in order to ensure that facilities constructed with the use of federal funds are accessible to and usable by individuals with disabilities [GEPA, Sec. 436(b)].

21. Federal funds received will not be used to acquire equipment (including computer software) when such acquisition results in a direct financial benefit to an organization representing the interests of the school district or its employees or any affiliate of such organization [GEPA, Sec. 436(b)].

22. The local school district will maintain procedures to minimize the time elapsing between the transfer of federal grant funds and their disbursement [Education Department General Administrative Regulations (EDGAR) 80.21].

23. Any plan, budget, evaluation, periodic program plan, or report relating to the covered programs is made readily available to parents and other members of the general public for the purpose of public inspection (EDGAR 76.304). The local school district will comply with the Open Records Act.

24. Children served in covered programs will have access to all state and locally funded instructional, social, health, transportation, and nutritional services on the same basis as any other child and have the opportunity to meet the same challenging content and performance standards as any other child.

25. The local school district will comply with the Debarment, Suspension, and other Responsibility matters regulation [34 Code of Federal Regulations (CFR) 85.11].

26. The local school district will comply with assurance of Compliance (Form HEW 441) or any court ordered desegregation plan that applies to this application.
27. The local school district will comply with the Gun-Free Schools Act of 1994.
28. The local school district will comply with the Pro-Children Act of 1994.
29. The local school district will comply with the Family Educational Rights and Privacy Act of 1974 (FERPA).
30. The local school district shall certify that no policy of the district or the school prevents or otherwise denies participation in constitutionally protected prayer in the public schools (K-12) (ESEA PL107-110 Section 9524).
31. The local school district will comply with all provisions of KRS 158.649 relating to the reduction of achievement gaps among student populations.
32. The district improvement plan includes specific strategies to support schools that have not meet Adequate Yearly Progress.
33. The district improvement plan includes specific strategies to support schools that have not met the goals of the Interim Performance Report for the Kentucky Core Content Test.
34. All current school improvement plans are on file in the district's central office for review.
35. The local school district will have a technology plan in place to support the technology initiatives that are funded through various federal and state programs including the No Child Left Behind, Title II D, Enhancing Education Through Technology (EETT) program, the Universal Service Administrative Company (USAC) E-Rate program, and the Kentucky Education Technology System (KETS) program.
36. The local district assures that all students have had access and opportunity to learn the standards contained in the Kentucky Core Academic Standards. KAR 704 3:303.
37. The local district assures that all students have met the minimum graduation requirements upon graduation. KAR 704 3:303.
38. The local district assures that all students in grades 6-12 have an Individual Learning Plan. KAR 704 3:305.
39. As it relates to student interventions, the local district assures:
  - a. A high school student whose scores on the high school readiness examination administered in grade eight (8), on the college readiness examination administered in grade ten (10), or on the WorkKeys indicate that additional assistance or advanced work is required in English, reading, or mathematics shall be provided intervention strategies for accelerated learning incorporated into his or her learning plan. KRS 158.6459
  - b. A high school student whose score on the ACT examination under KRS 158.6453 (11)(a)3. in English, reading, or mathematics is below the system-wide standard established by the Council on Postsecondary Education for entry into a credit-bearing course at a public postsecondary institution without placement in a

remedial course or an entry-level course, supplementary academic support shall be accountable to provide the opportunity to participate in accelerated learning designed to address his or her identified academic deficiencies prior to high school graduation. KRS 158.6459.

- c. By February 1, 2003, and each February 1 in odd-numbered years thereafter, the school-based decision making council, or the principal if there is not a council, with the involvement of parents, faculty, and staff shall set the school's biennial targets for eliminating any achievement gap and submit them to the superintendent for consideration. The superintendent and the school-based decision making council, or the principal if there is not a council, shall agree on the biennial targets before they are submitted to the local board of education for adoption. Beginning with the 2012-2013 school year, the reporting requirement in this subsection shall be October 1 of each year. KRS 158.649.
40. All students not meeting benchmarks established by the Council on Postsecondary Education on the college readiness exam are provided intervention/transition course. KAR 704 3:305.
41. The local district assures that all courses in the local course catalog are linked to Kentucky's Uniform Academic Course Codes. KAR 704 3:540.
42. The local district assures that a library media center has been established in every elementary and secondary school and that a school librarian is employed to organize, equip, and manage the operations of the school media library and holds the appropriate certificate in accordance with KRS 161.020 and 161.030. KRS 158.102.
43. The local district assures that all students grades K-3 have been provided learning experiences that include developmentally appropriate educational practices; multiage and multiability classrooms; continuous progress; authentic assessment; qualitative reporting methods; professional teamwork; and positive parent involvement. 704 KAR 3:440
44. The local district assures that any courses being identified as advanced placement courses are identified as an advanced placement course by the College Board; include the content as described in the college board overview, description, and recommended course syllabus for the appropriate course; are aligned with Kentucky's Academic Expectations as established in KRS 158.6451 and Kentucky's Program of Studies as established in 704 KAR 3:303; and prepares a student to take and be successful on the appropriate advanced placement examination administered by the college board. Advanced placement courses must be accessible to all students. 704 KAR 3:510
45. In the 2010 session of the General Assembly, SB 163 was enacted. As it relates to literacy, SB 163 (2010) requires:  
Elementary Schools to:
  - a. Provide comprehensive school-wide reading program;
  - b. Provide diagnostic reading assessments and intervention services for those students who need them to learn to read at the proficient level;
  - c. Ensure quality instruction by highly trained teachers;
  - d. Provide high quality library media programming;Middle and High Schools:
  - a. Provide direct, explicit instruction to students lacking skills in how to read, learn, and analyze information in key subjects, including language, reading ,

- English, mathematics, science, social studies, arts and humanities, practical living, and career studies;
- b. Ensure that teachers have the skills to help all studies develop critical strategies and skills for subject-based reading;

**NO CHILD LEFT BEHIND ACT (NCLB) TITLE I PART A ASSURANCES: IMPROVING BASIC PROGRAMS**

1. Districts and schools receiving Title I, Part A funds will comply with all requirements outlined in Title I, part A of the Elementary and Secondary Education Act (No Child Left Behind Act) of 2001.
2. If selected, the district will submit to state-conducted Title I, Part A monitoring and will comply with all corrective actions that result of such monitoring.
3. Districts and schools receiving Title I, part A funds will maintain records that support their compliance with Title I, Part A requirements and approved plans.
4. The local school district will use state and local funds to provide services in Title I schools that are comparable to services provided to non-Title I schools. A district-wide comparability policy has been established which provides for:
  - a. A salary schedule that applies to all instructional personnel
  - b. Equivalence among school teachers, administrators, and auxiliary personnel
  - c. Equivalence among schools in the provision of curriculum materials and instructional supplies

*Note:* Written procedures and supporting data for this policy are on file in the local school board office.

5. Ass programs, services, and staff funded by Title I, Part A will meet supplement, not supplant requirements.
6. The local school district will set aside funds to provide services to homeless children who attend non-Title I schools.
7. The local school district will provide technical assistance to and consult with schools as they develop and implement their school wide programs in order to reach the federal standard of proficiency as measured by the state assessment system. The district will inform eligible schools and parents of school wide authority and of the ability to consolidate funds from Federal, State, and Local sources.
8. The local school district will consult with schools as they develop and implement their targeted assistance programs in order to reach the federal standard of proficiency as measured by the state assessment system. This includes ensuring that eligible migrant and formerly migrant children are selected to receive services on the same basis as other children.
9. The local school district will consult with schools and parents as they develop and implement parent involvement activities. Similarly, schools that receive Title I, Part A funds will consult with parents in the design and implementation of parent involvement and other Title I, Part A activities.

10. The local school district will comply with the requirements regarding the qualifications for teachers and paraprofessionals and professional development. This includes ensuring that unqualified, out-of-field teachers, or inexperienced teachers do not teach low-income and minority students at higher rates than other students. This also includes ensuring all paraeducators and teachers are highly qualified before being hired.
11. The local school district will assist Title I schools in developing and identifying high-quality, effective curricula.
12. The local school district will take into account model programs and findings of scientifically based research indicating that services may be most effective if focused on the earliest grades.
13. The local school district will comply with Head Start performance standards if funds are used for preschool services.
14. The local school district will not carry over more than 15% of the Title I, Part A allocation as of September 30 the year following the award year. This requirement does not apply to districts with an allocation of less than \$50,000.
15. The local school district will use results of assessments to review progress of schools in meeting state defined and federally approved proficiency standards. The district will provide assessment results to parents and teachers as soon as possible in an understandable form and language. The district will fulfill school improvement responsibilities. The district will coordinate and collaborate with the KY Department of Education and other agencies to assist schools identified for improvement.
16. The local school district will participate (if selected) in the National Assessment of Educational Progress at Grades 4 and 8 in reading and math.
17. The local school district will inform eligible schools of the district's authority to obtain waivers under Title IX.

#### **NO CHILD LEFT BEHIND ACT (NCLB) TITLE I PART C ASSURANCES: EDUCATION OF MIGRATORY CHILDREN**

1. Districts will not discriminate against children who are not legally admitted to the United States by denying them access to educational programs offered to children of U. S. citizens; neither shall the district:
  - a. Require students or parents to disclose or document their immigration status
  - b. Make inquiries of students or parents which may expose their undocumented status
  - c. Require social security numbers of all students, as it may expose the undocumented status of students or parents (Plyler v. Doe, 457 U.S. 202, 1982)
2. Section 1304(b)(3) of the Elementary and Secondary Education Act states that the Kentucky Department of Education must promote interstate and intrastate coordination of migrant education services, including the transfer of pertinent school records, for migratory children. School districts must meet privacy requirements of FERPA as listed in General Assurances No. 27. In carrying out this requirement, the signed Certificate of Eligibility

(COE), by the migrant child's parent or legal guardian will serve as a consensual written permission to share personally identifiable information from their migrant record with authorized local and state education officials and to transfer such information to appropriate education officials in other states having migrant programs.

3. Districts or educational cooperatives serving as administrative centers will maintain a written record (Certificate of Eligibility) of the basis on which each child was determined to be eligible.
4. Districts will coordinate the migrant program with schoolwide projects and other programs within the district.
5. Districts/regional project centers will fully participate in a system for the storage of data and the transfer of migrant student records.
6. Regional migrant offices will have oversight of district programs in their region.
  - a. Districts and regional offices agree to comply with any and all requests for data, documentation, etc. made by the KDE in the manner in which it is requested (hard copy, electronic, etc.) within the timeline requested.
  - b. Districts will comply with the written requirements of the regional and state migrant offices to ensure the accuracy of data and the transfer of migrant student records.
7. Each district should employ a part-time or full-time recruiter to ensure the identification and recruitment of all eligible migrant children. (It is recommended that recruiters be bilingual).

#### **NO CHILD LEFT BEHIND ACT (NCLB) TITLE I PART D SUBPART 2 ASSURANCES: NEGLECTED AND DELINQUENT**

1. Districts and schools receiving Title I, Part D funds will comply with all requirements outlined in Title I, Part D of the Elementary and Secondary Education Act (No Child Left Behind Act) of 2001, Section 1421-1424.
2. Districts and schools receiving Title I, Part D funds will maintain records that support their compliance with Title I, Part D requirements and approved plans.
3. The district will submit to state-conducted Title I, Part D monitoring and will comply with all corrective actions/findings that result of such monitoring.
4. Provide children and youth in local institutions for neglected or delinquent children and youth the opportunity to meet the same challenging State academic content standards and challenging State student academic achievement standards that all children in the State are expected to meet.
5. Provide children and youth with the services needed to make a successful transition from institutionalization to further schooling or employment.
6. Prevent at-risk youth from dropping out of school and to provide dropouts, and children and youth returning from correctional facilities or institutions for neglected or delinquent children and youth, with a support system to ensure their continued education.



7. The local school district will comply with the purpose of this subpart which is to support the operation of local educational agency programs that involve collaboration with locally operated correctional facilities—
  - (1) to carry out high quality education programs to prepare children and youth for secondary school completion, training, employment, or further education.
  - (2) To provide activities to facilitate the transition of such children and youth for secondary school completion, training, employment, or further education;
  - (3) To operate programs in local schools for children and youth returning from correctional facilities, and programs which may serve at-risk youth.
8. The local school district will assure that transitional and supportive programs operated under this subpart shall be designed primarily to meet the transitional and academic needs of students returning to local educational agencies or alternative education programs from correctional facilities. Services to students at-risk of dropping out of school shall not have a negative impact on meeting the transitional and academic needs of the students returning from correctional facilities.
9. The local educational agency serving such children and youth will submit a written plan application to include all requirements in Section 1423 (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13) of NCLB.
10. Funds for this program will not be used for salaries of district administrative staff and will be used, as appropriate, to meet the guidelines under Section 1424 of NCLB.

#### **NO CHILD LEFT BEHIND ACT (NCLB) TITLE II PART A ASSURANCES: HIGH QUALITY TEACHERS AND PRINCIPALS**

1. The district has conducted an assessment of local needs for professional development and hiring that involved teachers, including teachers participating in the programs under Part A of Title I. The needs assessment identifies activities required to ensure all teachers have updated subject matter knowledge and teaching skills and to ensure all principals have effective instructional leadership skills to help teachers provide students with the opportunity to meet state and local student academic achievement standards. All teachers paid with Title II Part A funds are highly qualified.
2. The district will target funds to schools that have (a) the lowest proportion of highly qualified teachers; (b) the largest average class size; or (c) have been identified as a Priority or Focus school.
3. The district has consulted with appropriate private, nonprofit school personnel during the design, development and implementation of the LEA's professional development needs assessment. The LEA has provided non-public school officials with an estimate of the value of the services that would be available to them.
4. Professional development activities provided through this program are coordinated with professional development activities provided through other federal, state and local programs.

## **NO CHILD LEFT BEHIND ACT (NCLB) TITLE III ASSURANCES: LANGUAGE INSTRUCTION FOR LIMITED ENGLISH PROFICIENT AND IMMIGRANT STUDENTS**

1. The eligible entity (LEA/school district/consortium) assures that it has developed a district plan for educating all Limited English Proficient (LEP) students within its jurisdiction and submitted the plan and budget to KDE for approval each year it receives Title III funds. It also assures that a copy of the district LEP plan will be provided to all schools receiving Title III funds and that the plan and its contents will be made available to LEP families and the public in compliance with open records laws.
2. The eligible entity (LEA/school district/consortium) assures that it will provide equal educational opportunities to all LEP and immigrant students and uphold such rights regardless of citizenship or nationality status, as provided under Title VI of the Civil Rights Act of 1964, the Equal Educational Opportunity Act of 1974, Sec. 204(f), and as affirmed in the Supreme Court ruling in Plyler v. Doe, 1982, and any other civil rights guaranteed by federal law.
3. The eligible entity (LEA/school district/consortium) assures that it will expend all Title III funds to improve the education of limited English proficient (LEP) children by assisting the children to speak, read, write and comprehend the English language and to meet challenging state content and performance standards.
4. The eligible entity (LEA/school district/consortium) with substantial increases in immigrant children and youth students assures that it will use Title III emergency immigrant funds in a manner consistent with activities under Sec. 3115 (e) of Title III.
5. The eligible entity (LEA/school district/consortium) assures that its proposed LEP plan is based on approaches and methodologies consistent with scientifically based research on teaching LEP students.
6. The eligible entity (LEA/school district/consortium) assures that its proposed LEP plan describes how language instruction programs will ensure that LEP students develop English proficiency.
7. The eligible entity (LEA/school district/consortium) assures that all teachers in its LEP programs are fluent in English and any other language used for instruction, including written and oral communication skills.
8. The eligible entity (LEA/school district/consortium) assures that it will use Title III funds in ways that will build district and school capacity to continue to offer high-quality language instruction educational programs for LEP students.
9. The eligible entity (LEA/school district/consortium) assures that its LEP and immigrant programs, strategies and funding allocations are aligned and integrated with the Comprehensive District Improvement Plan (CDIP) and Comprehensive School Improvement Plans (CSIP).
10. The eligible entity (LEA/school district/consortium) assures that it has developed annual specific, measurable achievement objectives for LEP and immigrant students to include, at a minimum,

- a. Annual increases in the number or percentage of students making progress in learning English (as measured by an approved English language proficiency assessment for Kentucky);
  - b. Annual increases in the number or percentage of students attaining English language proficiency (as measured by an approved English language proficiency assessment for Kentucky);
  - c. Achieving Annual Measurable Objective (AMO) for the LEP gap group as measured by (a) academic achievement and gap closing in the content areas of reading, mathematics, science, social studies, and writing, (b) individual student growth in reading and mathematics, (c) college/career readiness, and (d) graduation rate.
11. The eligible entity (LEA/school district/consortium) assures that it will hold accountable all elementary, middle and high schools receiving Title III funds in meeting the district's annual measurable objectives (as stated in the previous assurance statement) through a program evaluation submitted to the district at the end of the fiscal year.
  12. The eligible entity (LEA/school district/consortium) assures that it will annually assess the English language proficiency (in reading, writing, listening, speaking and understanding) of all identified LEP students in the district using a test approved by the Kentucky Board of Education.
  13. The eligible entity (LEA/school district/consortium) assures that schools will identify and address achievement gaps between non-LEP and LEP students by analyzing achievement data from all components of Kentucky State-Required Assessments to determine if significant performance differences exist, and will set annual measurable goals for closing the gap between LEP and non-LEP students as required by Kentucky Senate Bill 168 (SB 168, codified as KRS 158.649).
  14. The eligible entity (LEA/school district/consortium) assures that a Program Services Plan (PSP) will be developed for each LEP student in the district. The Program Services Plan will, at a minimum, include all essential elements required by Title III of No Child Left Behind (NCLB) and Kentucky's Regulations on Inclusion of Special Populations in State Assessment and Accountability (703 KAR 5:070, revised February 12, 2009).
  15. The eligible entity (LEA/school district/consortium) assures that all LEP students enrolled on the first day of the Kentucky State-Required Assessment testing window shall be assessed in all parts of the state-required assessments and their scores shall be included in accountability calculations consistent with state law, unless the students are in their first year of enrollment in a United States (U.S.) school.
  16. The eligible entity (LEA/school district/consortium) assures that parents/legal guardians of all LEP students in the district will be notified within 30 days after the beginning of the school year of a) the child's identification as LEP, b) the child's program instructional services, and c) parental rights to opt out of services or to seek alternative services as outlined in Sec. 3302 (a) (b) (c) of Title III. For a child who has not been identified for participation in a language instruction education program prior to the beginning of the school year, the eligible entity (LEA/school district/consortium) assures that it will carry out

subsections (a) through (c) within two (2) weeks of the child's being placed in such a program.

17. The eligible entity (LEA/school district/consortium) assures that it will promote parental and community participation in programs for LEP and immigrant students.
18. The eligible entity (LEA/school district/consortium) assures that it will determine primary or home languages of LEP children under Sec.3214(g)(1)(a)(ii)(1) through the use of a home language survey administered to all students enrolled in the district as a first screening process to identify students with limited English proficiency (703 KAR 5:070 revised February 2009).
19. The eligible entity (LEA/school district/consortium) assures that it will submit to the Kentucky Department of Education all demographic and programmatic information, including the requirements of Sec. 3116 of Title III, pertinent to the implementation of the Title III program and the provision of services to LEP and immigrant students.
20. The eligible entity (LEA/school district/consortium) assures that it developed its proposed LEP and immigrant plans in consultation with teachers, school administrators, parents, researchers, and if appropriate, with education-related community groups and nonprofit organizations, and institutions of higher education.
21. The eligible entity (LEA/school district/consortium) assures that it has consulted with non-public schools within its area of service in the development of the district LEP plan, and that it will administer and provide on an equitable basis educational services to LEP students in non-public schools through a public agency or a contractual entity independent of the non-public schools or religious organizations.
22. The eligible entity (LEA/school district/consortium) assures that all Title III funds will supplement, but in no case supplant, federal, state and local public funds for programs for LEP and immigrant students as set forth in Sec. 3115 (g) of Title III.
23. The eligible entity (LEA/school district/consortium) assures that at the end of the fiscal year it will submit to the KDE Title III Program an Annual Performance Report (APR) evaluating the LEP and immigrant plans to include a description of programs and activities and of the progress made by LEP and immigrant students towards attaining English language proficiency and meeting state academic achievement standards as set forth in Sec. 3121 of Title III.

#### **NO CHILD LEFT BEHIND ACT (NCLB) TITLE VI PART B, SUBPART 2 ASSURANCES: RURAL AND LOW-INCOME SCHOOLS PROGRAM**

1. If the district has participated in the RLIS program for three or more years and has made adequate yearly progress (AYP), the district may continue to have the broad flexibility available under RLIS.
2. If the district has participated in the RLIS program for three or more years and did not make AYP for two consecutive years or more, the district is in Title I improvement or corrective action. The district must spend all of its RLIS funds to meet the specific requirements for Title I improvement.
3. If the district has participated in the RLIS program for three or more years and did not make AYP for one year, the district is not yet in Title I improvement. The district must

spend all of its RLIS funds to address the specific weaknesses that resulted in the district's failure to make AYP.

**NO CHILD LEFT BEHIND ACT (NCLB) TITLE X PART C ASSURANCES: STEWART  
B. MCKINNEY-VENTO HOMELESS ASSISTANCE ACT**

1. The local school district will adopt policies and practices to ensure that homeless children and youths are not stigmatized or segregated on the basis of their status as homeless.
2. The local school district will designate an appropriate staff person, who may also be a coordinator for other Federal programs, as a local educational agency liaison for homeless children and youths.
3. The school district will adopt policies and practices to ensure that transportation is provided at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), to and from the school of origin, in accordance with the following as applicable:
4. If the homeless child or youth continues to live in the area served by the local educational agency in which the school of origin is located, the child's or youth's transportation to and from the school of origin shall be provided or arranged by the local educational agency in which the school of origin is located.

**CARL D. PERKINS CAREER AND TECHNICAL EDUCATION ACT**

1. The local school district (eligible recipient) shall submit a local application in accordance with requirements established by the state agency. The local application shall describe how the career and technical education programs required under section 135 (b) will be carried out with funds received under this title. The LEA shall:
  - a. Carry out career and technical education activities with respect to meeting state and local adjusted levels of performance established under section 113.
  - b. Offer the appropriate courses of not less than one of the career and technical programs of study described in section 122 (c) (1) (A).
  - c. Improve the academic and technical skills of students participating in career and technical education programs by strengthening the academic and career and technical education components of such programs through the integration of coherent and rigorous content aligned with challenging academic standards and relevant career and technical education programs to ensure learning in the core academic subjects (as defined by ESEA) and career and technical education subjects.
  - d. Provide students with strong experience in, and understanding of, all aspects of an industry.
  - e. Ensure that students who participate in such career and technical education programs are taught to the same coherent and rigorous content aligned with challenging academic standards as are taught to all other students.
  - f. Provide comprehensive professional development (including initial teacher preparation) for career and technical education, academic, guidance, and

administrative personnel that promotes the integration of coherent and rigorous content aligned with challenging academic standards and relevant career and technical education (including curriculum development).

- g. Involve parents, students, academic and career and technical education teachers, faculty, administrators, career guidance and academic counselors, representatives of business and industry, labor organizations, representatives of special populations and other interested individuals in the development, implementation, and evaluation of career and technical education programs assisted under this title. Maintain documentation on how such individuals and entities are effectively informed about, and assisted in understanding the requirements of this title, including career and technical programs of study.
  - h. Provide a career and technical education program that is of such size, scope, and quality to bring about improvement in the quality of career and technical education programs.
  - i. Implement a process to evaluate and continuously improve the performance of career and technical education programs.
  - j. Review career and technical education programs, and identify and adopt strategies to overcome barriers that result in lowering rates of access to or lowering success in the programs, for special populations; provide programs that are designed to enable the special populations to meet the local adjusted levels of performance; and provide activities to prepare special populations, including single parents and displaced homemakers, for high skill, high wage, or high demand occupations that will lead to self-sufficiency.
- 2. Individuals who are members of special populations will not be discriminated against on the basis of their status as members of special populations. (Section 134 (b) (9).
  - 3. Funds will be used to promote preparation for non-traditional fields.
  - 4. Career guidance and academic counseling will be provided to career and technical education students, including linkages to future education and training opportunities.
  - 5. Address the recruitment and retention of career and technical education teachers, faculty, and career guidance and academic counselors, including individuals in groups underrepresented in the teacher profession and the transition to teaching from business and industry.
  - 6. Master schedule forms will be submitted for all CTE programs at each high school and middle school that receives Perkins funds.
  - 7. Accurate data will be entered into the Technical Education Database System (TEDS) for the previous school year.
  - 8. The local school district shall follow guidelines for Levels of Consequences for Perkins Accountability based on Perkins Performance Indicators as notified by KDE. The district must use a specified percentage of Perkins funds to address the areas of deficiency.
  - 9. No more than 5 percent of the funds are used for administrative costs associated with the administration of activities assisted under this section.

10. In any academic year that an eligible recipient does not expend all of the amounts the eligible recipient is allocated for such year under section 131 or 132, such eligible recipient shall return any unexpended amounts to the eligible agency.
11. Eligible recipients shall not receive an allocation under Section 131 (a) unless the initial amount allocated is greater than \$15,000. Those whose allocation is not greater than \$15,000 may apply for a waiver or form a consortium.
12. The local district shall not bar students attending private, religious, or home schools from participation in programs or services under this Act (Section 313).
13. No funds made available under the Carl D. Perkins Career and Technical Education Act of 2006 shall be used to require any secondary school student to choose or pursue a special career path or major OR to mandate that any individual participate in a career and technical education program, including a career and technical education program that requires the attainment of a federally funded skill level, standards, or certificate of mastery. (Section 314)
14. No funds received under this Act may be used to provide career and technical programs to students prior to the seventh grade, except that such students may use equipment and facilities purchased (Section 135).
15. Funds are used according to the requirements identified in Title I, Part C, Section 135 (Documentation of nine required uses of funds).

#### **INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA) PART B ASSURANCES: BASIC AND PRESCHOOL**

1. The expenditures of IDEA-B funds for services and goods are made exclusively for the benefit of children who meet the definitions and eligibility criteria for programs for exceptional children as found in 707 KAR Chapter 1.
2. Special education and related services are provided in a manner consistent with policies and procedures required by the Individuals with Disabilities Education Act (IDEA) Part B. These policies and procedures address: free appropriate public education, child identification, due process, evaluation, eligibility, individual education programs, placement in least restrictive environment, delivery of services, confidentiality, non-public school, comprehensive system of personnel development, and IDEA-B funds.
3. A goal of full educational opportunity has been established for all children with disabilities, aged birth to 21.

#### **CHILD NUTRITION AND WIC REAUTHORIZATION ACT OF 2010, SECTION 204 ASSURANCES: LOCAL WELLNESS POLICIES**

1. The local educational agency will comply with all provisions of this part.
2. The local educational agency will keep such records, and provide such information to the State educational agency, as may reasonably be required for program evaluation (consistent with the responsibility of the State educational agency under this part).

3. That (a) all programs carried out under this part will be assessed annually (pursuant both to this part and to KRS 158.856); (b) a report of the assessment will be issued to parents, local board members and council members; (c) comment will be solicited regarding the findings of the report and the recommendations for improvement contained in the report; (d) the recommendations and public comments will be used to make decisions about improvements in the covered programs for the subsequent year and beyond; and
4. A summary of the findings of the assessment and the recommendations will be submitted to the Kentucky Board of Education on or before March 1 of each year.

### **STATE PRESCHOOL PROGRAM ASSURANCES (FLEXIBLE FOCUS FUND)**

1. The local school district makes preschool program services available to all three- and four-year-old children with disabilities and at-risk four-year-old children in a manner consistent with KRS 157.3175 and KRS 157.226.
2. The district has a current, signed agreement with the local Head Start program to maximize Head Start funds to serve as many eligible four-year-old children as possible, with certification from the Head Start director that the Head Start program is fully utilized.
3. When the district contracts with an outside agency for preschool placements, the contractor has been approved by the Kentucky Department of Education for these purposes and the contracted services meet all state and federal education requirements.
4. All preschool education programs operated by or located on school grounds meet state education facility requirements for preschool programs. All materials and equipment used by these programs are appropriate for young children. Test sheets, workbooks and ditto sheets shall not be used (704 KAR 3:410).
5. All children enrolled in preschool education programs that operate at least half-day are offered a meal while in the program (breakfast and/or lunch).
6. All instructional staff for preschool education programs meets qualification standards and professional development requirements for preschool, as specified by regulation.
7. The district has a written plan (policies and procedures) for the operation of the preschool program that addresses: recruitment of children; educational programming and related services; developmentally appropriate experiences in cognitive, communication, social, physical, and emotional development as well as creative expression; a curriculum which is relevant and reflective of the needs of the population served, in which a variety of skills are integrated into activities targeted toward the interests of children (704 KAR 3:410); parent outreach and active involvement; coordination of health and social services; coordination with the primary program; and an evaluation plan.
8. At least annually, parents, staff and other professionals shall be involved in evaluating the effectiveness of the preschool program in meeting the needs of participating children.
9. Funds for districts shall be allocated based on the number of eligible children enrolled in the district's preschool programs on December 1 of the previous year (702 KAR 3:250 Preschool Grant Allocations). Local districts submit the December 1 count form and the Supplemental Threes Count form to generate funding. This process assures funding for the state funded preschool program. Local school districts shall assure that appropriations to the local school district for the preschool program shall be separate and apart from all



other funds and that the use of the funds appropriated for the preschool program shall be limited to activities for the implementation of the preschool program. (702 KAR 3:250).

10. The district ensures appropriate implementation of the Child Find process, delivering appropriate, relevant, research-based instruction and intervention services (Kentucky System of Intervention or KSI) prior to or as a part of the special education referral process.

## **PROFESSIONAL DEVELOPMENT ASSURANCES (FLEXIBLE FOCUS FUND)**

1. The district certifies that each teacher participates in high quality professional development and that instructional improvement and training needs of staff are addressed in accordance with the goals in KRS 158.6451.
2. School and districts will adhere to professional development options embedded in their school or district improvement plans as professional development programs are implemented under KRS 158.070.
3. The district certifies that all persons affected by the professional development program are represented or included on the school and district planning teams.
4. The district certifies that the local professional development coordinator is qualified for that position and provides technical assistance to school councils, staff members and professional development committees as described in Section 5 of 704 KAR 3:035.
5. Professional development funds are expended and accounted for as required in 704 KAR 3:035 and funds are used for needs identified in the school and district planning process.

## **GIFTED AND TALENTED ASSURANCES**

1. The local school district has in operation and available for public inspection local board approved policies and procedures which address each requirement in 704 KAR 3:285 (Sections 1-10), the administrative regulation for programs for the gifted and talented, and are consistent with KRS 157.200, 157.224, 157.230 and 703 KAR 4:040.
2. The local school district adheres to the definitions in Section 1 of 704 KAR 3:285 for primary through grade twelve (12).
3. The local school district has adopted policies and procedures for the identification and diagnosis of gifted characteristics, behaviors, and talent and determination of eligibility for services, primary through grade twelve (12) consistent with 704 KAR 3:285. (Section 3)
4. The local school district has implemented a procedure to obtain information related to the interests, needs, and abilities of an identified student from her/his parent or guardian for use in determining appropriate services and notifies a parent or guardian annually of services included in her/his child's gifted and talented student services plan and specific procedures to follow in requesting a change in services. (Section 3)
5. The local school district has adopted a procedure for determining eligibility for services primary through grade twelve (12). (Section 4)

6. The local school district conducts an annual program evaluation process. The local school district has ensured that school personnel report to a parent or guardian the progress of her/his child related to the gifted and talented student services plan at least once each semester (Section 5).
7. The local school district provides articulated primary through grade twelve (12) multiple service delivery options. No single service option exists alone, district wide, at a grade level (Section 6).
8. A comprehensive framework or course of study for children and youth, primary through grade twelve (12), who are diagnosed as possessing gifted characteristics, behaviors and talent is based on a district or school's curricula required to meet the goals established in KRS 158.6451 (Section 7).
9. Each school has differentiated, replaced, supplemented, or modified curricula to facilitate high level attainment of the learning goals established in KRS 158.6451 and assists students identified as gifted and talented to further develop their individual interests, needs, and abilities (Section 7).
10. The local school district has ensured that direct services to students identified as demonstrating gifted and talented behaviors and characteristics are provided by professionally qualified and certified personnel as required by the Education Professional Standards Board (Section 8).
11. State funds for gifted education are used specifically for direct services to students who are gifted and talented. Direct services to students identified as demonstrating gifted and talented behaviors and characteristics are provided by professionally qualified and certified personnel as required by the Education Professional Standards Board. Seventy-five (75) percent of the district's gifted education allocation is used to employ properly certified personnel to provide direct instructional services (Section 9).
12. The district has designated a gifted education coordinator to oversee the district gifted education operation, serve as liaison between the district and the state, ensure internal compliance with state statutes and administrative regulations, administer and revise the gifted education program budget, and submit to the Kentucky Department of Education for approval as an amendment any local district budget decision change causing a major or significant adjustment, thereby, impacting state funds for gifted education after the annual submission of the local district education plan (Section 9).
13. State funding is contingent upon employing properly certified personnel to administer and teach in the program, annual submission of the local district gifted education year-end report, summative evaluation of the program and student progress, and complying with this regulation (Section 9).
14. The local school district has established a district wide grievance procedure through which a parent, guardian or student may resolve a concern regarding the appropriate and adequate provision of talent pool services or services addressed in a formally identified student's gifted and talented student services plan (Section 10).

#### **EXTENDED SCHOOL SERVICES (ESS) ASSURANCES (FLEXIBLE FOCUS FUND)**

1. The local school board and the district have approved and disseminated procedures whereby pupils who have a greater need as determined by the eligibility criteria as stated

in KRS 158.070 and 704 KAR 3:390 shall be referred and selected first to receive extended school services. The district further ensures that students who have greater academic need as stated in KRS 158.070 and 704 KAR 3:390 are not excluded from referral or selection for extended school services due to the inability of the parent or student to provide transportation to or from the school or site of extended school services programs.

2. The school informs parents or guardians of extended school services as follows:
  - a. A general notification which describes the nature of the services to be offered including the opportunities for maintenance of performance, prevention of failure and reduction of academic deficiencies;
  - b. A specific notification of their child's eligibility to receive extended school services; and
  - c. Written procedures for parents or guardians to request reconsideration of their children's identification or lack of identification of eligibility for extended school services.
3. (If applicable) The most current policy developed by the local school board that mandates attendance for any student(s) to Extended School Services is on file at the offices of Extended School Services, Kentucky Department of Education.
4. Accurate time logs are maintained for personnel receiving salary from Extended School Services. Such salary is for direct services to the Extended School Services program. No ESS staff member is paid more than his/her actual hourly rate for a comparable position in the regular program.
5. The district has written criteria for the selection of ESS staff (certified and classified). ESS teachers and other ESS staff are first employed based on having the specific expertise to meet the needs of the students being served. All other criteria for employment are both fair and equitable to applicants.
6. Accurate records are maintained for student attendance to Extended School Services and of student progress toward individual goals.
7. Students not enrolled in ESS are allowed to ride the buses provided through ESS funds only to the extent that it does not increase the cost of such transportation to ESS.

## **KENTUCKY EDUCATION TECHNOLOGY SYSTEM (KETS) ASSURANCES AND UNIVERSAL SERVICE ADMINISTRATIVE COMPANY (USAC) E-RATE ASSURANCES**

Federal and State programs require that districts complete and submit an updated technology plan on a yearly basis. Successful technology plans align the criteria in these eight assurances with the overall education improvement objectives. It is critical that technology planning not be viewed or treated as a separate exercise dealing primarily with hardware and telecommunications infrastructure. There must be strong connections between the infrastructure of the information technology and the professional development, curriculum resources; and effective uses by teachers, students, and school leaders.

1. The local school district establishes clear goals and a realistic strategy for using telecommunications and information technology to improve education. [Section 254

(h)(1)(B), of the Telecommunications Act of 1996, & FCC order 97-157, Paragraph 573]  
(Web site: <http://www.universalservice.org/si/>)

2. The local board of education agrees to conform to the guidelines for filtering, content management, caching, and auditing technologies regarding student and staff Internet access as provided in the Master Plan for Education Technology, including the implementation and maintenance of approved filtering and caching technology in the district for all students, teachers and administrators. The local school district agrees to adopt an acceptable use policy (AUP) in accordance with the guidelines for acceptable use policies as provided in the *Master Plan for Education Technology*. This AUP includes addressing the nine elements of digital citizenship as identified by the International Society for Technology in Education for all students, teachers and administrators. The AUP contains language which will prohibit access to objectionable materials, including sexually explicit materials, and shall include, but not be limited to, parental consent for student Internet use, teacher supervision of student computer use, auditing procedures to determine whether education technology is being used for the purpose of accessing sexually explicit or other objectionable material, and provide for the educating of minors about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms, cyberbullying awareness, and response.
3. The acceptable use policy also contains provisions that prohibit students, faculty, staff and others with network access from using district resources to establish Internet email accounts through third party providers or any other non-standard electronic mail. [KRS 156.160, 98 RS BR 1621 (SB 230), 701 KAR 5:120]
4. Districts are required by state regulation 701 KAR 5:110 to procure only those technologies that meet KETS technical, product and design standards, if a technical, product or design standard for that category has been established, regardless of source of funds as set forth in the *Master Plan for Education Technology*.
5. The local school district has a professional development strategy to ensure that all students, teachers, and administrators know how to use current and new technologies to support educational goals.
6. The local school district assesses the telecommunication services, hardware, software, and other services that will be needed to support education.
7. The local board provides for sufficient funds to acquire and support the elements of technology: hardware, software, professional development, and other services that will be needed to implement the strategy.
8. The local district agrees to conform to the KETS electronic mail product and design standards. These guidelines communicate the basic product and design standards for statewide electronic mail including State Level Shared Distribution Lists as incorporated by reference into the *Master Plan for Education Technology*.  
(<http://www.education.ky.gov/KDE/Administrative+Resources/Technology/Master+Plan/default.htm>)
9. The local school district includes an evaluation process that enables the school to monitor progress toward the specified goals and make mid-course corrections in response to new developments and opportunities as they arise.

10. The local school district acknowledges, and to the best of its ability responds to, the recommendations and timelines that resulted from the Personal Data Security Study as directed in HB341.

#### **Technology Tools Readiness Survey—Due December 1**

The district will complete the Technology Tools Readiness Survey. The information collected will be used by local school districts, local Boards of Education, Legislators, and the Kentucky Board of Education to determine the needs for implementing the KETS Master Plan initiatives, technology funding, on-line applications, and on-line testing. The District Technology Leader (CIO/DTC) should work with the KETS Customer Relationship Manager (CRM - formerly KETS Engineer) to complete this form. Upon completion, the final report must be submitted to the KETS CRM. The District Technology Leader should make a copy of the Technology Tools Readiness Survey to be placed with the Comprehensive Improvement Plan documentation filed at the district. The report due December 1 will reflect the most current information at the time the survey response is submitted.

#### **Technology Activity Report—Due September 30**

The district will complete the Technology Activity Report. Upon completion, this report is submitted to the Office of Knowledge, Information and Data Services (KIDS). The Technology Activity Report reflects district technology expenditures and progress on categorical purchases for statewide reporting. The report September 30 will reflect data for July 1 – June 30 of the previous fiscal year.