



# TITLE I, PART C – MIGRANT EDUCATION PROGRAM (MEP)

  

## PROGRAM GUIDE

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# COVID-19

As a result of the COVID-19 pandemic, additional flexibility in the administration of federal grant programs is likely to be issued by the U.S. Department of Education. Any additional flexibility for the Title I, Part C Migrant Education Program that is available to LEAs related to COVID-19 will be provided on TEA's [COVID-19 Support: District Waivers, Finance & Grants](#) web page.

## Web Resources

- TEA's [COVID-19 Support: District Waivers, Finance & Grants](#) web page

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# I. Program Overview

[Unless otherwise noted, the Section numbers cited in this guidance document refer to the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA).]

## Intent and Purpose

The purpose of the Title I, Part C-Migrant Education Program (MEP) [ESSA, Section 1301], is to:

1. Support high-quality and comprehensive educational programs and services during the school year and, as applicable, during the summer or intersession periods, that address the unique educational needs of migratory children;
2. Ensure that migratory children who move among the states are not penalized in any manner by disparities among the states in curriculum, graduation requirements, and challenging state academic standards;
3. Ensure that migratory children receive full and appropriate opportunities to meet the same challenging state academic standards that all children are expected to meet;
4. Design programs to help migratory children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit the ability of such children to succeed in school; and
5. Ensure that migratory children benefit from state and local systemic reforms.

This program guide contains basic program information as well as direct links to related information and resources available on the Texas Education Agency web site. This resource provides general program information and should not be perceived as an all-inclusive listing of all statutory requirements. Upon certification and submission of the ESSA Consolidated Federal Grant Application, LEAs certify that they will comply with all requirements noted in statute. All statutory requirements can be found in the Program-Specific Provisions and Assurances posted on the [TEA Grant Opportunities Page](#). For a link to the Program-Specific Provisions and Assurances, search by the grant application name and review the information located in the Application and Support Information section.

Additionally, please note that any sample language provided in sections of this guide are examples of what LEAs and/or campuses could use as a guide. It is not meant for an LEA to copy and paste verbatim as LEA policies and procedures may be different than what is provided as sample language.

## State Plan

Each State that receives ESSA funds is required to submit a plan to the United States Department of Education (USDE). The preliminary Texas Consolidated State Plan was submitted to the USDE by the Texas Education Agency (TEA) on September 25, 2017. The final Texas Consolidated State Plan was submitted on March 6, 2018. This final plan reflected the results of a series of public hearings, review by the Governor's Office, and review by the State

Board of Education, in addition to input from a peer review process and feedback from the USDE. The Plan can be viewed through the following link:

[Every Student Succeeds Act in Texas](#)

## Statewide Service Delivery Plan

The Office of Migrant Education (OME), convened a work group to identify and develop an appropriate process for evaluating data to formulate programming in the field of migrant education. The idea is that migrant education programs should be cyclical in their structure. The first level is to conduct pre-planning activities to determine the unique needs of the migrant students in a State. In order to do this, States establish a Needs Assessment Committee (NAC) who meet to review existing implementation, student achievement, and outcome data on migrant students. Based on the data, concerns and possible solutions are drafted. The NAC also reviews state demographic, assessment, and needs assessment data to determine the elements to include on the State's migrant student profile. All of these recommendations to the State on needs and services are then included in the CNA Report. See [Service Delivery Plan](#).

The next step in the Continuous Improvement Cycle is to determine what the State is going to do to address the identified needs. This occurs during the Service Delivery Planning phase. Similar to the NAC, a Service Delivery Plan committee is established, and they are convened to review the solution strategies that were identified in the CNA and edit or develop new strategies as needed. Additionally, they develop and/or revise MPOs to measure the effectiveness of the strategies and provide perspective and feedback about the services students most need and context for the delivery of MEP services.

States then implement the Service Delivery Plan. This usually occurs starting with implementation of what was approved in the program application. After that, the states must evaluate how effective their program is/was and then the cycle continues.

## Allocation of Funds to Local Educational Agencies (LEAs)

Allocations to individual LEAs are determined based on statutory formulas. Several factors affect LEA eligibility for the funding, including Census updates, hold-harmless amounts, and set-asides for state activities, state-level administration, and charter school funding.

The process of determining LEA allocations is detailed in the [ESSA Funding Formulas Reference Manual](#) that is available in the Handbooks and Other Guidance section of TEA's [Finance and Grants web site](#).

[Entitlement amounts](#) for the current school year for these and other grants are available on the Grants Administration Division web page. Entitlements can be found in the ESSA Consolidated Application entitlements section of the web page.

# LEA Plan and Application

Local education agencies (LEAs) may apply for funding through the ESSA Consolidated Federal Grant Application that is available on the eGrants system. Information on accessing the eGrants system are detailed on the [TEA Secure Applications web page](#). General information and a sample application are available at the [TEA Grant Opportunities web page](#). For detailed information search by the grant application name.

The ESSA Consolidated Federal Grant Application incorporates the LEA Plan required by Federal statute into the annual application for funding. The ESSA Consolidated Federal Grant Application serves as a Consolidated LEA Plan and Application for the following Federal programs:

- Title I, Part A—Improving Basic Programs Operated by LEAs
- Title I, Part C—Education of Migratory Children
- Title I, Part D—Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At Risk of Dropping Out
- Title II, Part A—Supporting Effective Instruction
- Title III, Part A—English Language Acquisition, Language Enhancement, and Academic Achievement
- Title IV, Part A—Student Support and Academic Enrichment Grants

## Web Resources

[Program Overview – One Pager](#)

[ESSA State Plan](#)

[Office of Migrant Education \(OME\)](#)

[ESSA Funding Formulas Reference Manual](#)

[Entitlements](#)

[eGrants Access](#)

[TEA Grant Opportunities Page](#)

[Program-Specific Provisions and Assurances](#)

## Frequently Asked Questions

**Q-1: How does the state determine the amount of Title I, Part C Allocations?**

**A-1: The amounts for**

- NGS Priority for Service (PFS) classification counts;
- NGS Number and Needs indicator counts; and

- LEA's availability of Other Sources of Funding (OSF).

Refer to the *ESSA Funding Formulas Reference Manual* for the funding formula.

**Q-2: Where do I get information on entitlements?**

**A-2:** Refer to the [Entitlements](#) web page.

**Q-3: Can Title I, Part C funds be used in place of other funds?**

**A-3:** The LEA shall use funds received under the Title I, Part C, program to supplement, and to the extent practical, increase the level of funds that would, in the absence of federal funds be made available from nonfederal sources for the education of students participating in programs and projects assisted under Title I. In no case, may these funds be used to supplant funds from nonfederal sources.

Refer to [Program-Specific Provisions and Assurances](#), page 22.

## II. Program Description

This section provides program specific requirements and information related to the Title I, Part C - Migrant Education Program (MEP).

### Intended Program Beneficiaries

Intended program beneficiaries are migratory children, ages 0 through 21, and their families.

### Title I, Part C General Assurances

1. All LEA Title I, Part C, programs and projects are implemented in compliance with all applicable statutory and regulatory provisions pertaining to the Migrant Education Program (MEP).
2. Such projects carried out by the LEA shall be carried out in a manner consistent with the basic objectives of Title I, Part C, and as described in the Instructions to the Consolidated Application for Federal Funding.
3. For each required activity, from Program Guidelines, the LEA will make reports to the Texas Education Agency (TEA), in a manner requested, so that TEA can perform its duties under Title I, Part C, including collecting and reviewing information related to fiscal accountability and reviewing the educational achievement of students participating in programs conducted under Title I, Part C. The grant recipient is responsible for keeping records that TEA may request and use to verify correctness and accuracy of information submitted.
4. The LEA will conduct an annual evaluation of programs supported with Title I, Part C, funds and will use the information and needs identified to modify and improve the program. Data for this evaluation is collected through the New Generation System (NGS), the Public Education Information Management System (PEIMS), compliance reports submitted annually by the district to the Texas Education Agency, and other resources.
5. The effectiveness of its Migrant Education Program (MEP) will be determined, where feasible, using the same approaches and standards used to assess the performance of students and schools under Title I, Part A.

### General Program Requirements

1. All Migrant Education Program (MEP) grant recipients must operate and implement the program in accordance with all the Provisions and Assurances of Title I, Part C.
2. For each required activity, the LEA is responsible for maintaining written documentation on file at the district level to support the implementation of each activity.
3. The LEA is responsible for incorporating all MEP activities, services, plans, and guidelines into a migrant-specific section of the District Improvement Plan (DIP) and updating it on a yearly basis.
4. MEP activities shall be used to do the following:

- To meet the identified and unique educational needs of migratory children that result from their migratory lifestyle, and to permit these children to participate effectively in school; and
  - To address the unique educational needs of migratory children that are not addressed by services available from other federal or nonfederal programs, except that migratory children who are eligible to receive services under Title I, Part A, may receive those services through funds provided under that part.
5. In providing services with Title I, Part C, funds, LEAs shall give priority to serving Priority for Service (PFS) migratory children with MEP funds before using migrant funds to address the needs of other migratory children.
    - PFS students are defined as migratory children who have made a qualifying move within the previous 1-year period and (1) who are failing or most at risk of failing to meet the state's academic standards; or (2) have dropped out of school. [Section 1304(d)].
  6. Migrant student data collection and data entry in the New Generation System (NGS), the migrant student database.
  7. Utilize the national database for migrant student information, the Migrant Student Information Exchange (MSIX), to promote interstate coordination and timely records exchange.
  8. The identification and recruitment of all eligible migratory children and youth residing in the LEA must be conducted on a year-round basis and done in accordance with the *Texas Manual for the Identification and Recruitment of Migrant Children*.
  9. In planning, implementing, and evaluating its MEP activities, the LEA assures that the unique educational needs of migratory children will be identified and addressed.
  10. In planning, implementing, and evaluating its MEP activities, the LEA assures that local and regional data has been used to determine and provide services to migrant children in coordination with other stakeholders.
  11. The LEA's MEP will provide for advocacy and outreach activities for migratory children and their families, including coordination to inform such children and their families of other education, health, nutrition, and social services (Migrant Services Coordination). [Section 1304(c)(6)]
  12. The LEA will ensure parental participation in the MEP, the migrant-funded LEA will establish an LEA-wide migrant parent advisory council (PAC).
  13. In planning, implementing, and evaluating the MEP, ensure there has been and will be adequate provision for addressing the unmet needs of preschool migratory children and migratory children who have dropped out of school, as well as the identification and recruitment of such children. [Section 1304(c)(4)]
  14. Coordinate with available program offering options for credit accrual and recovery to ensure that migrant secondary students are accessing opportunities available to earn needed credits and make up courses lacking due to late entry or early withdrawal.
  15. Develop and implement a set of procedures that (1) outline a variety of strategies for partial and full credit accrual for migrant students with late entry and early withdrawal; and (2) saved course slots in elective and core subject areas based on district's history of student migration.
  16. Coordinate and collaborate with sending and receiving districts to ensure continuity of services for migratory children as they move from LEA to LEA.

17. Provide information regarding family literacy programs.
18. Conduct an evaluation of their Migrant Education Program by June 30th.

## Web Resources

[Program-Specific Provisions and Assurances](#)

[Program Guidelines ESSA Consolidated Grant Application](#)

[Every Student Succeeds Act](#)

[MEP Policy Guidance](#)

[Legislation Migrant Education Program Q&As](#)

## Frequently Asked Questions

**Q-1: What is the definition of a “migratory child”?**

**A-1:** ESSA, Section 1309 (3), a “migratory child” is a child or youth who made a qualifying move in the preceding 36 months—

- as a migratory agricultural worker or a migratory fisher; or
- with, or to join, a parent or spouse who is a migratory agricultural worker or a migratory fisher.

According to the [MEP Policy Guidance](#), Chapter II, A1, the migratory child is a child or youth:

- The child is not older than 21 years of age; *and*
- The child made a qualifying move in the preceding 36 months as a migratory agricultural worker or a migratory fisher, or did so with, or to join a parent/guardian or spouse who is a migratory agricultural worker or a migratory fisher; *and*
- With regard to the **qualifying move**, the child moved due to economic necessity from one residence to another residence, and—
  - i. From one school district to another; *or*
  - ii. In a State that is comprised of a single school district, has moved from one administrative area to another within such district; *or*
  - iii. Resides in a school district of more than 15,000 square miles and migrates a distance of 20 miles or more to a temporary residence.

**Q-2: What is the definition of a “migratory agricultural worker”?**

**A-2:** ESSA, Section 1309 (2), a “migratory agricultural worker” is:

an individual who made a qualifying move in the preceding 36 months and, after doing so, engaged in new temporary or seasonal employment or personal subsistence in agriculture, which may be dairy work or the initial processing of raw agricultural products. If an individual did not engage in such new employment soon after a qualifying move, such individual may be considered a migratory agricultural worker if the individual actively sought such new

employment and has a recent history of moves for temporary or seasonal agricultural employment.

**Q-3: What is the definition of a “migratory fisher”?**

**A-3:** ESSA, Section 1309 (4), a “migratory fisher” is:

an individual who made a qualifying move in the preceding 36 months and, after doing so, engaged in new temporary or seasonal employment or personal subsistence in fishing. If the individual did not engage in such new employment soon after the move, the individual may be considered a migratory fisher if the individual actively sought such new employment and has a recent history of moves for temporary or seasonal fishing employment.

**Q-4: What is the definition of a “qualifying move”?**

**A-4:** ESSA, Section 1309 (5), a “qualifying move” is:

a move due to economic necessity—

- from one residence to another residence; and
- from one school district to another school district,

except— (i) in the case of a State that is comprised of a single school district, wherein a qualifying move is from one administrative area to another within such district; or (ii) in the case of a school district of more than 15,000 square miles, wherein a qualifying move is a distance of 20 miles or more to a temporary residence.

[MEP Policy Guidance](#) Chapter II, C3, states that, “qualifying work” as shorthand for temporary or seasonal employment or personal subsistence in agriculture or fishing. Under 34 C.F.R. § 200.81(n), “qualifying work” means temporary employment or seasonal employment or personal subsistence in agriculture or fishing.

**Q-5: Is coordination with other state, federal, and state programs a requirement?**

**A-5:** Section 1308 under ESSA describes the need to improve coordination.

**Q-6: What is recommended ratio of NGS staff?**

**A-6:** State recommendations regarding NGS personnel are as follows: **one NGS Data Specialist for every 300 migrant students**, prorating the number of positions depending on the LEA’s migrant enrollment.

**Q-7: May MEP funds be used to provide refreshments or food during a PAC meeting or training?**

**A-7:** According to the [MEP Policy Guidance](#), Chapter VII, C7, “Reasonable expenditures for refreshments or food, particularly when such meetings extend through mealtime, are allowable.” (Also, refer to Q71 of Legislation Migrant Education Program.)

# III. Parent and Family Engagement

This section provides information related to the Parent and Family Engagement Requirements associated with the Title I, Part C - Migrant Education Program.

## Parent Advisory Council (PAC)

ESSA, Section 1304(c)(3) states:

In planning and operations 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 and projects not less than 1 school year in duration, and that all such programs and projects are out carried out:

- (A) in a manner that provides for the same parental involvement as is required for programs and projects under 1116, unless extraordinary circumstances make such provisions impractical; and
- (B) In a format and language understandable to the parents.

### **Title I, Part A [ESSA, Section 1116] and Migrant Education Program [ESSA, Section 1304] Parent and Family Engagement**

#### **Title I, Part A**

Section 1116 (a)(2)(C) - coordinate and integrate parent and family engagement strategies under this part with parent and family engagement strategies, to the extent feasible and appropriate, with other relevant Federal, State, and local laws and programs.

#### **Migrant Education Program**

Section 1304(b)(6) – a description of how the State will encourage programs and projects assisted under this part to offer family literacy services if the program or project serves a substantial number of migratory children whose parents do not have a high school diploma or its recognized equivalent or who have low levels of literacy.

Section 1304 (c)(4) - 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;

Section 1304 (c)(6) - 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.

Section 1304 (c)(7)(A) and (C) - 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, and family literacy programs.

# Web Resources

[Title I, Part A Parent and Family Engagement Statewide Initiative](#)

[Texas Migrant State Parent Advisory Council](#)

## Frequently Asked Questions

**Q-1: What is the function of a PAC?**

**A-1:** A PAC advises the Local Education Agency on concerns of migrant parents that relate to the planning, operation, and evaluation of Migrant Education programs and projects in which their children participate. ([MEP Policy Guidance](#) Chapter VII, B2)

**Q-2: Who is eligible to be a member of a PAC?**

**A-2:** Parents or guardians of eligible migrant children and individual who represent the interests of such parents are eligible to serve as PAC members. ([MEP Policy Guidance](#), Chapter VII, B5)

**Q-3: May MEP be used to support parents' attendance at workshops and conferences?**

**A-3:** Yes, the Local Education Agency may use MEP funds for costs that are reasonable and necessary to support the attendance of migrant parents at workshops and conferences that enable them to participate more effectively in the local program or to conduct home-based activities. The LEA should develop a criteria, in consultation with parents, to determine the reasonable number of parents who may attend national meetings. Upon return, attendees should provide information, and, if possible, training on the conference topics to other parents. ([MEP Policy Guidance](#), Chapter VII, C5)

## IV. Fiscal Requirements

This section provides information related to the Fiscal Requirements associated with the Migrant Education Program.

### Supplement, Not Supplant

LEAs are to use Title I, Part C Migrant Education Program funds to supplement and not supplant nonfederal funds that would otherwise be used for allowable program expenditures. For detailed information about Supplement, Not Supplant, see the [TEA Supplement, Not Supplant Handbook](#).

### Title I, Part C General Fiscal Assurances

The LEA assures the following:

1. Funds are used by a local school district or other operating agency only in accordance with the project application. In general, funds available under the MEP may be used only to:
  - a. identify eligible migratory children and their needs; and
  - b. provide educational and support services (including, but not limited to, preschool services, professional development, advocacy and outreach, parental involvement activities, and the acquisition of equipment) that address the identified needs of the eligible children.
2. It will conduct program operations of the MEP in compliance with EDGAR as applicable, 2 CFR Part 200, and other applicable regulations.
3. It will comply with Title I, Part C, and Title IX as it pertains to uses of funds, assurances, and eligible children.
4. It will use such fiscal control and fund accounting procedures to assure proper disbursement of, and accounting for, federal funds paid to the LEA under the Title I, Part C program.
5. The LEA shall use funds received under the Title I, Part C, program to supplement, and to the extent practical, increase the level of funds that would, in the absence of federal funds be made available from nonfederal sources for the education of students participating in programs and projects assisted under Title I. In no case, may these funds be used to supplant funds from nonfederal sources.
6. LEAs consolidating administrative funds follow the requirement to use an equitable method for allocating costs to specific fund sources. The method to determine equitable allocation must be documented and is subject to audit. Federal expenditures should be allocated to the ESSA programs in proportion to the funds provided by each program. In cases where migrant funds are used for consolidated administration, if there are unspent funds, the applicant assures that migrant funds will be returned to the state in the same proportion to the share of funding provided to the project.

## Assurances Related to Comparability of Services

The LEA assures the following:

1. An LEA may receive funds under Title I, Part A, and Title I, Part C, (MEP) only if state and local funds will be used in participating schools to provide services that, taken as a whole, are at least comparable to services that the LEA is providing in schools not receiving Title I, Part A, or Title I, Part C, (MEP) funds.
  - a. An LEA is considered to have met the statutory comparability requirements if it has implemented (1) an LEA-wide salary schedule; (2) a policy to ensure equivalence among schools in teachers, administrators, and other staff; and (3) a policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies.
  - b. An LEA may also use measures to determine comparability such as comparing the average number of students per instructional staff or the average staff salary per student in each school receiving Title I, Part A, or MEP funds with those schools that do not receive Title I, Part A, or MEP funds.
  - c. If all schools are served by Title I, Part A, or MEP, an LEA must use state and local funds to provide services that, taken as a whole, are substantially comparable in each school.
  - d. An LEA may exclude schools with fewer than 100 students from its comparability determination.
  - e. The comparability determination does not apply to an LEA that has only one school for each grade span.

## Web Resources

[Supplement, Not Supplant Handbook](#)

## Frequently Asked Questions

**Q-1: May Migrant Education Program (MEP) funds be used to purchase t-shirts to be worn by Identification and Recruitment (ID&R) staff during their field work? [Legislation Migrant Education Program Q&As, Q89](#)**

**A-1:** MEP funds may be used to pay for the cost of t-shirts for ID&R staff, provided the MEP abides by the criteria that all State and local education Agency (LOAs) must consider in determining whether a particular cost is an allowable use of funds:

1. It must comport with the results of the State's Comprehensive Needs Assessment (CNA) and the strategies outlined in the State's Service Delivery Plan (SDP);
2. MEP funds must first be used to meet the identified needs of migratory children that result from their migratory lifestyle, and to permit these children to participate effectively in school;
3. It must meet the needs of migratory children that are not addressed by services available from other Federal or non-Federal programs;

4. The MEP funds are used to supplement, rather than supplant the use of non-Federal funds; and
5. The costs must comport with the cost principles described in the Uniform Guidance (Subpart E of 2 CFR Part 200). The cost principles require, among other things, that costs of the service or activity be reasonable and necessary, and be allocable (or chargeable) to the MEP relative to the benefit received.

**Q-2: EDGAR currently requests two (2) quotes for purchases using federal funds. Does this rule apply when purchasing Migrant student snacks for tutorials and/or Migrant PAC meetings? Does this rule apply for any purchases under the Migrant funding?**

**A-2:** Whenever using federal funds to purchase goods or services, an LEA must ensure that it is following the procurement regulations in EDGAR – [2 CFR 200.320 Methods of procurement to be followed](#). TEA has developed an [EDGAR FAQ](#) document that addresses some of the common questions we receive. Section 7 of the FAQ addresses questions regarding procurement.

If you are purchasing food with migrant funds, you must determine the total amount of federal funds (including all other federal funds the LEA receives) to be spent on food in order to see which procurement method applies. If total food purchases using federal funds does not exceed \$10,000 per budget year, then the micro-purchase method can be used, which does not require price quotes. If the total amount is greater than \$10,000, then the small purchase method must be used.

# V. Use of Funds

This section provides information related to the Use of Funds associated with the Title I, Part C, Migrant Education Program.

## Title I, Part C General Fiscal Assurances

The LEA assures the following:

1. Funds are used by a local school district or other operating agency only in accordance with the project application. In general, funds available under the MEP may be used only to:
  - a. identify eligible migratory children and their needs; and
  - b. provide educational and support services (including, but not limited to, preschool services, professional development, advocacy and outreach, parental involvement activities, and the acquisition of equipment) that address the identified needs of the eligible children.
2. It will conduct program operations of the MEP in compliance with EDGAR as applicable, 2 CFR Part 200, and other applicable regulations.
3. It will comply with Title I, Part C, and Title IX as it pertains to uses of funds, assurances, and eligible children.
4. It will use such fiscal control and fund accounting procedures to assure proper disbursement of, and accounting for, federal funds paid to the LEA under the Title I, Part C program.
5. The LEA shall use funds received under the Title I, Part C, program to supplement, and to the extent practical, increase the level of funds that would, in the absence of federal funds be made available from nonfederal sources for the education of students participating in programs and projects assisted under Title I. In no case, may these funds be used to supplant funds from nonfederal sources.
6. LEAs consolidating administrative funds follow the requirement to use an equitable method for allocating costs to specific fund sources. The method to determine equitable allocation must be documented and is subject to audit. Federal expenditures should be allocated to the ESSA programs in proportion to the funds provided by each program. In cases where migrant funds are used for consolidated administration, if there are unspent funds, the applicant assures that migrant funds will be returned to the state in the same proportion to the share of funding provided to the project.

## Assurances Related to Comparability of Services

The LEA assures the following:

1. Funds are used by a local school district or other operating agency only in accordance with the project application. In general, funds available under the MEP may be used only to:
  - a. identify eligible migratory children and their needs; and
  - b. provide educational and support services (including, but not limited to, preschool services, professional development, advocacy and outreach, parental

involvement activities, and the acquisition of equipment) that address the identified needs of the eligible children.

2. It will conduct program operations of the MEP in compliance with EDGAR as applicable, 2 CFR Part 200, and other applicable regulations.
3. It will comply with Title I, Part C, and Title IX as it pertains to uses of funds, assurances, and eligible children.
4. It will use such fiscal control and fund accounting procedures to assure proper disbursement of, and accounting for, federal funds paid to the LEA under the Title I, Part C program.
5. The LEA shall use funds received under the Title I, Part C, program to supplement, and to the extent practical, increase the level of funds that would, in the absence of federal funds be made available from nonfederal sources for the education of students participating in programs and projects assisted under Title I. In no case, may these funds be used to supplant funds from nonfederal sources.
6. LEAs consolidating administrative funds follow the requirement to use an equitable method for allocating costs to specific fund sources. The method to determine equitable allocation must be documented and is subject to audit. Federal expenditures should be allocated to the ESSA programs in proportion to the funds provided by each program. In cases where migrant funds are used for consolidated administration, if there are unspent funds, the applicant assures that migrant funds will be returned to the state in the same proportion to the share of funding provided to the project.

## **Assurance Relating to Schoolwide Programs**

The LEA assures the following:

In order to combine MEP funds into a schoolwide campus program, prior written approval must be obtained from the Texas Education Agency and be documented as part of the ESSA Consolidated Application process. Section 1306(b)(4) of the statute and sections 200.29(c)(1) and 200.86 of the regulations require schools to first use the MEP funds, in consultation with migrant parents, to meet the special educational needs of migrant children before they may combine MEP funds in a schoolwide program. The State has identified these needs in its comprehensive statewide needs assessment.

**The LEA must have documentation that these identified unique educational and educationally-related needs of migratory children have been met before requesting to consolidate Title I, Part C funds into a schoolwide program.**

## **Program-Specific Assurance Related to Priority For Service [Section 1304(d)]**

The LEA assures the following:

In providing services with Title I, Part C, funds, LEAs shall give priority to serving Priority for Service (PFS) migratory children with MEP funds before using migrant funds to address the needs of other migratory children. PFS students are defined as migratory children who have

made a qualifying move within the previous 1-year period and who are failing, or most at risk of failing, to meet the challenging state academic standards, or have dropped out of school.

## **Assurance related to Coordination [Section 1308(a)]**

Continuous coordination with Title I, Part A, programs and personnel occurs so that eligible migratory students receive Title I, Part A, services, and that MEP funds are used to meet the unique needs of migrant students that result from their migratory lifestyles. [Section 1308(b)(1)(B)]

In the case of migrant students who are also limited English proficient (LEP) or handicapped, it will provide maximum coordination between services provided under Title I, Part C, Migrant and services provided to address children limited English proficiency or handicapping conditions in order to increase program effectiveness, eliminate duplication of services, and reduce fragmentation of the students' instructional programs.

## **Web Resource**

[TEA Budgeting Costs Guidance Handbook](#)

## **Frequently Asked Questions**

**Q-1: May Migrant Education Program (MEP) funds be used to purchase t-shirts to be worn by Identification and Recruitment (ID&R) staff during their field work? [Legislation Migrant Education Program Q&As, Q89](#)**

**A-1:** MEP funds may be used to pay for the cost of t-shirts for ID&R staff, provided the MEP abides by the criteria that all State and local education Agency (LOAs) must consider in determining whether a particular cost is an allowable use of funds:

1. It must comport with the results of the State's Comprehensive Needs Assessment (CNA) and the strategies outlined in the State's Service Delivery Plan (SDP);
2. MEP funds must first be used to meet the identified needs of migratory children that result from their migratory lifestyle, and to permit these children to participate effectively in school;
3. It must meet the needs of migratory children that are not addressed by services available from other Federal or non-Federal programs;
4. The MEP funds are used to supplement, rather than supplant the use of non-Federal funds; and
5. The costs must comport with the cost principles described in the Uniform Guidance (Subpart E of 2 CFR Part 200). The cost principles require, among other things, that costs of the service or activity be reasonable and necessary, and be allocable (or chargeable) to the MEP relative to the benefit received.

# VI. Carryover of Funds

As per ESSA, Title I, Part C (MEP) funds remaining at the end of a grant period are made available to grant recipients through a carryover process. This allows grant recipients to use unobligated balances from the prior fiscal year in the current grant year. TEA grant staff calculate carryover amounts after grant has closed and made the funds available to eligible grant recipients through their current approved applications. There is no percent threshold for carryover for the MEP funds. An LEA has 27 months to expend the MEP funds.

## Web Resources

[Program-Specific Provisions and Assurances](#)

[MEP Policy Guidance](#)

## Frequently Asked Questions

**Q1: Is there a limit to how much an LEA can carry over from one fiscal year to another?**

A-1: There is no limit to how much an LEA can carry over from one fiscal year to the next. However, the LEA should ensure the needs of the migrant children are addressed.

**Q-2: Should the State examine the amount of MEP funds that local operating agencies carry over from one fiscal year to the next? ([MEP Policy Guidance](#), Chapter I, D5)**

A-2: SEAs should examine how much money local operating agencies carry over in order to determine whether to reallocate funds that remain unobligated at the end of the fiscal year. If a local operating agency has a significant amount of carry over, the SEA might choose to adjust the local operating agency's subgrant downward to make available the funds that the local operating agency did not spend in the prior year. This allows the SEA to reallocate unobligated MEP funds for new uses in the subsequent fiscal year.

## VII. Private School Equitable Services

To the extent consistent with the number of eligible children identified in the school district served by the LEA who are enrolled in private nonprofit (PNP) elementary and secondary schools, the LEA shall—

- After timely and meaningful consultation with appropriate private school officials, provide such children, on an equitable basis and individually or in combination, as requested by the officials to best meet the needs of such children...
  - ✓ instructional services (including evaluations to determine the progress being made in meeting such students' academic needs),
  - ✓ counseling,
  - ✓ mentoring,
  - ✓ one-on-one tutoring,
  - ✓ special educational services,
  - ✓ or other benefits (such as dual or concurrent enrollment, educational radio and television, computer equipment and materials, other technology, and mobile educational services and equipment) that address their needs; and
- Ensure that teachers and families of these children participate, on an equitable basis, in services and parent and family engagement activities.

Please note that the educational services or other benefits, including materials and equipment, shall be secular, neutral, and nonideological. Educational services and other benefits for eligible private school children shall be equitable in comparison to service and other benefits for public school children participating under Title I, Part C, Migrant Education Program and shall be provided in a timely manner. The LEA may provide services directly or through third-party contracts with public and private agencies, organizations, and institutions.

The provision of services shall be provided—

- By employees of a public agency; or
- Through third-party contract by such public agency with an individual, association, agency, or organization.

In the provision of such services, such employee, individual, association, agency, or organization shall be independent of the private school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency.

The LEA is required to abide by all requirements for providing equitable services in the following programs: Title I, Part A; Title I, Part C; Title II, Part A; Title III, Part A; Title IV, Part A; and Title IV, Part B.

## Funding Requirements

Expenditures for educational services and other benefits to eligible PNP school children shall be equal to the proportion of funds allocated to participating school attendance areas based on the number of children from low-income families who attend private schools in such participating school attendance areas. The proportional share of funds shall be determined based on the total amount of funds received by the LEA, prior to any allowable expenditures or transfers by the LEA. Funds allocated to the LEA for educational services and other benefits to eligible PNP school children shall be obligated in the fiscal year for which the funds are received by the LEA. The LEA may determine the equitable share each year or every two years.

The control of funds, title to materials, equipment, and property belong to the LEA and should be on its inventory list and labeled prior to private school use.

## Meaningful Consultation Requirements

To ensure timely and meaningful consultation, the LEA shall consult with appropriate PNP school officials during the design and development of the LEA's programs. The LEA and PNP school officials shall both have the goal of reaching agreement on how to provide equitable and effective programs for eligible PNP school children. This consultation shall include such issue as—

- How the children's needs will be identified;
- What services will be offered;
- How, where, and by whom the services will be provided;
- How the services will be academically assessed and how the results of that assessment will be used to improve those services;
- The size and scope of the equitable services to be provided to the eligible private school children, the proportion of funds that is allocated for such services, and how that proportion of funds is determined;
- The method or sources of data that are used to determine the number of children from low-income families in participating school attendance areas who attend private schools;
- How and when the LEA will make decisions about the delivery of services to such children, including a thorough consideration and analysis of the views of the private school officials on the provision of services through a contract with potential third-party providers;
- How, if the LEA disagrees with the views of the private school officials on the provision of services through a contract, the LEA will provide in writing to such

private school officials an analysis of the reasons why the LEA has chosen not to use a contractor;

- Whether the LEA shall provide services directly or through a separate government agency, consortium, entity, or third-party contractor;
- Whether to provide equitable services to eligible private school children—
  - ✓ By creating a pool or pools of funds with all the funds allocated based on all the children from low-income families in a participating school attendance area who attend PNP schools; or
  - ✓ In the LEA’s participating school attendance area who attend private schools with the proportion of funds allocated based on the number of children from low-income families who attend private schools;
- When, including the approximate time of day, services will be provided; and
- Whether to consolidate and use funds provided in coordination with eligible funds available for services to private school children under applicable programs, as defined in section 8501(b)(1) to provide services to eligible private school children participating in programs.

If the LEA disagrees with the views of PNP school officials with respect to an issue in regard to the meaningful consultation requirements, above, the LEA shall provide in writing to the PNP school officials the reasons why the LEA disagrees. The LEA assures such consultation shall include meetings of the LEA and PNP school officials and shall occur before the LEA makes any decision that affects the opportunities of eligible PNP school children to participate in this program. Such meetings shall continue throughout implementation and assessment of services. The LEA assures that such consultation shall include a discussion of service delivery mechanisms to eligible PNP school children.

The LEA shall maintain in the district’s records and provide to TEA a written affirmation signed by officials of each participating private school that the meaningful consultation required has occurred. The written affirmation shall provide the option for private school officials to indicate such officials’ belief that timely and meaningful consultation has not occurred or that the program design is not equitable with respect to eligible private school children. If such private school officials do not sign such affirmation within a reasonable period, the LEA shall keep documentation on file. If requested, the LEA shall forward to TEA the documentation that such private school meaningful consultation has or attempts at such have taken place.

If a private school official files a complaint to TEA stating that the LEA did not comply with the meaningful consultation requirements, the LEA shall forward to TEA any appropriate documentation.

## Web Resource

[ESSA Private School Equitable Services](#)

[MEP Policy Guidance](#)

# Frequently Asked Questions

**Q1: Must an LEA serve an eligible migratory child who attends a private school?**

**A1:** Yes. Section 8501(b) of the statute requires SEAs that receive MEP funds to provide special educational services or other benefits on an equitable basis to eligible children who are enrolled in private schools, and to their teachers and other educational personnel. This must be done after timely and meaningful consultation with appropriate private school officials. ([MEP Policy Guidance](#), Chapter V, H1)

An LEA receiving assistance under Title I, Part C, must provide eligible private nonprofit school children and their teachers or other educational personnel, with equitable services or other benefits under this program. Before an LEA makes any decision that affects the opportunity of eligible private nonprofit school children, teachers, or other educational personnel to participate, the LEA must engage in timely and meaningful consultation with private school officials and maintain written documentation of such efforts. ([Program-Specific and ESSA Provisions and Assurances](#))

## VIII. Compliance Monitoring

Upon certification and submission of the ESSA Consolidated Federal Grant Application, LEAs certify that they will comply with all requirements noted in statute. All requirements can be found in the Program-Specific Provisions and Assurances posted on the [TEA Grant Opportunities Page](#). For a link to the Program-Specific Provisions and Assurances, search by the grant application name and review the information located in the Application and Support Information section.

The Federal Program Compliance Division monitors the program requirements through random validations and compliance reporting. The Federal Fiscal Monitoring Division monitors the fiscal requirements as noted.

### Program Compliance Random Validations

To monitor the compliance of each eligible entity receiving ESSA funds, the State conducts an annual validation process for LEAs. The annual validation process for LEAs addresses the statutory requirements based on program implementation and effectiveness for the current grant year. During the annual validation process, the State randomly selects LEAs to submit documentation for the program compliance requirements.

The State reviews the documentation to determine if the subgrantee met the statutory requirements as noted in the validation guidance documents. LEAs that submit insufficient documentation will be offered technical assistance by their regional Education Service Centers (ESCs). These LEAs will be required to submit compliance documentation for the subsequent application year to ensure full compliance of program requirements.

For validation specific information, see the TEA webpage on [Federal Program Compliance Random Validations](#).

### Program Compliance Reporting

The ESSA Consolidated Compliance Report is completed by LEAs annually to document that LEAs complied with the program-specific provisions and assurances in the preceding application year. LEAs are responsible for indicating the sources of documentation used to establish compliance. The documentation is to remain on file at the LEA. However, it must be readily available upon request from the Texas Education Agency for audit and/or validation monitoring purposes. The ESSA Consolidation Compliance Report will assess specific statutory requirements. Additionally, the PR3001-Needs Assessment, Priorities, and Program Outcomes Compliance Report will also document progress through the collection of LEA data on student outcome-focused SMART Goals, ESSA funds spent on Strategic Priorities, and implementation of TEA recommended uses of ESSA funds guidance that LEA's included in the preceding year on the SC3001 Needs Assessment, Priorities, and Program Outcomes Special Collections report. General Samples of Compliance Reports, instructions for completing the Compliance Reports and the Guide to the Program Implementation Questions are available at the [TEA Grant](#)

[Opportunities web page](#). For the detailed information search by the grant application name and review the information located in the Application and Support Information section.

## **Federal Fiscal Compliance Monitoring**

The Federal Fiscal Monitoring Division is responsible for monitoring the expenditures of federal grant subrecipients to ensure federal funds are used for authorized purposes in compliance with federal statutes, regulations, and the terms and conditions of federal awards.

For additional information on the federal fiscal monitoring processes and procedures, see the TEA webpage on [Federal Fiscal Monitoring](#).

## **Web Resources**

[Federal Program Compliance Random Validation Monitoring](#)

[TEA Grant Opportunities Page](#)

[Federal Fiscal Monitoring](#)

## **Frequently Asked Questions**

Coming Soon

# IX. Ed-Flex

By taking advantage of Ed-Flex, LEAs can design and implement programs in ways that best meet the needs of their students and communities. Texas has been approved as an Ed-Flex State under the Every Student Succeeds Act of 2015 (ESSA). The state’s Ed-Flex authority has been renewed through the 2023-2024 school year.

There are three types of Ed-Flex waivers as described below.

## Statewide Administrative Waivers

Statewide administrative Ed-Flex waivers address regulations governing applications for funds and certain record-keeping provisions. These administrative waivers are automatically granted to LEAs applying for federal funds covered by Ed-Flex.

## Statewide Programmatic Waivers

Statewide programmatic waivers address design and delivery of federal programs covered under Ed-Flex. Statewide programmatic waivers must be applied for through the Local Education Agency’s original ESSA Consolidated Application for Federal Funds. The two statewide programmatic waivers are:

- Threshold eligibility to implement Title I, Part A Schoolwide Programs
- Waiver of Title I, Part A 15% Roll Forward Limitation

## Individual Programmatic Waivers

Individual programmatic waivers may be requested by an LEA for the district as a whole or for an individual campus. The application forms and information concerning deadlines and start dates are posted annually on [TEA’s Ed-Flex web page](#).

## Web Resource

[Ed-Flex Waivers](#)

# A-Z Topic List

[Acronyms](#)

[eGrants Access](#)

[Entitlements](#)

[ESSA Funding Formulas Reference Manual](#)

[ESSA Private School Equitable Services](#)

[ESSA State Plan](#)

[Every Student Succeeds Act](#)

[Federal Fiscal Monitoring](#)

[Federal Program Compliance Random Validation Monitoring](#)

[Office of Migrant Education \(OME\)](#)

[Migrant Education in Texas](#)

[Legislation Migrant Education Program Q&As](#)

[MEP Policy Guidance](#)

[Program Guidelines ESSA Consolidated Grant Application](#)

[Program Overview – One Pager](#)

[Program-Specific Provisions and Assurances](#)

[Service Delivery Plan](#)

[Supplement, Not Supplant Handbook](#)

[TEA Budgeting Costs Guidance Handbook](#)

[TEA Grant Opportunities Page](#)

[Texas Migrant State Parent Advisory Council](#)

[Title I, Part A Parent and Family Engagement Statewide Initiative](#)