



# **Title I, Part C – Education for Migratory Children (MEP) Program Guide**

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# Change History

Program guides should be reviewed at least annually and necessary changes or updates to the documentation should be recorded on the table below.

Version	Release Date	Summary of Changes	Affected Page Number(s)
3.0	07/2022	Updated Links	multiple
		Updated General Program Requirements	5
		Updated PAC	7
		Updated General Fiscal Assurances	9
		Updated Use of Funds	11
4.0	02/2023	Updated Links	multiple
5.0	04/2023	SDP	7
		General Program Requirements	10-11
		PAC	13
		General Fiscal Assurances	15
		General Information	17
		Assurances Related to Coordination	18
6.0	09/2025	Removed COVID References	
		Updated formatting and Table of Contents	multiple
		Updated language in each of requirement sections	8-12
		Updated MPOs as based on new release of SDP	11
		Updated language on assurances	12-20
		Updated dates concerning Texas' Ed-Flex authority	27
		Updated links	multiple

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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-Education of Migratory Children [ESSA, Section 1301], is to:

1. Assist the Texas Education Agency (TEA) in supporting high-quality and comprehensive educational programs and services during the school year and, as applicable, during 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. 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.
5. To help 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 website](#).

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, school systems 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 school systems and/or campuses could use as a guide. It is not meant for a school system to copy and paste verbatim, as school systems 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 migratory students in a State. In order to do this, States establish a Needs Assessment Committee (NAC) that meets to review existing implementation, student achievement, and outcome data on migratory 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 migratory student profile. The recommendations on needs and services are shared and approved by the State, then included in the [Comprehensive Needs Assessment \(CNA\) Report](#).

The next step in the Continuous Improvement Cycle (CIC) 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 the context for the delivery of MEP services.

States then implement the [Service Delivery Plan](#). This usually occurs starting with the 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 School Systems

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

The process of determining school system allocations is detailed in the [ESSA Funding Formulas Reference Manual](#).

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

School Systems apply for funding through the ESSA Consolidated Federal Grant Application that is available on the eGrants system. Information on accessing the eGrants system is detailed on the [TEA Secure Applications web page](#). General information and a sample application are available at the [TEA Grant Opportunities 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](#)

[Title I, Part C Program Website](#)

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

[TEA Grant Opportunities Page](#)

## II. Program Description

This section provides program-specific requirements and information related to the Title I, Part C – Education of Migratory Children (commonly known as Migratory Education Program [MEP])

### Intended Program Beneficiaries

The intended program beneficiaries are eligible migratory children, aged 0 through 21, and their families.

### General Program Requirements

1. All school system 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 school system is responsible for maintaining written documentation on file at the school system to support the implementation of each activity.
3. The school system is responsible for incorporating all Title I, Part C, activities, services, and plans into a migrant-specific section of the District Improvement Plan (DIP) and evaluating and updating it every year. The DIP shall include both:
  - Priority for Service (PFS) Action Plan; and
  - Identification and Recruitment Plan
4. Title I, Part C activities shall be used to do the following:
  - To meet the identified and unique educational needs of eligible 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 eligible migratory children that are not addressed by services available from other federal or nonfederal programs, except that eligible migratory children who are eligible to receive services under Title I, Part A, may receive those services through funds provided under that part.
5. **Identification and Requirement (ID&R)** - The identification and recruitment of all eligible migratory children and youth, including Out-of-School Youth (OSY) 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 Migratory Children*. The process must be documented in each LEA's Identification and Recruitment (ID&R) Plan.
  - Annual residency verification of eligible migratory children must be completed in accordance with the procedures outlined in the aforementioned manual.
  - The Identification and Requirement Plan activities should be included in the District Improvement Plan.
    - The ID&R Plan must include a section that describes the quality control process.
6. **TX-NGS - Data Entry and Utilization**- eligible migratory student data collection, data entry, and required activities in the TX-New Generation System (TX-NGS) must be conducted **on a year-round basis** as outlined in the *TX-NGS/MSIX Manual*.

- A designated a person(s) to encode data into TX-NGS. The state recommends **one TX-NGS Data Specialist for every 150 eligible migratory students**, prorating the number of positions depending on the LEA's eligible migratory children enrollment and as funding allows.
  - A designated a person(s) to encode data into TX-NGS during the summer months. This person(s) should have access to migratory student records.
7. In planning, implementing, and evaluating Title I, Part C activities, the school system assures that the unique educational needs of migratory children, including preschool migratory children and migratory children who have dropped out of schools, are identified, and addressed through [Section 1304(b)(1)]:
- Full range of services that are available for migratory children from appropriate local, state, and federal educational programs;
  - Joint planning among local, state, and federal programs serving migratory children, including language instruction educational programs under Title III, Part A;
  - Integration of services available under Title I, Part C, and those provided by other programs; and
  - Measurable program objectives and outcomes.
8. **Preschool Children** - Within the first 60 days of the school year that eligible preschool-eligible migratory children, ages 3-5, are in the school system, determine individual educational needs, and to the extent possible, coordinate with or provide services to meet the identified needs. (For example, A Bright Beginning, Head Start, or other early childhood programs)
9. **Interstate Coordination** [Section 1308(a)] - Coordinate with the Texas Migrant Interstate Program (TMIP) during the regular school year and the summer months in order to serve students from Texas who may attend out-of-state migrant programs.
- Utilize MSIX to:
    - Promote and respond to interstate coordination and timely records exchange within 4 working days of receiving the request; and
    - respond to move notices in a timely manner.
10. **Comprehensive Needs Assessment (CNA)** [Section 1306(a)(1)] - Conducted to:
- Determine the needs of the eligible migratory students;
  - Design local services to meet the needs of the eligible migratory students;
  - Identify the students to receive the services;
  - Identify specific needs by grade levels and/or academic areas in order to meet the measurable program outcomes (MPOs) outlined in the Service Delivery Plan (SDP).
11. **Service Delivery Plan (SDP)** [Section 1306(a)(1)] -
- Provide migratory children the opportunity to meet the same challenging state academic standards that all children are expected to meet by:
    - Implementation of the required strategies outlined in the Texas Service Delivery Plan; refer to the [Project Plan and Logic Model within the SDP](#) for ideas on strategy implementation and possible resources.
    - Ensuring each Title I, Part C school system is accountable for the Measurable Program Outcomes (MPOs).
12. **Program Evaluation** [Section 1306(a)(1)(C)] – The school system conducts an annual evaluation of their Title I, Part C program to improve and/or modify the program to:
- Determine whether the program is effective and document its impact on eligible migratory children;
  - Improve program planning by comparing the effectiveness of different types of intervention;

- Determine the degree to which projects are implemented as planned and identify problems that are encountered in program implementation; and
  - Identify areas in which children may need different Title I, Part C services.
13. **Priority for Service (PFS)** - In providing services with Title I, Part C, funds, school systems shall give priority to Priority for Service (PFS) migratory children before using MEP 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) who have dropped out of school. [Section 1304(d)]
- The school system will develop a PFS Action Plan for serving PFS students. The plan must clearly articulate the criteria for defining student success including timelines for achieving stated goals and objectives.
  - Conduct a PFS student progress review at least twice a year to determine student needs.
  - The Title I, Part C coordinator or MEP staff will include the PFS Action Plan as a separate section in the District Improvement Plan labeled or identified (e.g., "MEP PFS Action Plan").
  - The school system is required to run the PFS report on TX-NGS monthly to identify eligible migratory children who require priority services.
14. **Title I, Part C Services Coordination** - In planning, implementing, and evaluating its Title I, Part C activities, the school system assures that local and regional data has been used to determine and provide services to eligible migratory children in coordination with other stakeholders. To extent possible, school systems will provide for [Section 1304(c)(7)]:
- Advocacy and outreach activities for eligible migratory children and their families, including coordination to inform such children and their families of other education, health, nutrition, and social services;
  - Professional development programs, including mentoring, for teachers and other program personnel;
  - Family literacy programs;
  - Integration of information technology into educational and related programs; and
  - Programs to facilitate the transition of secondary school students to postsecondary education or employment.
15. **Secondary Credit Accrual and Recovery** - Coordinate with available programs offering options for credit accrual and recovery to ensure that eligible migratory secondary students are accessing opportunities available to earn needed credits and make up courses lacking due to late entry or early withdrawal.
- Provide opportunities for partial and full credit accrual for eligible migratory students with late entry and early withdrawal. (e.g. iSOSY resources)
16. **Ensuring Continuity of Services** [1304(b)(3)] - Coordinate and collaborate with sending and receiving school systems to ensure continuity of services for eligible migratory children as they move from district to district. (Refer to [TMEP Portal](#) to access the AIIMS (Assisting Interstate/Intrastate Mobile Students) Portal for outlined recommended procedures and processes.
17. **Parental Engagement** [Section 1304(c)(3)] - To ensure parental participation and engagement, the Title I, Part C-funded school system will establish district wide parent advisory council (PAC) where the majority is composed of parents of migratory children. PAC meetings must:
- Be conducted in a format and language that is understandable to parents of eligible migratory children.
  - To encourage parent participation, PAC meetings should be held at times convenient for the parents of eligible migratory children, and transportation and childcare should be offered.

**Note:** In the case of Title I, Part C-funded SSAs, the fiscal agent may establish a region-wide Title I, Part C parent

advisory council elected by parents of eligible migratory children from the respective school system in the SSA.

# **Unique Educational Needs of Eligible Migratory Children as Outlined in the Texas MEP Service Delivery Plan (SDP)**

The Texas MEP has identified the unique educational and educationally-related needs of eligible migratory children through its Statewide Comprehensive Needs Assessment. [Section 1306(a)(1)] The needs assessment is a comprehensive review of the identified needs. As part of the Continuous Improvement Cycle, review the [Texas Service Delivery Plan](#) for a comprehensive list of needs and plan for service delivery including Measurable Program Outcomes (MPOs) that describe what every ESC and LEA will be accounted for. Please refer to the [Project Plan and Logic Model within the SDP](#) for ideas on strategy implementation and possible resources. The required strategies specific to eligible migratory children and youth in Texas, as outlined in the Texas Service Delivery Plan, are as follows:

## **Goal 1: Reading and Mathematics Service Delivery Strategies:**

- 1-1) Coordinate/provide supplemental reading /language arts instruction to eligible migratory students in grades K-12 during the performance period and summer.
- 1-2) Coordinate/provide supplemental mathematics instruction to eligible migratory students in grades K-2 during the performance period and summer.

## **Goal 2: School Readiness Service Delivery Strategies:**

- 2-1) Coordinate/provide needs-based instructional services to eligible migratory children ages 3-5 (not in kindergarten).
- 2-2) Coordinate/provide training and resources to families of eligible migratory children ages 3-5 (not in kindergarten), including on the importance of school readiness.

## **Goal 3: High School Graduation/Services to Out-of-School-Youth (OSY) Service Delivery Strategies:**

- 3-1) Coordinate/provide credit accrual/recovery/acceleration options and support to eligible migratory high school students who lack credits and/or are not on track for graduation.
- 3-2) Coordinate/provide appropriate and targeted instructional services for eligible migratory high school students.
- 3-3) Coordinate/provide opportunities and access to college and career readiness for eligible migratory high school students and OSY.
- 3-4) Coordinate/provide opportunities and access to resources and services to meet the unique needs of eligible migratory OSY.

## Goal 4: Non-Instructional Support Services Service Delivery Strategies:

- 4-1) Coordinate/provide high-quality professional development to MEP and non-MEP staff so they can better understand the unique academic and social-emotional needs of eligible migratory students.
- 4-2) Coordinate/provide non-instructional support services to meet the needs of eligible migratory children and their families.
- 4-3) Coordinate/provide training and resources to parents of eligible migratory children to build their skills and support their child's educational needs.

## Web Resources

[Texas Service Delivery Plan](#)

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

[State Parent Advisory Council](#)

[Parent and Family Engagement - AIIMS](#)

## III. Title I, Part C General Assurances

The LEA assures the following:

1. All Title I, Part C, programs are implemented in compliance with all applicable statutory and regulatory provisions of Title I, Part C – Education of Migratory Children [Sections 1301 – 1309].
2. For the program purpose of the Title I, Part C program [Section 1301 (1)–(5)]:
  - Assist the Texas Education Agency (TEA) in supporting high-quality and comprehensive educational programs and services during the school year and, as applicable, during summer or intersession periods, that address the unique educational needs of migratory children.
  - 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.
  - Ensure that migratory children receive full and appropriate opportunities to meet the same challenging state academic standards that all children are expected to meet.
  - 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.
  - To help migratory children benefit from state and local systemic reforms.
3. Such programs are implemented by the LEA or fiscal agent in a manner consistent with the basic objectives of Title I, Part C as described in the program guidelines of the ESSA Consolidated Federal Grant Application.
4. For each required activity outlined in the ESSA Consolidated Federal Grant Application Program Guidelines, the LEA or fiscal agent will provide data to the TEA, in the manner requested, so the 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 and receiving services from the Title I, Part

C program. The LEA or fiscal agent is responsible for maintaining auditable records which are to be made available upon request by TEA.

5. The LEA or fiscal agent will evaluate and improve the effectiveness of the Title I, Part C Program to enable all eligible migratory children to meet the same challenging State academic standards that all Texas children are expected to meet. [Section 1304 (b)(1),(b)(2),(c)(5) and 1306 (a)(1)(C)]. Will use the information and needs identified to modify and improve the program to ensure the unique educational needs of migratory children, including preschool migratory children and migratory children who have dropped out of school. [Section 1304 (b)(1) and (c)(5)]. Data for the evaluation is collected through the Texas New Generation System (TX-NGS), Migrant Student Exchange Systems (MSIX), compliance reports submitted annually by the LEA or fiscal agent to the TEA, and other resources (i.e. surveys).
6. The effectiveness of its Title I, Part C Program 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. [1304 (c)(5)]

## General Fiscal Assurances

The LEA assures the following:

1. Funds are used by a local education agency or other operating agency only in accordance with the project application. In general, funds available under the Title I, Part C Program may be used only to:
  - a. Address the needs of eligible migratory children that are not addressed by services available from other federal or non-federal programs [1306(b)(2)]; and
  - b. Provide educational and support services (including, but not limited to, preschool services, professional development, advocacy and outreach, parental engagement activities, and the acquisition of equipment) that address the identified needs of the eligible children. [1304(c)(7)]
2. It will conduct program operations of the Title I, Part C, 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 VIII (General Provisions) 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. All Title I, Part C-funded supplies, materials, and equipment are used only for Title I, Part C activities and to benefit the eligible migratory students. [Section 1304(c)(1)]
7. 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 Title I, Part C funds are used for consolidated administration, if there are unspent funds, the applicant assures that Title I, Part C 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:

1. In order to consolidate Title I, Part C, funds into a schoolwide campus program, prior written approval must be obtained from the TEA and be documented as part of the ESSA Consolidated Federal Grant Application process. Section 200.291(l) of the regulations requires that before the school chooses to consolidate in its schoolwide program funds received under part C of Title I of the ESEA, the school must –
  - (i) Use these funds, in consultation with parents of migratory children or organizations representing those parents, or both, first to meet the unique educational needs of eligible migratory students that result from the effects of their migratory lifestyle, and those other needs that are necessary to permit these students to participate effectively in school, as identified through the comprehensive Statewide needs assessment under § 200.83; and
  - (ii) Document that these needs have been met.
2. **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 Assurances

The LEA assures the following:

1. **Priority for Service** - In providing services with Title I, Part C, funds, LEA or fiscal agent shall give priority to Priority for Service (PFS) migratory children before using Title I, Part C 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 challenging state academic standards; or (2) have dropped out of school. [Section 1304(d)] The LEA or fiscal agent will develop a Priority for Service Action Plan for serving PFS students. The LEA or fiscal agent will include the PFS Action Plan as a separate section labeled or identified (e.g., “MEP PFS Action Plan”) in the District Improvement Plan.
  - a. The PFS Action Plan must include the Goals and Objectives of how the LEA will provide services to eligible migratory students who are PFS.
  - b. The PFS Action Plan must include the following required strategies:
    - Monitoring the progress of eligible migratory students who are PFS.
    - Communicating the progress and determining needs of eligible migratory who are PFS.
    - Providing services to eligible migratory children who are PFS.
    - For each required strategy, the LEA or fiscal agent must include the timeline, person responsible, and documentation available to meet the goals and objectives identified for serving eligible migratory students who are PFS.
  - c. The LEA or fiscal agent will conduct a PFS student progress review at least twice a year to determine student needs.
  - d. The LEA or fiscal agent will run the PFS report on TX-NGS monthly to identify eligible migratory children who require priority services.
2. The Title I, Part C Program will provide to the extent feasible, such {activities and services} as the following: [Section 1304(c)(7)]
  - a. Provide advocacy and outreach activities for migratory children and their families, including coordination to allow them to gain access to other education, health, nutrition, and social services (Title I, Part C Services Coordination).
    - Within the first grading period of the school year that the child who is eligible for the Title I, Part C services, (1) determine individual needs for instructional and support services, (2) identify resources and make referrals to address said needs, such as tutoring, WIC, HEP, dropout prevention program, (3) coordinate with entities to ensure that the child has access to the appropriate services, and (4) follow up to monitor and document progress.

- b. Coordinate/provide needs-based professional development to Title I, Part C, staff for program awareness and those providing supplemental mathematics and reading instruction.
  - c. Provide mentoring for teachers and other Title I, Part C, personnel as needed.
  - d. Provide information regarding family literacy programs to parents of eligible migratory children.
  - e. Incorporate the integration of information technology into educational and related programs.
  - f. Coordinate continuity of services for all eligible migratory students as part of interstate and intrastate coordination regarding the timely transfer of pertinent school records, including information on health, when children move from one school to another, and whether such move occurs during the regular school year. [1304(b)(3)]
  - g. Coordinate/provide programs to facilitate the transition of secondary migratory students to postsecondary education or employment.
3. **Secondary Credit Accrual and Recovery** - Coordinate with available programs offering options for credit accrual and recovery to ensure that migratory secondary students are accessing opportunities available to earn needed credits and make up coursework that is lacking due to late arrival and/or early withdrawal.
4. **Interstate/Intrastate Coordination** - Coordination with school staff and the Texas Migrant Interstate Program (TMIP) to ensure that migratory students who have failed any subject area of the state student assessment are accessing local, intrastate, and interstate opportunities available for summer statewide student assessment remediation. [1304(b)(3)]
- i. Provide supportive services for out-of-school youth (OSY).
  - ii. Utilizing MSIX to:
    - a. Promote and respond to interstate coordination and timely records exchange within 4 working days of receiving the request; and
    - b. Respond to move notices in a timely manner.
5. To meet the unique educational needs of its migratory children and to accomplish the Title I, Part C program goals and objectives, LEAs or fiscal agent will address the Seven Areas of Concern as identified by the Office of Migrant Education. The Seven Areas of Concern are:
- a. Educational Continuity
  - b. Instructional Time
  - c. School Engagement (behavioral, emotional, cognitive)
  - d. English Language Development
  - e. Educational Support in the Home
  - f. Health
  - g. Access to Services
6. **Comprehensive Needs Assessment (CNA)** - The Texas Migratory Education Program (TXMEP) has identified the unique educational and educationally-related needs of migratory children through its [Statewide Comprehensive Needs Assessment](#). The LEA or fiscal agent identifies and addresses the unique educational needs of migratory children through a needs assessment and outlines a comprehensive plan for the delivery of services. [Section 1306(A)(1)] As part of the TXMEP Continuous Improvement Cycle, review the [Texas Service Delivery Plan](#) (SDP) for a comprehensive list of needs and plan for service delivery including Measurable Program Outcomes (MPOs) that describe what every fiscal agent and LEA will be accounted for. The desired outcomes specific to migratory children and youth in Texas are, as outlined in the Texas Service Delivery Plan.
7. **Texas Service Delivery Plan (SDP)** - The TXMEP has identified the strategies to address the needs identified through the [Texas Service Delivery Plan](#) [Section 1306(a)(1)(A-G)]. As part of the TXMEP Continuous Improvement Cycle, review the [Texas Service Delivery Plan](#) for a comprehensive list of needs and plan for service delivery including MPOs that describe what every fiscal agent and LEA will be accounted for. Please

refer to the [Project Plan and Logic Model within the SDP](#) for ideas on strategy implementation and possible resources.

The strategies include the following as required activities:

**Goal 1: Reading and Mathematics Service Delivery Strategies**

1-1) Coordinate/provide supplemental reading /language arts instruction to eligible migratory students in grades K-12 during the performance period and summer.

1-2) Coordinate/provide supplemental mathematics instruction to eligible migratory students in grades K-12 during the performance period and summer.

**Goal 2: School Readiness Service Delivery Strategies**

2-1) Coordinate/provide needs-based instructional services to eligible migratory children ages 3-5 (not in kindergarten).

2-2) Coordinate/provide training and resources to families of eligible migratory children ages 3-5 (not in kindergarten), including on the importance of school readiness.

**Goal 3: High School Graduation/Services to Out-of-School Youth (OSY) Service Delivery Strategies**

3-1) Coordinate/provide credit accrual/recovery/acceleration options and support to eligible migratory high school students who lack credits and/or are not on track for graduation.

3-2) Coordinate/provide appropriate and targeted instructional services for eligible migratory high school students.

3-3) Coordinate/provide opportunities and access to college and career readiness for eligible migratory high school students and OSY.

3-4) Coordinate/provide opportunities and access to resources and services to meet the unique needs of eligible migratory OSY.

**Goal 4: Non-Instructional Support Services Service Delivery Strategies**

4-1) Coordinate/provide high-quality professional development to MEP and non-MEP staff so they can better understand the unique academic and social-emotional needs of eligible migratory children.

4-2) Coordinate/provide non-instructional support services to meet the needs of eligible migratory children and their families.

4-3) Coordinate/provide training and resources to parents of eligible migratory children to build their skills and support their child’s educational needs.

8. **Program Evaluation** - The LEA or fiscal agent must conduct an annual evaluation of their Title I, Part C Program. [Section 1306(a)(1)(C) and 1304(b)(1)]. Use the findings to modify and improve the program.
9. In planning, implementing, and evaluating the Title I, C Program, 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)]
10. **Preschool Children** - Within the first 60 days of the school year that eligible preschool migratory children, ages 3-5, are in the school district, Title I, Part C staff determine their individual educational needs, and to the extent possible, coordinate with or provide services to meet the identified needs. (For example, A Bright Beginning, Head Start, or other early childhood programs)
11. **Identification and Recruitment (ID&R)** - The LEA identifies and recruits migratory children and youth, including Out-of-School Youth (OSY), according to the specific timelines and guidance provided in the *Texas Manual for the Identification and Recruitment of Migratory Children* to ensure the accuracy of such information. The Title I, Part C Migrant Coordinator or its equivalent must include the Identification and Requirement Plan as a separate section in the District Improvement Plan labeled or identified (e.g., “MEP Identification and Requirement Plan”). The plan must include a section that describes a quality control process.

- a. **Ensure district-wide ID&R activities are occurring year-round.** In all project LEAs, including schoolwide programs, an adequate number of staff are assigned to carry out all identification and recruitment activities according to the Title I, Part C guidelines and policies as outlined in the Texas Manual for the Identification and Recruitment of Migratory Children. [1304(c)(2) and 1309]
  - b. Title I, Part C, coordinator must coordinate with **PEIMS/TSDS** coordinator to ensure eligible migratory students are encoded with a Migrant Indicator Code.
12. **Interstate/Intrastate Coordination including TX-NGS and MSIX** - The LEA or fiscal agent ensures interstate/intrastate coordination of services for migratory children to provide educational continuity through the timely transfer of pertinent student records. [Section 1304(b)(3) and 1308(A)]
- a. Data collection and data entry [Section 1308(A)] are district-wide activities occurring year-round.
  - b. All required TX-NGS enrollments and student demographic, educational, and health data are collected and entered in TX-NGS following MEP required timelines and procedures as outlined in the *TX-NGS/MSIX Manual (Texas-New Generation Systems & Migrant Student Information Exchange)*.
  - c. The LEA or fiscal agent has local policies and procedures in place to ensure that eligible migratory student records are requested and transferred in a timely manner. [Section 1304(b)(3)]. This includes responding to MSIX notifications according to the required timelines (4 working days from the date of receipt on MSIX).
  - d. All project LEAs are to provide an appropriate number of staff to carry out the designated TX-NGS data collection and data entry activities in order to ensure that the required timelines are met as specified in the TX-NGS/MSIX Manual. State recommendations regarding TX-NGS personnel are as follows: **one TX-NGS Data Specialist for every 150 migratory students**, prorating the number of positions depending on the LEA's eligible migratory student enrollment and as funding allows.
  - e. Records will be maintained to accurately document the number of eligible migratory students. The LEA or fiscal agent will securely transmit demographic, educational, and health data for all migratory children utilizing MSIX and participate fully in TX-NGS as required by the *TX-NGS and MSIX Manual*. The LEA or fiscal agent will report data as necessary for the function of the Title I, Part C Program.
13. All ID&R and TX-NGS staff participate in the online annual training or training provided by regional ESCs as outlined in the *Texas Manual for the Identification and Recruitment of Migratory Children* and the *TX-NGS/MSIX Manual*.

## Assurances Relating to Coordination

### [Section 1308(a)]

The LEA assures that:

1. Consideration has been given to the development of this application, to any benefits available through public and private agencies and programs that would contribute toward meeting the special educational needs of eligible migratory children. Consideration is also given where suggestions and offers of assistance are timely and are made by such agencies that may aid in carrying out or making more effective the program or project for which the application is made.
  - 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 Title I, Part C funds are used to meet the unique needs of migratory students that result from their migratory lifestyles. In the case of eligible migratory students who are Emergent Bilingual (EB) or students with disabilities, it will provide maximum coordination between services provided under Title I, Part C and services provided to address children who are Emergent Bilingual or students with disabilities in order to increase program effectiveness, eliminate duplication of services, and reduce fragmentation of the students' instructional programs.
2. In planning, implementing, and evaluating its Title I, Part C activities, the LEA or fiscal agent assures that local and regional data has been used to determine and provide services to eligible migratory children in coordination with other stakeholders.

# Assurance Relating to the Continuation of Services

## [Section 1304(a)]

The LEA assures the following:

1. Concerning the continuation of services to migratory students with expiring eligibility
  - a. A child who ceases to be a migratory child during a school year will be eligible for services until the end of such term.
  - b. A child who is no longer a migratory child may continue to receive services for 1 additional school year, but **only if** comparable services are not available through other programs.
  - c. A secondary migratory student who has been eligible for services in secondary school may continue to be served through Title I, Part C-funded credit accrual programs until graduation.

# Assurances Relating to the Title I, Part C Parent Advisory Council (PAC) and Parental Engagement

## [Section 1304(3)]

The LEA assures the following:

1. The LEA or fiscal agent has established a parent advisory council (PAC) for the Title I, Part C Program and provides an opportunity for appropriate consultation in the planning, implementation, and evaluation of the LEA's Title I, Part C program. [Sections 1304(c)(3); 1306(a)(1)(B)(ii); and 1116]
2. To ensure parental participation in the Title I, Part C Program, the Title I, C-funded LEA or fiscal agent with programs of one school year in duration will establish an LEA-wide migrant parent advisory council (PAC) which will be composed of a majority of such parents.
  - a. In the case of **Title I, Part C-funded Shared Services Arrangements (SSAs)**, the fiscal agent will establish a region-wide Title I, Part C PAC elected by parents of eligible migratory children from the respective LEAs in the SSA. Title I, C funded LEAs, and SSA fiscal agents shall establish and consult a PAC even if the contracting agents have schoolwide programs.
  - b. To the extent feasible, contracting agents with schoolwide program schools assure that their schoolwide campuses will have meaningful consultation with both the LEA-wide PAC and parents of eligible migratory students attending the schoolwide program school.
3. The LEA or fiscal agent will have meaningful consultation with parents of eligible migratory children including the Title I, Part C PAC in the planning and operation of the local Title I, Part C program. "Meaningful consultation" includes, but is not limited to both of the following:
  - a. LEA or fiscal agent shall have knowledge and understanding of the following:
    - (1) district improvement plans as to activities funded with Title I, Part C;
    - (2) Title I, Part C program requirements;
    - (3) TEA monitoring visits (if applicable);
    - (4) LEA needs assessment, service delivery plan, and evaluation;
    - (5) TX-NGS data for LEA and MSIX usage and functionality; and
    - (6) academic performance and service of migratory students for the LEA.

- b. Providing empowerment training for PAC members at no cost to parents; said training includes but is not limited to, providing PAC members, in their dominant language, a clear understanding of the key issues and decision points from aforementioned data sources to facilitate informed input and advice to the LEA before program designs and decisions are finalized.
4. The planning and implementation of the LEA's Title I, Part C Program provides for the same parental involvement as required for programs and projects under Section 1116.
  5. PAC meetings must be conducted in a format and language that is understandable to parents of eligible migratory children. To ensure full parent participation, PAC meetings should be held at times convenient for the parents of eligible migratory children, and transportation and childcare should be offered.
  6. The LEA coordinates/provides training/resources to parents of eligible migratory children on reading strategies, mathematics strategies; developmentally appropriate school readiness resources and strategies; and/or information and resources about college/career opportunities. Section 1304 (c)(1) and (c)(6)

## Assurance Relating to Private Schools

The LEA assures the following:

1. After timely and meaningful consultation with appropriate private school officials, the LEA will provide to those children identified as eligible and their teachers or other educational personnel, on an equitable basis, special educational services or other benefits that address their needs under Title I, Part C, and [Section 8501(a)(1)].
2. Educational services or other benefits including materials and equipment provided to eligible private school students with Title I, Part C, funds shall be secular, neutral, and nonideological [Section 8501(a)(2)].
3. Title I, Part C, educational services, and other benefits provided for private school children, teachers, and other educational personnel shall be equitable in comparison to services and other benefits for public school children, teachers, and other educational personnel participating in Title I, Part C, programs and will be provided in a timely manner [Section 8501(a)(3)(A)].
4. The LEA conducted timely and meaningful consultation with appropriate private school officials during the design and development of the Title I, Part C, programs on such issues as the following [Section 8501(c)(1)]:
  - a. How the children's needs will be identified;
  - b. What services will be offered;
  - c. How, where, and by whom the services will be provided;
  - d. How the services will be assessed and how the results of the assessment will be used to improve those services;
  - e. What equitable services (size and scope) are to be provided to the eligible private school children, teachers, and other educational personnel and what amount of funds are available for those services and how that amount is determined;
  - f. How and when decisions will be made about the delivery of services, including a thorough consideration and analysis of the views of the private school officials on the provision of contract services through potential third-party providers; and
  - g. Whether the agency, consortium, or entity shall provide services directly or through a separate government agency, consortium, or entity, or through a third-party contractor.
5. Control of Title I, Part C, funds and title to materials, equipment, and property purchased with these funds will be in a public agency for Title I, Part C, uses and purposes, and a public agency will administer the Title I, Part C, funds, and property [Section 8501(d)(1)].
6. In the provision of Title I, Part C, services, the employee, person, association, agency, organization, or other entity is independent of the private school and of any religious organization, and the employment or contract is under the control and supervision of the public agency [Section 8501(d)(2)(B)].

7. The LEA assures that if it disagrees with the views of private school officials on the provision of services through a contract, the agency, consortium, or entity shall provide to the private school officials a written explanation of the reasons why the LEA has chosen not to use a contractor. [Section 8501(c)(2)]
8. The LEA assures such consultation shall include meetings of the LEA and private school officials and shall occur before the LEA makes any decision that affects the opportunities of eligible private school children to participate in Title I, Part C, programs. Such meetings shall continue throughout the implementation and assessment of services. [Section 8501(c)(3)]
9. The LEA assures that such consultation shall include a discussion of service delivery mechanisms to eligible private school children. [Section 8501(c)(4)]
10. The LEA shall maintain in the agency's records and will submit 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 officials do not provide such affirmation within a reasonable period, the LEA shall forward to TEA the documentation that such consultation has, or attempts at such consultation have, taken place. [Section 8501(c)(5)]
11. If a private school official files a complaint to TEA stating that the LEA did not comply with Section 8501, the LEA shall forward to TEA any appropriate documentation. [Section 8501(c)(6)(B)]

## Web Resources

[TEA Grant Opportunities Page](#)

[Guidelines, Provisions and Assurances](#)

## IV. Fiscal Requirements

This section provides information related to the Fiscal Requirements associated with the Title I, Part C – Education of Migratory Children

### Supplement, Not Supplant

School systems are to use Title I, Part C program funds to supplement and not supplant nonfederal funds that would otherwise be used for allowable program expenditures. Funds must supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this section. For detailed information about Supplement, Not Supplant, see the TEA [Supplement, Not Supplant Handbook](#).

### Web Resources

[Supplement, Not Supplant Handbook](#)

## V. Use of Funds

This section provides information related to the Use of Funds associated with the Title I, Part C – Education of Migratory Children (MEP).

### General Information

Refer to the [Budgeting Costs Guidance Handbook](#) on the Grants Administration Division's [Grant Resources](#) page for general guidance on allowable activities and use of funds.

Recipients of Title I, Part C funds will perform all state-identified program functions, such as identification and recruitment, data collection into the TX-NGS, and establishment of a Title I, Part C PAC.

Title I, Part C statute requires the following:

1. The activities and services your organization funds must align with the results of the statewide comprehensive needs assessment and the requirements of the statewide service delivery plan;
2. You must first use Title I, Part C funds to meet the identified needs of eligible migratory children that result from their migratory lifestyle and to permit these children to participate effectively in school; and
3. You must use Title I, Part C funds to meet the unique needs of eligible migratory children that are not addressed by services available from other federal or nonfederal programs for which these students are eligible.
4. In providing services with Title I, Part C funds, LEAs shall give priority to serving Priority for Service (PFS) migratory children before using Title I, Part C 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.

You must be able to respond appropriately to and maintain documentation for each of the following questions to determine whether an expenditure would be allowable:

1. How is the expenditure reasonable and necessary to carry out the intent and purpose of the program?
2. What need, as identified in the comprehensive needs assessment, does the capital expenditure address? Explain how the capital expenditure addresses this need.

3. How will the expenditure be evaluated to measure a positive impact on student achievement?
4. How does this expenditure address the needs of migratory children that are not addressed by services from other federal and non-federal programs for which the students are eligible?

Although you may spend Title I, Part C funds on many types of allowable activities, some of these activities do not constitute a service (for example, identification and recruitment or parental involvement activities).

Services are those educational or educationally-related activities that do the following:

- **Directly benefit an eligible migratory child;**
- Address a need of an **eligible** migratory child consistent with the state Title I, Part C comprehensive needs assessment and service delivery plan;
- Are grounded in scientifically based research, or the case of support services, are allowed under the state Title I, Part C service delivery program; and
- Are designed to enable the program to meet its measurable outcomes and contribute to the achievement of the state's performance targets.

Because eligible migratory student success is the overarching goal of the Title I, Part C program, services are a vital aspect of the program. In providing services, priority must be given to eligible migratory children who have made a qualifying move within the previous 1-year period and (1) are failing or are most at risk of failing to meet the state's academic standards, or (2) have dropped out of school.

In general, LEAs may use Title I, Part C funds for the following to address the unmet educational needs of eligible migratory children, including migratory preschool and migratory children who have dropped out of school:

- Supplemental
  - Credit accrual such as distance learning coursework;
  - Educational support such as training and support to eligible migratory students on how to effectively use Reading or Mathematic resources and tools;
  - Supplemental instruction such as tutorials (for example, extended-day tutorials, tutoring in core or content areas; extended-day Statewide Assessment tutorials; Reading instruction by a teacher; or Mathematic instruction by a teacher; homebased programs for 3- and 4-year old, or supplemental support by a teacher for migratory pre-kindergarten or Kindergarten students performing below the expected level of development);
  - Summer Programs (Project SMART for grades K-8);
  - School and social engagement for grades 6-12 (e.g. migratory student extracurricular club or leadership organizations specific to eligible migratory secondary students).
- Support services (e.g. providing clothing, providing access to health, nutrition, and social service providers, or providing migratory families with necessary educational supplies).
- Professional development (e.g. professional development for Title I, Part C staff who provide needs-based supplemental reading or mathematics instruction to migratory students; and for Title I, Part C staff on services for eligible migratory students in grades 9-12 and OSY).
- Title I, Part C PAC, and other parental engagement activities for parents of eligible migratory students.
- Identification and Recruitment including providing electronic devices to encode data for utilizing an electronic Certificate of Eligibility (eCOE).
- TX-NGS relate activities, including having a TX-NGS specialist.
- Coordination of activities with other agencies, both within the state and with other states nationwide, including the transfer of student records.

- Comprehensive needs assessment (CNA) activities.
- Service Delivery Plan (SDP) required and optional activities.
- Evaluation of the Title I, Part C Program.

**Note: All grants in the ESSA Consolidated Federal Grant Application may be consolidated with the exception of Title I, Part C – Education of Migratory Children.** LEAs must request special permission from the Texas Education Agency to add Title I, Part C, to the consolidation and must document as part of the ESSA Consolidated Federal Grant Application process. Section 1306(b)(4) of the statute and sections 200.29(c)(I) and 200.86 of the regulations require schools to first use the Title I, Part C funds, in consultation with eligible migratory parents, to meet the special educational needs of eligible migratory children before they may combine Title I, Part C funds in a schoolwide program. The State has identified these needs in its comprehensive statewide needs assessment and Service Delivery Plan. An LEA must have evidence of these needs being met before considering consolidation of these funds. **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.**

## Web Resource

[TEA Budgeting Costs Guidance Handbook](#)

## VI. Carryover of Funds

As per ESSA, Title I, Part C program 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 school system has 27 months to expend the MEP funds.

## Web Resources

[Guidelines, Provisions and Assurances](#)

[MEP Policy Guidance](#)

## VII. Private School Equitable Services 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 school system, prior to any allowable expenditures or transfers by the school system. Funds allocated to the school system 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 school system. The school system may determine the equitable share each year or every two years.

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

# Meaningful Consultation Requirements

An LEA shall:

After timely and meaningful consultation with appropriate private school officials provide to those children and their teachers or other educational personnel, on an equitable basis, special educational services or other benefits that address their needs. [Section 8501(a)(1)]

All educational services or other benefits, including materials and equipment, must be secular, neutral, and nonideological. [Section 8501(a)(2)]

## Special Rule

### A. In General - Equitable Services

Educational services and other benefits for such private school children, teachers, and other educational personnel shall be equitable in comparison to services and other benefits for public school children, teachers, and other educational personnel participating shall be provided in a timely manner. Services are not required to be the same as provided to public school children or even those provided at the same grade level(s). [Section 8501(a)(3)(A)]

### B. Ombudsman

To help ensure equitable services are provided to private school children, teachers, and other educational personnel, the TEA shall direct the ombudsman designated by the agency under section 1117 to monitor and enforce the requirements of this section. [Section 8501(a)(3)(B)]

## Expenditures

Expenditures for educational services and other benefits provided for eligible private school children, their teachers, and other educational personnel serving those children shall be equal, taking into account the number and educational needs of the children to be served, to the expenditures for participating public school children. [Section 8501(a)(4)(A)]

## Obligation of Funds

Funds allocated to an LEA for educational services and other benefits to eligible private school children shall be obligated in the fiscal year for which the funds are received. [Section 8501(a)(4)(B)]

## Provision of Services

The LEA may provide services directly or through contracts with public and private agencies, organizations, and institutions. [Section 8501(a)(5)]

## Consultation

To ensure timely and meaningful consultation, an LEA, shall consult with appropriate private school officials. [Sections 8501(c)(1)] The LEA and private school officials shall both have the goal of reaching an agreement on how to provide equitable and effective programs for eligible private school children.

The process shall include consultation on:

- A. How the children's needs will be identified;
- B. What services will be offered;
- C. How, where, and by whom the services will be provided;
- D. How the services will be assessed and how the results of that assessment will be used to improve those services;
- E. What size and scope of the equitable services are to be provided to the eligible private school children, teachers, and other educational personnel, the amount of funds is determined;

- F. How and when the LEA will make decisions about the delivery of services, 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; and
- G. Whether the LEA will provide services directly or through a separate government agency, consortium, entity, or third-party contractor; and
- H. Whether to provide equitable services to eligible private school children-
  - i. 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 private schools; or
  - ii. 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.

### **Disagreement**

If an LEA disagrees with the views of private school officials, the LEA shall provide in writing to private school officials the reasons why the LEA disagrees. [Section 8501(c)(2)]

### **Timing**

Such consultation shall occur before the LEA makes any decisions that affects the opportunities of eligible private school children, teachers, and other educational personnel to participate and shall continue throughout implementation and assessment of services provided. [Section 8501(c)(3)]

### **Discussion**

Such consultation shall include a discussion of service delivery mechanisms an LEA can use to provide equitable services to eligible private school children, teachers, administrators, and staff. [Section 8501(c)(4)]

### **Documentation**

The LEA shall maintain in the district records and provide to the 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 provide signature on the written affirmation within a reasonable period of time, the LEA shall forward the documentation that such consultation has, or attempts at such consultation have, taken place to the TEA. [Section 8501(c)(5)]

### **Compliance**

- A. **In General.** If the consultation required is with an LEA or educational service agency, a private school official shall have the right to file a complaint with the TEA that the consultation required under this section was not meaningful and timely, did not give due consideration to the views of the private school official, or did not make a decision that treats the private school or its students equitably as required. [Section 8501(c)(6)(A)]
- B. **Procedure.** If the private school official wishes to file a complaint, the private school official shall provide the basis of the noncompliance and all parties shall provide the appropriate documentation to the appropriate officials. [Section 8501(c)(6)(B)]
- C. **Services.** TEA shall provide services directly or through contracts with public and private agencies, organizations, and institutions, if the appropriate private school officials have—
  - i. requested that the TEA provide such services directly; and
  - ii. demonstrated that the LEA involved has not met the requirements in accordance with the procedures for making such a request, as prescribed by the TEA. [Section 8501(c)(6)(C)]

### **Public Control of Funds**

1. **In General.** The control of funds used to provide services and title to materials, equipment, and property purchased with those funds, shall be in a public agency for the uses and purposes provided, and a public agency shall administer the funds and property. [Section 8501(d)(1)]
2. **Provision of Services.**
  - A. **In General.** The provision of services under this section shall be provided—
    - i. by employees of a public agency; or
    - ii. through contract by the public agency with an individual, association, agency, organization, or other entity.

[Section 8501(d)(2)(A)]

- B. **Independence - Public Agency.** In the provision of those services, the employee, person, association, agency, organization, or other entity shall be independent of the private school and of any religious organization, and the employment or contract shall be under the control and supervision of the public agency. [Section 8501(d)(2)(B)]
- C. **Commingling of Funds Prohibited.** Funds used to provide services shall not be commingled with non-Federal funds. [Section 8501(d)(2)(c)]

## Web Resource

[ESSA Private School Equitable Services](#)

[MEP Policy Guidance](#)

## 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 Monitoring 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 Monitoring 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 maintaining locally 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. 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](#)

## 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 2028-2029 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:

- Waiver of 40% eligibility threshold to implement Title I, Part A Schoolwide Programs [See the required Supporting Documentation Form, which must be completed and retained locally by the LEA, to be available on request by auditors or TEA staff.]
- Waiver of Title I, Part A 15% Carryover 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](#)

# X. A-Z Topic List

## A

[Acronyms](#)

## B – C

[Consolidated Compliance Report](#)

## D - E

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