# Elementary and Secondary Education Act ESEA) as reauthorized under the Every Student Succeeds Act (ESSA) Assurances

## Title I-A School Improvement 1003

An assurance that each school the local educational agency proposes to serve will receive all of the State and local funds it would have received in the absence of funds received under this section SEC 1003 A.

## Title I-A

Section 1112

(C) ASSURANCES.—Each local educational agency plan shall provide assurances that the local educational agency will—

1. Ensure that migratory children and formerly migratory children who are eligible to receive services under this part are selected to receive such services on the same basis as other children who are selected to receive services under this part;
2. Provide services to eligible children attending private elementary schools and secondary schools in accordance with section 1117, and timely and meaningful consultation with private school officials regarding such services;
3. Participate, if selected, in the National Assessment of Educational Progress in reading and mathematics in grades 4 and 8 carried out under section 303(b)(3) of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9622(b)(3));
4. Coordinate and integrate services provided under this part with other educational services at the local educational agency or individual school level, such as services for English learners, children with disabilities, migratory children, American Indian, Alaska Native, and Native Hawaiian children, and homeless children and youths, in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the instructional program;
5. Collaborate with the State or local child welfare agency to—
6. Designate a point of contact if the corresponding child welfare agency notifies the local educational agency, in writing, that the agency has designated an employee to serve as a point of contact for the local educational agency; and
7. By not later than 1 year after the date of enactment of the Every Student Succeeds Act, develop and implement clear written procedures governing how transportation to maintain children in foster care in their school of origin when in their best interest will be provided, arranged, and funded for the duration of the time in foster care, which procedures shall—
8. Ensure that children in foster care needing transportation to the school of origin will promptly receive transportation in a cost-effective manner and in accordance with section 475(4)(A) of the Social Security Act (42 U.S.C. 675(4)(A)); and
9. Ensure that, if there are additional costs incurred in providing transportation to maintain children in foster care in their schools of origin, the local educational agency will provide transportation to the school of origin if—
10. The local child welfare agency agrees to reimburse the local educational agency for the cost of such transportation;
11. The local educational agency agrees to pay for the cost of such transportation; or
12. The local educational agency and the local child welfare agency agree to share the cost of such transportation; and
13. Ensure that all teachers and paraprofessionals working in a program supported with funds under this part meet applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification; and
14. In the case of a local educational agency that chooses to use funds under this part to provide early childhood education services to low-income children below the age of compulsory school attendance, ensure that such services comply with the performance standards established under section 641A(a) of the Head Start Act (42 U.S.C. 9836a(a))

Section 1118

(2) WRITTEN ASSURANCE.—

1. EQUIVALENCE.—A local educational agency shall be considered to have met the requirements of paragraph (1) if such agency has filed with the State educational agency a written assurance that such agency has established and implemented—
2. a local educational agency-wide salary schedule;
3. a policy to ensure equivalence among schools in teachers, administrators, and other staff; and
4. a policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies.

## Title I-C

(c) ASSURANCES.—Each such application shall also include assurances that—

1. funds received under this part will be used only—
2. for programs and projects, including the acquisition of equipment, in accordance with section 1306; and
3. to coordinate such programs and projects with similar programs and projects within the State and in other States, as well as with other Federal programs that can benefit migratory children and their families;
4. such programs and projects will be carried out in a manner consistent with the objectives of section 1114, subsections (b) and (d) of section 1115, subsections (b) and (c) of section 1118, and part F;
5. in the planning and operation of programs and projects at both the State and local agency operating level, there is consultation with parents of migratory children, including parent advisory councils, for programs not less than 1 school year in duration, and that all such programs and projects are carried out—
6. in a manner that provides for the same parental involvement as is required for programs and projects under section 1116, unless extraordinary circumstances make such provision impractical; and
7. in a format and language understandable to the parents;
8. in planning and carrying out such programs and projects, there has been, and will be, adequate provision for addressing the unmet education needs of preschool migratory children and migratory children who have dropped out of school;
9. the effectiveness of such programs and projects will be determined, where feasible, using the same approaches and standards that will be used to assess the performance of students, schools, and local educational agencies under part A;
10. such programs and projects will provide for outreach activities for migratory children and their families to inform such children and families of other education, health, nutrition, and social services to help connect them to such services;
11. to the extent feasible, such programs and projects will provide for—
12. advocacy and other outreach activities for migratory children and their families, including helping such children and families gain access to other education, health, nutrition, and social services;
13. professional development programs, including mentoring, for teachers and other program personnel;
14. family literacy programs;
15. the integration of information technology into educational and related programs; and
16. programs to facilitate the transition of secondary school students to postsecondary education or employment;

## Title II-A

Section 2102

1. An assurance that the local educational agency will comply with section 8501 (regarding participation by private school children and teachers).
2. An assurance that the local educational agency will coordinate professional development activities authorized under this part with professional development activities provided through other Federal, State, and local programs.

## Title III-A

Section 3116

(4) contain assurances that—

1. Each local educational agency that is included in the eligible entity is complying with section 1112(e) prior to, and throughout, each school year as of the date of application;
2. The eligible entity is not in violation of any State law, including State constitutional law, regarding the education of English learners, consistent with sections 3125 and 3126;
3. The eligible entity consulted with teachers, researchers, school administrators, parents and family members, community members, public or private entities, and institutions of higher education, in developing and implementing such plan; and
4. The eligible entity will, if applicable, coordinate activities and share relevant data under the plan with local Head Start and Early Head Start agencies, including migrant and seasonal Head Start agencies, and other early childhood education providers.

## Title IV-A

Section 4106

(2) ASSURANCES.—Each application shall include assurances that the local educational agency, or consortium of such agencies, will—

1. Prioritize the distribution of funds to schools served by the local educational agency, or consortium of such agencies, that—
   1. Are among the schools with the greatest needs, as determined by such local educational agency, or consortium;
   2. Have the highest percentages or numbers of children counted under section 1124(c);
   3. Are identified for comprehensive support and improvement under section 1111(c)(4)(D)(i);
   4. Are implementing targeted support and improvement plans as described in section 1111(d)(2); or
   5. Are identified as a persistently dangerous public elementary school or secondary school under section 8532;
2. Comply with section 8501 (regarding equitable participation by private school children and teachers);
3. Use not less than 20 percent of funds received under this subpart to support one or more of the activities authorized under section 4107;
4. Use not less than 20 percent of funds received under this subpart to support one or more activities authorized under section 4108;
5. Use a portion of funds received under this subpart to support one or more activities authorized under section 4109(a), including an assurance that the local educational agency, or consortium of local educational agencies, will comply with section 4109(b); and
6. Annually report to the State for inclusion in the report described in section 4104(a)(2) how funds are being used under this subpart to meet the requirements of subparagraphs (C) through (E).

## McKinney-Vento

(J) Assurances that the following will be carried out—

1. The State educational agency and local educational agencies in the State 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 educational agencies will designate an appropriate staff person, able to carry out the duties described in paragraph (6)(A), who may also be a coordinator for other Federal programs, as a local educational agency liaison for homeless children and youths.
3. The State and the local educational agencies in the State 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 (as determined under paragraph (3)), in accordance with the following, as applicable:
   1. If the 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.
   2. If the child's or youth's living arrangements in the area served by the local educational agency of origin terminate and the child or youth, though continuing his or her education in the school of origin, begins living in an area served by another local educational agency, the local educational agency of origin and the local educational agency in which the child or youth is living shall agree upon a method to apportion the responsibility and costs for providing the child or youth with transportation to and from the school of origin. If the local educational agencies are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally.
4. The State and the local educational agencies in the State will adopt policies and practices to ensure participation by liaisons described in clause (ii) in professional development and other technical assistance activities provided pursuant to paragraphs (5) and (6) of subsection (f), as determined appropriate by the Office of the Coordinator.

## SEC. 8306. ø20 U.S.C. 7846¿ OTHER GENERAL ASSURANCES.

(a) ASSURANCES.—Any applicant, other than a State educational agency that submits a plan or application under this Act, shall have on file with the State educational agency a single set of assurances, applicable to each program for which a plan or application is submitted, that provides that—

1. each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;
2. (A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency or in a eligible private agency, institution, organization, or Indian tribe, if the law authorizing the program provides for assistance to those entities; and(B) the public agency, eligible private agency, institution, or organization, or Indian tribe will administer the funds and property to the extent required by the authorizing statutes;
3. the applicant will adopt and use proper methods of administering each such program, including—
4. the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program; and
5. the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation;
6. the applicant will cooperate in carrying out any evaluation of each such program conducted by or for the State educational agency, the Secretary, or other Federal officials;
7. the applicant will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to the applicant under each such program;
8. the applicant will—
9. submit such reports to the State educational agency (which shall make the reports available to the Governor) and the Secretary as the State educational agency and Secretary may require to enable the State educational agency and the Secretary to perform their duties under each such program; and
10. maintain such records, provide such information, and afford such access to the records as the State educational agency (after consultation with the Governor) or the Secretary may reasonably require to carry out the State educational agency’s or the Secretary’s duties; and
11. before the application was submitted, the applicant afforded a reasonable opportunity for public comment on the application and considered such comment.