

# Program-Specific and ESSA Provisions and Assurances

## 2025-2026 Every Student Succeeds Act (ESSA) Consolidated Federal Grant Application

Authorized by Elementary and Secondary Education Act of 1965 (ESEA), as amended by Every Student Succeeds Act (ESSA)

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## Title I, Part A

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**Note:** Citations in this document refer to sections of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act, unless otherwise noted.

### General Assurances

The school system assures it will comply with the following requirements:

1. Supplement, Not Supplant. [Section 1118(b)]
  - a. The LEA shall use Title I, Part A funds only to supplement the funds that would, in the absence of such Federal funds, be made available from State and local sources for the education of students participating in programs assisted under this part, and not to supplant such funds. [Section 1118(b)(1)]
  - b. To demonstrate compliance with the Supplement, Not Supplant requirement, the LEA shall demonstrate that the methodology used to allocate State and local funds to each school receiving Title I, Part A funds ensures that such school receives all of the State and local funds it would otherwise receive if it were not receiving assistance under Title I, Part A. [Section 1118(b)(2)]
  - c. Special Rule: No LEA shall be required to—
    - 1) identify that an individual cost or service supported under Title I, Part A is supplemental [Section 1118(b)(3)(A)]; or
    - 2) Provide Title I, Part A services through a particular instructional method or in a particular instructional setting in order to demonstrate compliance with this requirement. [Section 1118(b)(3)(B)]
2. Comparability of Services. [Section 1118(c)]
  - a. An LEA may receive Title I, Part A funds only if State and local funds will be used in Title I, Part A schools to provide services that, taken as a whole, are at least comparable to services in schools that are not receiving Title I, Part A funds. [Section 1118(c)(1)(A)]
  - b. If the LEA is serving all its schools with Title I, Part A funds, the LEA may receive such funds only if it will use State and local funds to provide services that, taken as a whole, are substantially comparable in each school. [Section 1118(c)(1)(B)]
  - c. The LEA may meet the Comparability of Services requirements on a grade-span by grade-span basis or a school-by-school basis. [Section 1118(c)(1)(C)]

- d. The LEA assures that it has established and implemented the following [Section 1118(c)(2)(A)]—
    - 1) An LEA-wide salary schedule; [Section 1118(c)(2)(A)(i)]
    - 2) A policy to ensure equivalence among schools in teachers, administrators, and other staff; [Section 1118(c)(2)(A)(ii)] and
    - 3) A policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies. [Section 1118(c)(2)(A)(iii)]
  - e. In determining the expenditures per pupil from State and local funds, or instructional salaries per pupil from State and local funds, staff salary differentials for years of employment shall not be included in such determinations. [Section 1118(c)(2)(B)]
  - f. The LEA need not include unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year in determining comparability of services. [Section 1118(c)(2)(C)]
  - g. The LEA shall develop procedures for compliance with the Comparability of Services requirement and will maintain records that are updated biennially documenting the LEA's compliance. [Section 1118(c)(3)]
  - h. Inapplicability: The Comparability of Services requirement shall not apply to an LEA that does not have more than one building for each grade span. [Section 1118(c)(4)]
  - i. For purposes of determining compliance with the Comparability of Services requirement, the LEA may exclude State and local funds expended for—
    - 1) Language instruction educational programs; [Section 1118(c)(5)(A)] and
    - 2) The excess costs of providing services to children with disabilities as determined by the LEA. [Section 1118(c)(5)(B)]
3. Exclusion of Funds: For the purpose of complying with both the Supplement, Not Supplant and the Comparability of Services requirements, the State or LEA may exclude supplemental State or local funds expended in any school attendance area or school for programs that meet the intent and purposes of Title I, Part A. [Section 1118(d)]
4. Carryover Limitation
- a. Notwithstanding Section 421(b) of the General Education Provisions Act or any other provision of law, not more than 15 percent of the Title I, Part A funds allocated to an LEA for any fiscal year may remain available for obligation by the LEA for one additional fiscal year. Although this does include any funds transferred into Title I, Part A through the Funding Transferability Program, it does not include funds received through any reallocation. [Section 1127(a)]



- iii. The LEA and the local child welfare agency agree to share the cost of such transportation.
- 10. The LEA will ensure that all teachers and paraprofessionals working in a program supported with Title I, Part A funds meet applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification. [Section 1112(c)(6)]
- 11. If the LEA chooses to use Title I, Part A funds to provide early childhood education services to low-income children below the age of compulsory school attendance, the LEA will ensure that such services comply with the performance standards established under section 641A(a) of the Head Start Act [42 U.S.C. 9836a(a)]. [Section 1112(c)(7)]

## Assurances Relating to Eligible School Attendance Areas

- 1. The LEA will use Title I, Part A funds only in eligible school attendance areas. [Section 1113(a)(1)]
- 2. If Title I, Part A funds are insufficient to serve all eligible school attendance areas, the LEA shall [Section 1113(a)(3)(A)]—
  - a. Annually rank from highest to lowest, without regard to grade spans, the LEA’s eligible school attendance areas in which the concentration of children from low-income families exceeds 75 percent according to the percentage of children from low-income families; and
  - b. Serve the eligible school attendance areas in rank order.
  - c. Exception: The LEA may lower the threshold to 50 percent for high schools served by the LEA. [Section 1113(a)(3)(B)]
- 3. If funds remain after serving all eligible attendances areas in Section 1113(a)(3), the LEA shall [Section 1113(a)(4)]—
  - a. Annually rank the LEA’s remaining eligible school attendance areas from highest to lowest either by grade span or for the entire LEA according to the percentage of children from low-income families; and
  - b. Serve such eligible school attendance areas in rank order, either within each grade-span grouping or within the LEA as a whole.
- 4. The LEA shall use the same measure of poverty, which measure shall be the number of children aged 5 through 17 in poverty counted in the most recent census data approved; the number of children eligible for free or reduced-price lunch under the Richard B. Russell National School Lunch Act; the number of children in families receiving assistance under Part A of Title IV of the

Social Security Act; or the number of children eligible to receive medical assistance under the Medicaid Program; or a composite of such indicators, with respect to all school attendance areas in the LEA—[Section 1113(a)(5)(A)]

- a. To identify eligible school attendance area;
  - b. To determine the ranking of each area; and
  - c. To determine allocations.
5. For measuring the number of students from low-income families in secondary schools, the LEA shall use— [Section 1113(a)(5)(B)]
  - a. The same measure of poverty; or
  - b. Subject to the conditions of [Section 1113(a)(5)(C)], an accurate estimate of the number of students in low-income families in a secondary school that is calculated by applying the average percentage of students in low-income families of the elementary school attendance areas that feed into the secondary school to the number of students enrolled in the secondary school.
6. The LEA shall have the option to use the measure of poverty described in paragraph 5.b. above, after— [Section 1113(a)(5)(C)]
  - a. Conducting outreach to secondary schools within the LEA to inform them of the option, and
  - b. A majority of such schools have approved the use of such a measure.
7. Exception: Section 1113(a) shall not apply, if the LEA has a total enrollment of fewer than 1,000 children. [Section 1113(a)(6)]
8. Waiver for Desegregation Plans [Section 1113(a)(7)]—The Secretary may approve an LEA’s written request for a waiver of the school attendance area eligibility requirements, and permit the LEA to treat as eligible, and serve, any school that children attend with a State-ordered, court-ordered school desegregation plan or a plan that continues to be implemented in accordance with a State-ordered or court-ordered desegregation plan if—
  - a. The number of economically disadvantaged children enrolled in the school is at least 25 percent of the school’s total enrollment; and
  - b. The Secretary determines, on the basis of the LEA’s written request and in accordance with such criteria as the Secretary establishes, that approval of the request will further the purposes of Title I, Part A.
9. The LEA may [Section 1113(b)(1)]—

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- a. Designate as eligible any school attendance area or school in which at least 35 percent of the children are from low-income families;
  - b. Use Title I, Part A funds in a school that is not in an eligible school attendance area, if the percentage of children from low-income families enrolled in the school is equal to or greater than the percentage of such children in a participating school attendance area of the LEA;
  - c. Designate and serve a school attendance area or school that is not eligible but that was eligible and that was served in the preceding fiscal year, but only for one additional fiscal year; and
  - d. Elect not to serve an eligible school attendance area or eligible school that has a higher percentage of children from low-income families if:
    - 1) The school meets the comparability requirements of Section 1118(c);
    - 2) The school is receiving supplemental funds from other State or local sources that are spent according to the requirements of Section 1114 or 1115; and
    - 3) The funds expended from such other sources equal or exceed the amount that would be provided under Title I, Part A.
10. The number of children attending private elementary and secondary schools who are to receive services, and the assistance such children are to receive under Title I, Part A, shall be determined without regard to whether the public school attendance area in which the children reside is assisted under Section 1113(b)(1)(A). [Section 1113(b)(2)].
11. The LEA shall allocate Title I, Part A funds to eligible school attendance areas or eligible schools in rank order, on the basis of the total number of children from low-income families in each area or school. [Section 1113(c)(1)]
12. Special Rule: Except as provided in Section 1113(c)(2)(B), the per-pupil amount of Title I, Part A funds allocated to each school attendance area shall be at least 125 percent of the per-pupil amount of funds the LEA received for that year under the poverty criteria described by the LEA Plan submitted under Section 1112, except that this shall not apply to LEAs that only serve schools in which the percentage of such children is 35 percent or greater. [Section 1113(c)(2)(A)]
13. Exception: The LEA may reduce the amount of funds allocated for a school attendance area or school by the amount of any supplemental State and local funds expended in that school attendance area or school for programs that meet the requirements of section 1114 or 1115. [Section 1113(c)(2)(B)]

## 14. Reservation of Funds: [Section 1113(c)(3)]

- a. The LEA shall reserve such Title I, Part A funds as are necessary to provide services comparable to those services provided to children in Title I, Part A campuses in order to serve—
  - 1) Homeless children and youth, including providing educationally related support services to children in shelters and other locations where children may live;
  - 2) Children in local institutions for neglected children; and
  - 3) If appropriate, children in local institutions for delinquent children, and neglected or delinquent children in community day programs.
- b. The LEA shall determine the share of funds reserved under Section 1113(c)(3)(A)—
  - 1) Based on the total allocation received by the LEA; and
  - 2) Prior to any allowable expenditures or transfers by the LEA.
- c. Funds reserved for Homeless children and youth may be—
  - 1) Determined based on a needs assessment of homeless children and youth in the LEA, taking into consideration the number and needs of homeless children and youth in the LEA, and which needs assessment may be the same as conducted under Section 723(b)(1) of the McKinney-Vento Homeless Assistance Act [42 U.S.C. 11433(b)(1)]; and
  - 2) Used to provide homeless children and youth with services not ordinarily provided to other students under Title I, Part A, including providing—
    - i. Funding for the liaison designated pursuant to McKinney-Vento, Section 722(g)(1)(J)(ii); and
    - ii. Funding for transportation pursuant to McKinney-Vento, Section 722(g)(1)(J)(iii).

15. The LEA may reserve such funds as are necessary under Title II, and not more than 5 percent of the funds the LEA receives under Title I, Part A, Subpart 2, to provide financial incentives and rewards to teachers who serve in schools that are eligible for Title I, Part A, and that have been identified for comprehensive or targeted support and improvement activities under Section 1111(d) for the purpose of attracting and retaining qualified and effective teachers. [Section 1113(c)(4)]

16. The LEA may reserve Title I, Part A funds to provide early childhood education programs for eligible children. [Section 1113(c)(5)]

## Assurances Relating to the Title I, Part A Program Plan

The school system assures the following:

1. The Title I, Part A Program Plan has been developed with timely and meaningful consultation with teachers, principals, other school leaders, paraprofessionals, specialized instructional support personnel, charter school leaders (in an LEA that has charter schools), administrators (including administrators of programs in other parts of Title I), other appropriate school personnel, and with parents of children in schools served under Title I, Part A. [Section 1112(a)(1)(A)] (Note: TEA requires that the LEA Title I, Part A Program Plan be maintained locally and available upon request by TEA and/or an auditor.)
2. The LEA has coordinated the Title I, Part A Program Plan with other Elementary and Secondary Education Act (ESEA) programs, the Individuals with Disabilities Education Act (IDEA), the Rehabilitation Act of 1973, the Carl D Perkins Career and Technical Education Act of 2006, the Workforce Innovation and Opportunity Act, the Head Start Act, the McKinney-Vento Homeless Assistance Act, the Adult Education and Family Literacy Act, and other Acts as appropriate. [Section 1112(a)(1)(B)]
3. The LEA plan provides that schools served with Title I, Part A funds substantially help children served under Title I, Part A to meet the challenging State academic standards. [Section 1112(a)(3)(B)]
4. The LEA shall periodically review and, as necessary, revise the Title I, Part A Program Plan. [Section 1112(a)(5)]
5. To ensure that all children receive a high-quality education, and to close the achievement gap between children meeting the challenging State academic standards and those children who are not meeting such standards, the LEA plan shall describe [Section 1112(b)]—
  - a. How the LEA will monitor students' progress in meeting the challenging State academic standards by [Section 1112(b)(1)]—
    - 1) Developing and implementing a well-rounded program of instruction to meet the academic needs of all students;
    - 2) Identifying students who may be at risk for academic failure;
    - 3) Providing additional educational assistance to individual students the LEA or school determines need help in meeting the challenging State academic standards; and
    - 4) Identifying and implementing instructional and other strategies intended to strengthen academic programs and improve school conditions for student learning;

- b. How the LEA will identify and address any disparities that result in low-income students and minority students being taught at higher rates than other students by ineffective, inexperienced, or out-of-field teachers; [Section 1112(b)(2)]
- c. How the LEA will carry out its School Support and Improvement activities responsibilities under Section 1111(d)(1) and (2); [Section 1112(b)(3)]
- d. The poverty criteria that will be used to select school attendance areas under Section 1113; [Section 1112(b)(4)]
- e. The nature of the programs to be conducted under Schoolwide (Section 1114) and Targeted Assistance (Section 1115) programs and, where appropriate, educational services outside such schools for children living in local institutions for neglected or delinquent children, and for neglected and delinquent children in community day school programs; [Section 1112(b)(5)]
- f. The services the LEA will provide homeless children and youth to support the enrollment, attendance, and success of homeless children and youth in coordination with the services the LEA is providing under the McKinney-Vento Homeless Assistance Act; [Section 1112(b)(6)]
- g. The strategy the LEA will use to implement effective parent and family engagement under Section 1116; [Section 1112(b)(7)]
- h. If applicable, how the LEA will support, coordinate, and integrate services provided with Title I, Part A, with early childhood education programs at the LEA or individual school level, including plans for the transition of participants in such programs to local elementary school programs; [Section 1112(b)(8)]
- i. How teachers and school leaders, in consultation with parents, administrators, paraprofessionals, and specialized instructional support personnel, in schools operating a Targeted Assistance program under Section 1115, will identify the eligible children most in need of services under Title I, Part A; [Section 1112(b)(9)]
- j. How the LEA will implement strategies to facilitate effective transitions for students from middle grades to high school and from high school to postsecondary education including, if applicable [Section 1112(b)(10)]—
  - 1) Coordination with institutions of higher education, employers, and other local partners; and
  - 2) Increased student access to early college high school or dual or concurrent enrollment opportunities, or career counseling to identify student interests and skills;

- k. How the LEA will support efforts to reduce the overuse of discipline practice that remove students from the classroom, which may include identifying and supporting schools with high rates of discipline, disaggregated by each of the subgroups of students; [Section 1112(b)(11)]
- l. If applicable, how the LEA will support programs that coordinate and integrate [Section 1112(b)(12)]—
  - 1) Academic and career and technical education content through coordinated instructional strategies, that may incorporate experiential learning opportunities and promote skills attainment important to in-demand occupations or industries in the State; and
  - 2) Work-based learning opportunities that provide students in-depth interaction with industry professionals and, if appropriate, academic credit; and
- m. Any other information on how the LEA proposes to use funds to meet the purposes of this grant and that the LEA determines appropriate to provide, which may include how the LEA will [Section 1112(b)(13)]—
  - 1) Assist schools in identifying and serving gifted and talented students; and
  - 2) Assist schools in developing effective school library programs to provide students an opportunity to develop digital literacy skills and improve academic achievement.

## Assurances Relating to Schoolwide Programs

The school system assures the following:

1. A school participating in a schoolwide program shall use funds available to supplement the amount of funds that would, in the absence of Title I, Part A funds, be made available from non-federal sources for the school, including funds needed to provide services that are required by law for children with disabilities and English language learners. [Section 1114(a)(2)(B)]
2. A school that chooses to use funds from other programs to support a schoolwide program shall not be relieved of the requirements relating to health; safety; civil rights; student and parental participation and involvement; services to private school children; comparability of services; maintenance of effort; uses of Federal funds to supplement, not supplant non-Federal funds; or the distribution of funds to the State of LEAs that apply to the receipt of funds from other programs. [Section 1114(a)(3)(B)]
3. An eligible school operating a schoolwide program shall develop a comprehensive plan (or amend a plan for such a program that was in existence on the day before the date of enactment of ESSA) that [Section 1114(b)]—

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- a. Is developed during a one-year period, unless:
  - 1) The LEA determines, in consultation with the school, that less time is needed to develop and implement the schoolwide program; or
  - 2) The school is operating a schoolwide program on the day before the date of enactment of ESSA, in which case the school may continue to operate the schoolwide program but shall develop amendments to its existing plan during the first year of assistance to reflect the requirements of Section 1114 of ESSA.
- b. Is developed with the involvement of parents and other members of the community to be served and individuals who will carry out the plan, including teachers; principals; other school leaders; paraprofessionals present in the school; administrators, including administrators of other Title I programs; the LEA; tribes and tribal organizations present in the community; and if appropriate, specialized instructional support personnel, technical assistance providers, school staff, students (if the plan relates to a secondary school), and other individuals determined by the school.
- c. Remains in effect for the duration of the school's participation as a schoolwide program, except that the plan and its implementation shall be regularly monitored and revised as necessary based on student needs to ensure all students are provided opportunities to meet the challenging State academic standards.
- d. Is available to the LEA, parents, and the public, and the information contained in the plan is in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.
- e. If appropriate and applicable, is developed in coordination and integration with other Federal, State, and local services, resources, and programs, such as programs supported under ESSA; violence prevention programs; nutrition programs; housing programs; Head Start programs; adult education programs; career and technical education programs; and school implementing comprehensive support and improvement activities or targeted support and improvement activities under Section 1111.
- f. Is based on a comprehensive needs assessment of the entire school that takes into account information on the academic achievement of children in relation to the challenging State academic standards, particularly the needs of those children who are failing, or are at-risk of failing, to meet the challenging State academic standards and any other factors as determined by the LEA; and
- g. Includes a description of—
  - 1) The strategies that the school will be implementing to address school needs, including a description of how such strategies will—

- i. Provide opportunities for all children, including each of the subgroups of students as defined in Section 1111, to meet the challenging State academic standards;
  - ii. Use methods and instructional strategies that strengthen the academic program in the school, increase the amount and quality of learning time, and help provide an enriched and accelerated curriculum, which may include programs, activities, and courses necessary to provide a well-rounded education; and
  - iii. Address the needs of all children in the school, but particularly the needs of those at risk of not meeting the challenging State academic standards, through activities which may include—
    - a) Counseling, school-based mental health programs, specialized instructional support services, mentoring services, and other strategies to improve students' skills outside the academic subject areas;
    - b) Preparation for and awareness of opportunities for postsecondary education and the workforce, which may include career and technical education programs and broadening secondary school students' access to coursework to earn postsecondary credit while still in high school (such as Advance Placement, International Baccalaureate, dual or concurrent enrollment, or early college high schools);
    - c) Implementation of a schoolwide tiered model to prevent and address problem behavior, and early intervening services, coordinated with similar activities and services carried out under the Individuals with Disabilities Act;
    - d) Professional development and other activities for teachers, paraprofessionals, and other school personnel to improve instruction and use of data from academic assessments, and to recruit and retain effective teachers, particularly in high-need subjects; and
    - e) Strategies for assisting preschool children in the transition from early childhood education programs to local elementary school programs; and
- 2) If programs are consolidated, the specific State and LEA programs and other Federal programs that will be consolidated in the schoolwide program.

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4. A school that operates a schoolwide program under this section may use Title I, Part A funds to establish or enhance preschool programs for children who are under six years of age. [Section 1114(c)]
5. The services of a schoolwide program under this section may be delivered by nonprofit or for-profit external providers with expertise in using evidence-based or other effective strategies to improve student achievement. [Section 1114(d)]
6. A secondary school operating a schoolwide program under this section may use Title I, Part A funds to operate dual or concurrent enrollment programs that address the needs of low-achieving secondary school students and those at risk of not meeting the challenging State academic standards. [Section 1114(e)(1)]
7. A secondary school using Title I, Part A funds for a dual or concurrent enrollment program may use such funds for any of the costs associated with such program including the costs of [Section 1114(e)(2)]—
  - a. Training for teachers, and joint professional development for teachers in collaboration with career and technical educators and educators from institutions of higher education, where appropriate, for the purpose of integrating rigorous academics in such programs;
  - b. Tuition and fees, books, required instructional materials for such program and innovative delivery methods; and
  - c. Transportation to and from such a program.
8. A school that participates in a schoolwide program and that uses Title I, Part A funds for dual or concurrent enrollment programs must remain consistent with State law. [Section 1114(e)(3)]

## Assurances Relating to Targeted Assistance Programs

The school system assures the following:

1. In all schools selected to receive Title I, Part A funds, but that are ineligible for a schoolwide program, have not received a waiver, or choose not to operate a schoolwide program, the LEA may use Title I, Part A funds for programs that provide services to eligible children identified as having the greatest need for special assistance. [Section 1115(a)]
2. To assist targeted assistance schools and LEAs to meet their responsibility to provide for all their students served under Title I, Part A, the opportunity to meet the challenging State academic standards, each targeted assistance program shall [Section 1115(b)]—
  - a. Determine which students will be served;

- b. Serve participating students identified as eligible children under Section 1115(c), including by—
  - 1) Using Title I, Part A resources to help eligible children meet the challenging State academic standards, which may include programs, activities, and academic courses necessary to provide a well-rounded education;
  - 2) Using methods and instructional strategies to strengthen the academic program of the school through activities, which may include—
    - i. Expanded learning time, before- and after-school programs, and summer programs and opportunities; and
    - ii. A schoolwide tiered model to prevent and address behavior problems, and early intervening services, coordinated with similar activities and services carried out under IDEA.
  - 3) Coordinating with and supporting the regular education program, which may include services to assist preschool children in the transition from early childhood education programs such as Head Start, the literacy program under Title II, Part B, Subpart 2, or State-run preschool programs to elementary school programs;
  - 4) Providing professional development with Title I, Part A resources and, to the extent practicable, from other sources, to teachers; principals; other school leaders; paraprofessionals; and, if appropriate, specialized instructional support personnel and other school personnel who work with eligible children in targeted assistance programs or in the regular education program;
  - 5) Implementing strategies to increase the involvement of parents of eligible children in accordance with Section 1116;
  - 6) Coordinating and integrating Federal, State, and local services and programs, such as programs supported under ESSA; violence prevention programs; nutrition programs; housing programs; Head Start programs; adult education programs; career and technical education programs; and comprehensive support and improvement activities or targeted support and improvement activities under Section 1111(d); and
  - 7) Providing the LEA assurances that the school will—
    - i. Help provide an accelerated, high-quality curriculum;
    - ii. Minimize the removal of children from the regular classroom during regular school hours for instruction provided under Title I, Part A; and



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- c. Special rule: Title I, Part A funds may not be used to provide services that are otherwise required by law to be made available to the children described in Section 1115(c)(2) but may be used to coordinate or supplement such services. [Section 1115(c)(3)]
- 4. To promote the integration of staff supported with Title I, Part A funds into the regular school program and overall school planning and improvement efforts, public school personnel who are paid with Title I, Part A funds under targeted assistance programs may [Section 1115(d)]—
  - a. Participate in general professional development and school planning activities; and
  - b. Assume limited duties that are assigned to similar personnel who are not so paid, including duties beyond classroom instruction or that do not benefit participating children, so long as the amount of time spent on such duties in the same proportion of total work time as prevails with respect to similar personnel at the same school.
- 5. The LEA understands a school may serve eligible students simultaneously with students with similar educational needs, in the same educational settings where appropriate. [Section 1115(e)(1)]
- 6. A portion of Title I, Part A funds may be used as a last resort to provide comprehensive services if [Section 1115(e)(2)]—
  - a. Health, nutrition, and other social services are not otherwise available to eligible children in a targeted assistance school, and the school has engaged in a comprehensive needs assessment and established a collaborative partnership with local service providers; and
  - b. Funds are not reasonably available from other public or private sources to provide such services. These services may include:
    - 1) The provision of basic medical equipment, such as eyeglasses and hearing aids;
    - 2) Compensation of a coordinator;
    - 3) Family support and engagement services;
    - 4) Integrated student supports; and
    - 5) Professional development necessary to assist teachers, specialized instructional support personnel, other staff, and parents in identifying and meeting the comprehensive needs of eligible children.
- 7. A secondary school operating a Title I, Part A targeted assistance program may use Title I, Part A funds to provide dual or concurrent enrollment program services described under Section 1114(e) to eligible children who are identified as having the greatest need for special assistance. [Section 1115(f)]

8. The services of a targeted assistance program under Title I, Part A may be delivered by nonprofit or for-profit external providers with expertise in using evidence-based or other effective strategies to improve student achievement. [Section 1115(h)]

## Assurances Relating to Parents' Right to Know

1. At the beginning of each school year, the LEA shall notify the parents of each student attending any school receiving Title I, Part A funds that the parents may request, and the LEA will provide in a timely manner on request, information regarding the professional qualifications of the student's classroom teachers, including at a minimum, the following: [Section 1112(e)(1)(A)]
  - a. Whether the student's teacher has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction;
  - b. Whether the student's teacher is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived;
  - c. Whether the student's teacher is teaching in a field of discipline of the certification of the teacher;
  - d. Whether the child is provided services by paraprofessionals and if so, their qualifications.
2. Schools that receive Title I, Part A funds shall provide to each individual parent of a child who is a student in the school [Section 1112(e)(1)(B)]—
  - a. Information on the level of achievement and academic growth of the student, if applicable and available, on each of the State academic assessments required under Title I, Part A; and
  - b. Timely notice that the student has been assigned, or has been taught for four or more consecutive weeks by, a teacher who does not meet applicable State certification or licensure requirements at the grade level and subject area in which the teacher is assigned.
3. At the beginning of each school year, the LEA shall notify the parents of each student attending any school receiving Title I, Part A funds that the parents may request and receive in a timely manner, information regarding any State or LEA policy regarding student participation in any mandated assessments, which shall include a policy, procedure, or parental right to opt the child out of such assessment, where applicable. [Section 1112(e)(2)(A)]
4. The LEA shall make widely available through public means (including by posting in a clear and easily accessible manner on the LEA's website, and where practicable, on the website of each school served by the LEA) for each grade served by the LEA, information on each assessment

required by the State and, where such information is available and feasible to report, other assessments required districtwide by the LEA, including [Section 1112(e)(2)(B)]—

- a. The subject matter assessed;
  - b. The purpose for which the assessment is designed and used;
  - c. The source of the requirement for the assessment; and
  - d. Where such information is available:
    - 1) The amount of time students will spend taking the assessment, and the schedule for the assessment; and
    - 2) The time and format for disseminating results.
5. If the LEA does not operate a website, the LEA shall determine how to make the information described in Section 1112(e)(2)(B) widely available, such as through distribution to the media, through public agencies, or directly to parents. [Section 1112(e)(2)(C)]
6. Each LEA using Title I, Part A funds to provide a language instruction educational program as determined under Title III shall, not later than 30 days after the beginning of the school year, inform parents of an English learner identified for participation or participating in such a program of—
- a. The reasons for the identification of their child as an English learner and in need of placement in a language instruction educational program [Section 1112(e)(3)(A)(i)];
  - b. The child’s level of English proficiency, how such level was assessed, and the status of the child’s academic achievement [Section 1112(e)(3)(A)(ii)];
  - c. The methods of instruction used in the program in which their child is, or will be, participating and the methods of instruction used in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction [Section 1112(e)(3)(A)(iii)];
  - d. How the program in which their child is, or will be, participating will meet the educational strengths and needs of their child [Section 1112(e)(3)(A)(iv)];
  - e. How such program will specifically help their child learn English and meet age-appropriate academic achievement standards for grade promotion and graduation [Section 1112(e)(3)(A)(v)];
  - f. The specific exit requirements for the program, including the expected rate of transition from such program into classrooms that are not tailored for English learners, and the expected rate of graduation from high school (including four-year adjusted cohort

- graduation rates and extended-year adjusted cohort graduation rates for such program) if Title I, Part A funds are used for children in high schools [Section 1112(e)(3)(A)(vi)];
- g. In the case of a child with a disability, how such program meets the objectives of the individualized education program of the child, as described in section 614(d) of the Individuals with Disabilities Education Act [20 U.S.C. 1414(d)] [Section 1112(e)(3)(A)(vii)]; and
  - h. Information pertaining to parental rights that includes written guidance [Section 1112(e)(3)(A)(viii)]—

    - 1) Detailing the right that parents have to have their child immediately removed from such program upon their request;
    - 2) Detailing the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available; and
    - 3) Assisting parents in selecting among various programs and methods of instruction, if more than one program or method is offered.
7. Special Rule applicable during the school year: For those children who have not been identified as English learners prior to the beginning of the school year but are identified as English learners during the school year, the LEA shall notify the children’s parents during the first two weeks of the child being placed in a language instruction educational program consistent with Section 1112(e)(3)(A). [Section 1112(e)(3)(B)]
8. Each LEA receiving Title I, Part A funds shall implement an effective means of outreach to parents of English learners to inform the parents regarding how the parents can [Section 1112(e)(3)(C)(i)] —
- a. Be involved in the education of their children; and
  - b. Be active participants in assisting their children to—

    - 1) Attain English proficiency;
    - 2) Achieve at high levels within a well-rounded education; and
    - 3) Meet the challenging State academic standards expected of all students.
9. The LEA assures that implementing an effective means of outreach to parents under Section 1112(e)(3)(C) shall include holding, and sending notice of opportunities for, regular meetings for the purpose of formulating and responding to recommendations from parents of students assisted under Title I, Part A or Title III. [Section 1112(e)(3)(C)(ii)]

10. The LEA assures that students shall not be admitted to, or excluded from, any federally assisted education program on the basis of a surname or language-minority status. [Section 1112(e)(3)(D)]
11. The LEA assures that the notice and information provided to parents under Section 1112(e)(3)(C) shall be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand. [Section 1112(e)(4)]

## Assurances Relating to Parent and Family Engagement

The school system assures the following:

1. The LEA will conduct outreach to all parents and family members and implement programs, activities, and procedures for the involvement of parents and family members in Title I, Part A programs. Such programs, activities, and procedures shall be planned and implemented with meaningful consultation with parents of participating children. [Section 1116(a)(1)]
2. Reservation of funds:
  - a. If the LEA's Title I, Part A entitlement is greater than \$500,000, the LEA shall reserve at least 1 percent of its Title I, Part A entitlement to assist schools to carry out the activities described in Section 1116 (Parent and Family Engagement). The LEA may reserve more than 1 percent of its Title I, Part A funds for this purpose. [Section 1116(a)(3)(A)]
  - b. The LEA shall involve parents and family members of children receiving Title I, Part A funds in the decisions regarding how Title I, Part A funds reserved under Section 1116(a)(3)(A) are allotted for parental involvement activities. [Section 1116(a)(3)(B)]
  - c. At least 90 percent of the funds reserved under Section 1116(a)(3)(A) shall be distributed to Title I, Part A schools, with priority given to high-need schools. [Section 1116(a)(3)(C)]
3. Funds reserved by the LEA under Section 1116(a)(3)(A) must be used to carry out activities and strategies that are consistent with the LEA's parent and family engagement policy, including at least one of the following— [Section 1116(a)(3)(D)]
  - a. Supporting schools and nonprofit organizations in providing professional development for LEA and school personnel regarding parent and family engagement strategies, which may be provided jointly to teachers, principals, other school leaders, specialized instructional support personnel paraprofessionals, early childhood educators, and parents and family members.
  - b. Supporting programs that reach parents and family members at home, in the community, and at school.

- c. Disseminating information on best practices focused on parent and family engagement, especially best practices for increasing the engagement of economically disadvantaged parents and family members.
    - d. Collaborating, or providing subgrants to schools to enable such schools to collaborate, with community-based or other organizations or employers with a record of success in improving and increasing parent and family engagement.
    - e. Engaging in any other activities and strategies that the LEA determines are appropriate and consistent with the LEA's parent and family engagement policy.
- 4. The LEA shall develop jointly with, agree on with, and distribute to parents and family members of participating children a written parent and family engagement policy. This policy shall be incorporated into the LEA's plan developed under Section 1112, establish the LEA's expectations and objectives for meaningful parent and family involvement, and describe how the LEA will— [Section 1116(a)(2)]
  - a. Involve parents and family members in jointly developing the LEA plan under Section 1112, and the development of support and improvement plans under Section 1111(d);
  - b. Provide the coordination, technical assistance, and other support necessary to assist and build the capacity of all participating schools within the LEA in planning and implementing effective parent and family involvement activities to improve student academic achievement and school performance, which may include meaningful consultation with employers, business leaders, and philanthropic organizations, or individuals with expertise in effectively engaging parents and family members in education;
  - c. Coordinate and integrate parent and family engagement strategies under Title I, Part A with parent and family engagement strategies, to the extent feasible and appropriate, with other relevant Federal, State, and local laws and programs;
  - d. Conduct, with the meaningful involvement of parents and family members, an annual evaluation of the content and effectiveness of the parent and family engagement policy in improving the academic quality of all schools served under Title I, Part A, including identifying—
    - 1) Barriers to greater participation by parents in activities authorized in Section 1116, with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy or are of any racial or ethnic minority background.
    - 2) The needs of parents and family members to assist with the learning of their children, including engaging with school personnel and teachers; and

- 3) Strategies to support successful school and family interactions.
  - e. Use the findings of such evaluation to design evidence-based strategies for more effective parental involvement, and to revise, if necessary, the parent and family engagement policies described in Section 1116.
  - f. Involve parents in the activities of the LEA's Title I, Part A schools, which may include establishing a parent advisory board comprised of a sufficient number and representative group of parents and family members served by the LEA to adequately represent the needs of the population served for the purposes of developing, revising, and reviewing the parent and family engagement policy.
5. Each Title I, Part A school shall jointly develop with, and distribute to, parents and family members of participating children a written parent and family engagement policy, agreed on by such parents, that shall describe the means for carrying out the parental involvement requirements related to— [Section 1116(b)(1)]
  - a. Policy involvement;
  - b. Shared responsibilities for high student academic achievement;
  - c. Building capacity for involvement; and
  - d. Accessibility.
6. Parents shall be notified of the policy in an understandable and uniform format and, to the extent practicable, provided in a language the parents can understand. Such policy shall be made available to the local community and updated periodically to meet the changing needs of parents and the school. [Section 1116(b)(1)]
7. If the Title I program plan under Section 1112 is not satisfactory to the parents of participating children, the LEA shall submit any parent comments with this application to the State. [Section 1116(b)(4)]
8. Each Title I, Part A school shall— [Section 1116(c)]
  - a. Convene an annual meeting, at a convenient time, to which all parents of participating children shall be invited and encouraged to attend, to inform parents of their school's participation under Title I, Part A, and to explain the requirements of Title I, Part A, and the right of the parents to be involved; [Section 1116(c)(1)] (Note: TEA requires that the annual meeting be offered on more than one day and at more than one time, so that parents have more than one option to attend.)
  - b. Offer a flexible number of meetings, such as meetings in the morning or evening, and may use Title I, Part A funds to provide transportation, childcare, or home visits, as such services relate to parental involvement; [Section 1116(c)(2)]

- c. Involve parents, in an organized, ongoing, and timely way, in the planning, review, and improvement of Title I, Part A programs, including the planning, review, and improvement of the school’s parent and family engagement policy and the joint development of the schoolwide program plan under Section 1114(b) except that if a school has in place a process for involving parents in the joint planning and design of the school’s programs, the school may use that process, if such process includes an adequate representation of parents of participating children. [Section 1116(c)(3)]
          - d. Provide parents of participating children the following [Section 1116(c)(4)]:
            - 1) Timely information about Title I, Part A programs;
            - 2) A description and explanation of the curriculum in use at the school, the forms of academic assessment used to measure student progress, and the achievement levels of the challenging State academic standards; and
            - 3) If requested by parents, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children, and respond to any such suggestions as soon as practicably possible; and
          - e. If the schoolwide program plan under Section 1114(b) is not satisfactory to the parents of participating children, submit any parent comments on the plan when the school makes the plan available to the LEA. [Section 1116(c)(5)]
9. Shared responsibilities for high student academic achievement: As a component of the school-level parent and family engagement policy, each Title I, Part A school shall jointly develop with parents for all children served under Title I, Part A, a school-parent compact that outlines how parents, the entire school staff, and students will share the responsibility for improvement student academic achievement and the means by which the school and parents will build and develop a partnership to help children achieve the State’s high standards. Such compact shall— [Section 1116(d)]
  - a. Describe the school’s responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables the children served under Title I, Part A, to meet the challenging State academic standards, and the ways in which each parent will be responsible for supporting their children’s learning; volunteering in their child’s classroom; and participating, as appropriate, in decisions relating to the education of their children and positive use of extracurricular time; [Section 1116(d)(1)] and
  - b. Address the importance of communication between teachers and parents on an ongoing basis through, at a minimum— [Section 1116(d)(2)]

- 1) Parent-teacher conference in elementary school, at least annually, during which the compact shall be discussed as the compact relates to the individual child's achievement;
  - 2) Frequent reports to parents on their children's progress;
  - 3) Reasonable access to staff, opportunities to volunteer and participate in their child's class, and observation of classroom activities; and
  - 4) Ensuring regular two-way, meaningful communication between family members and school staff, and, to the extent practicable, in a language that family members can understand.
10. Building capacity for involvement: To ensure effective involvement of parents and to support a partnership among the school involved, parents, and the community to improve student academic achievement, each school and LEA assisted under Title I, Part A— [Section 1116(e)]
- a. Shall provide assistance to parents of children served by the school or LEA, as appropriate, in understanding such topics as the challenging State academic standards, State and local academic assessments, the requirements of Title I, Part A, and how to monitor a child's progress and work with educators to improve the achievement of their children; [Section 1116(e)(1)]
  - b. Shall provide materials and training to help parents to work with their children to improve their children's achievement, such as literacy training and using technology (including education about the harms of copyright piracy), as appropriate, to foster parental involvement; [Section 1116(e)(2)]
  - c. Shall educate teachers, specialized instructional support personnel, principals, and other school leaders, and other staff, with the assistance of parents, in the value and utility of contributions of parents, and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between parents and the school; [Section 1116(e)(3)]
  - d. Shall, to the extent feasible and appropriate, coordinate and integrate parent involvement programs and activities with other Federal, State, and local programs, including public preschool programs, and conduct other activities, such as parent resource centers, that encourage and support parents in more fully participating in the education of their children; [Section 1116(e)(4)]
  - e. Shall ensure that information related to school and parent programs, meetings, and other activities is sent to the parents of participating children in a format and, to the extent practicable, in a language the parents can understand; [Section 1116(e)(5)]

- f. May involve parents in the development of training for teachers, principals, and other educators to improve the effectiveness of such training; [Section 1116(e)(6)]
  - g. May provide necessary literacy training with Title I, Part A funds if the LEA has exhausted all other reasonably available sources of funding for such training; [Section 1116(e)(7)]
  - h. May pay reasonable and necessary expenses associated with local parental involvement activities, including transportation and childcare costs, to enable parents to participate in school-related meetings and training sessions; [Section 1116(e)(8)]
  - i. May train parents to enhance the involvement of other parents; [Section 1116(e)(9)]
  - j. May arrange school meetings at a variety of times, or conduct in-home conferences between teachers or other educators, who work directly with participating children, with parents who are unable to attend such conferences at school, in order to maximize parental involvement and participation; [Section 1116(e)(10)]
  - k. May adopt and implement model approaches to improving parental involvement; [Section 1116(e)(11)]
  - l. May establish a districtwide parent advisory council to provide advice on all matters related to parental involvement; [Section 1116(e)(12)]
  - m. May develop appropriate roles for community-based organizations and businesses in parent involvement activities; [Section 1116(e)(13)] and
  - n. Shall provide such other reasonable support for parental involvement activities under Title I, Part A, as parents may request. [Section 1116(e)(14)]
11. In carrying out the parent and family engagement requirements of Title I, Part A, LEAs and schools, to the extent practicable, shall provide opportunities for the informed participation of parents and family members (including parents and family members who have limited English proficiency, parents and family members with disabilities, and parents and family members of migratory children), including providing information and school reports required under Section 1111 in a format and, to the extent practicable, in a language such parents understand. [Section 1116(f)]

## Assurance Relating to Coordination

The school system assures the following:

1. The LEA shall conduct activities and develop agreements to increase coordination of such activities among the LEA, Head Start agencies, and if feasible, other early childhood education programs. Such activities include: [Section 1119]

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- a. Developing and implementing a systematic procedure for receiving records about children who are transferred with parental consent from a Head Start program or other early childhood education program;
- b. Establishing channels of communication between school staff and their counterparts (including teachers, social workers, and health staff) in such Head Start agencies or other entities carrying out early childhood education programs to facilitate coordination of programs.
- c. Conducting meetings involving parents, kindergarten or elementary school teachers, and Head Start teachers or, if appropriate, teachers from other early childhood education programs, to discuss the developmental and other needs of individual children;
- d. Organizing and participating in joint transition-related training of school staff, Head Start program staff, and, where appropriate, other early childhood education program staff; and
- e. Linking the educational services provided by the LEA with the services provided by local Head Start agencies.

## Assurances Relating to Private Schools

The school system assures the following:

1. To the extent consistent with the number of eligible children identified under section 1115(c) in the school district served by the LEA who are enrolled in private elementary and secondary schools, the LEA shall— [Section 1117(a)(1)]
  - a. 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, special educational services, instructional services (including evaluations to determine the progress being made in meeting such students' academic needs), counseling, mentoring, one-on-one tutoring, or other benefits under this part (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
  - b. Ensure that teachers and families of these children participate, on an equitable basis, in services and activities developed pursuant to Section 1116 (Parent and Family Engagement).
2. The educational services or other benefits, including materials and equipment, shall be secular, neutral, and nonideological. [Section 1117(a)(2)]

3. 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 A, and shall be provided in a timely manner. [Section 1117(a)(3)(A)]
4. Title I, Part A, expenditures for educational services and other benefits to eligible private 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. [Section 1117(a)(4)(A)(i)]
5. The proportional share of funds shall be determined based on the total amount of Title I, Part A, funds received by the LEA, prior to any allowable expenditures or transfers by the LEA. [Section 1117(a)(4)(A)(ii)]
6. Title I, Part A, funds allocated to the 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 by the LEA. [Section 1117(a)(4)(B)]
7. The LEA may determine the equitable share each year or every two years. [Section 1117(a)(4)(D)]
8. The LEA may provide services under this section directly or through contracts with public and private agencies, organizations, and institutions. [Section 1117(a)(5)]
9. To ensure timely and meaningful consultation, the LEA shall consult with appropriate private school officials during the design and development of the LEA's Title I, Part A, programs. The LEA and private school officials shall both have the goal of reaching agreement on how to provide equitable and effective programs for eligible private school children. This consultation shall include such issue as— [Section 1117(b)]
  - 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 academically assessed and how the results of that assessment will be used to improve those services;
  - e. 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;
  - f. 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;



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 1117(b)(5)]

14. If a private school official files a complaint to TEA stating that the LEA did not comply with Section 1117, the LEA shall forward to TEA any appropriate Title I, Part A, documentation. [Section 1117(b)(6)(B)]
15. Title I, Part A, funds used to provide services to eligible private school students shall supplement and in no case, supplant the level of services that would, in the absence of Title I, Part A, services, be available to participating children in private schools. [Section 1118(b)]
16. The LEA must use funds under subpart A of this part to provide services that supplement, and in no case supplant, the services that would, in the absence of Title I services, be available to participating private school children. [34 CFR 200.66]
  - a. The LEA must use Title I, Part A, funds to meet the special educational needs of participating private school children.
  - b. The LEA may not use Title I, Part A, funds to meet the needs of the private school or the general needs of children in the private school.
17. The control of Title I, Part A, funds, and title to materials, equipment, and property purchased with such funds, shall be in a public agency, and a public agency shall administer such funds, materials, equipment, and property. [Section 1117(d)(1)]
18. The provision of services under Section 1117 shall be provided— [Section 1117(d)(2)]
  - a. By employees of a public agency; or
  - b. Through contract by such public agency with an individual, association, agency, or organization.
  - c. Requirement: 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.
19. The LEA shall have the final authority, consistent with Section 1117, to calculate the number of children, ages 5 through 17, who are from low-income families and attend private schools by— [Section 1117(c)(1)]
  - a. Using the same measure of low income used to count public school children;
  - b. Using the results of a survey that, to the extent possible, protects the identity of families of private school students, and allowing such survey results to be extrapolated if complete actual data are unavailable;

- c. Applying the low-income percentage of each participating public-school attendance area, determined pursuant to this section, to the number of private school children who reside in that school attendance area; or
  - d. Using an equated measure of low income correlated with the measure of low income used to count public school children.
- 20. Any dispute regarding low-income data for private school students shall be subject to the complaint process authorized in Section 8503. [Section 1117(c)(2)]
- 21. The LEA assures it will keep documentation of program descriptions, allowable activities, and expenditures locally and make available upon TEA request for all applicable private non-profit requirements in Sections 1117. TEA may request a description of services and use-of-funds documentation later through compliance reports or other TEA reports.

## Title I, Part C

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### General Assurances

The school system 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)]:
  - a. 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.
  - b. 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.
  - c. Ensure that migratory children receive full and appropriate opportunities to meet the same challenging state academic standards that all children are expected to meet.
  - d. 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.
  - e. To help migratory children benefit from state and local systemic reforms.

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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 school system 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.

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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 school system 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 –
  - a. 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
  - b. 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 school system 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:
    - 1) Monitoring the progress of eligible migratory students who are PFS.
    - 2) Communicating the progress and determining needs of eligible migratory who are PFS.
    - 3) Providing services to eligible migratory children who are PFS.
    - 4) 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).
    - 1) 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

# Program-Specific and ESSA Provisions and Assurances

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)]
- a. Provide supportive services for out-of-school youth (OSY).
  - b. Utilizing MSIX to:
    - 1) Promote and respond to interstate coordination and timely records exchange within 4 working days of receiving the request; and
    - 2) 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. Project LEAs or fiscal agents are to designate, at minimum, one person to have MSIX access.
- 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

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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 school system assures the following:

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(e)]

The school system 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(c)(3)]

The school system 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 project 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. Project LEAs and 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 or fiscal agent coordinates, provides training and 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 school system 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;

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- 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)]

## Title I, Part D, Subpart 1

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### General Assurances

1. The State Agency (SA) assures the following (Section 1414 (c)) Documentation must be kept on file and readily available upon request by TEA:
  - a. Description of the procedures to be used to assess the educational needs of the children to be served and, to the extent practicable, provide such assessment upon entry into a correctional facility.
  - b. Assures in making services available to children and youth in adult correctional institutions, priority will be given to children and youth who are likely to complete incarceration within a 2-year period.
  - c. Description of the program, including budget, with annual updates to be provided to TEA;
  - d. Description on how the program will meet the goals and objectives of the TEA State plan;
  - e. Description of how the SA will consult with experts and provide the necessary training for appropriate staff, to ensure that the planning and operation of institution-wide projects under section 1416 are of high quality;
  - f. Description of how the SA will use the results of the most recent evaluation to plan and improve the program;
  - g. Data showing that the State agency has maintained the fiscal effort required of a local educational agency, in accordance with section 8521;
  - h. Description of how the programs will be coordinated with other appropriate State and Federal programs such as programs under Title I of Public Law 105-220, career and technical education programs, State and local dropout prevention programs, and special education programs;
  - i. Description of how the SA will encourage correctional facilities receiving funds to coordinate with LEAs or alternative education programs attended by the children and youth prior to and after their incarceration to ensure student assessments and student

- academic records are shared jointly in order to facilitate transition between the correctional facility and the LEA or alternative education program;
- j. Description of how appropriate professional development will be provided to teachers and other staff;
  - k. Designates an individual in each affected correctional facility or institution for neglected or delinquent children and youth to be responsible for issues related to the transition of such children and youth between such facility or institution and locally operated programs;
  - l. Description of how the SA will endeavor to coordinate business for training and mentoring for participating children and youth;
  - m. SA assures it will assist in locating alternative programs through which students can continue their education if the students are not returning to school after leaving the correctional facility or institution for neglected or delinquent children and youth;
  - n. SA assures it will work with parents to secure parents' assistance in improving the educational achievement of their children and youth and preventing their children's and youth's further involvement in delinquent activities;
  - o. SA assures it will work with children and youth with disabilities in order to meet an existing individualized education program and an assures that it will notify the child's or youth's local school if the child or youth—
    - 1) is identified as in need of special education services while the child or youth is in the correctional facility or institution for neglected or delinquent children and youth; and
    - 2) intends to return to the local school.
  - p. SA assures it will work with children and youth who dropped out of school before entering the correctional facility or institution for neglected or delinquent children and youth to encourage the children and youth to reenter school and attain a regular high school diploma once the term of the incarceration is completed or provide the child or youth with the skills necessary to gain employment, continue the education of the child or youth, or attain a regular high school diploma or high school equivalency certificate if the child or youth does not intend to return to school;
  - q. SA assures that certified or licensed teachers and other qualified staff are trained to work with children and youth with disabilities and other students with special needs;
  - r. Description of any additional services to be provided to children and youth, such as career counseling, distance learning, and assistance in securing student loans and grants;

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- s. SA assures coordination with programs operated by Juvenile Justice and Delinquency Prevention Act of 1974 of other comparable programs, if applicable.
  - t. Description on how the SA will, to the extent feasible-
    - 1) Note when a youth has come into contact with both child welfare and juvenile justice systems; and
    - 2) Deliver services and interventions designed to keep such youth in school that are evidence-based to the extent a State determines that such evidence is reasonably available.
2. SA assures Subpart 1 funds received under this subpart only for programs that [Section 1415(a)]:
- a. Are consistent with the TEA State plan.
  - b. Concentrate on providing participants with the knowledge and skills needed to make a successful transition to secondary school completion, career and technical education, further education, or employment.
3. Programs and projects
- a. May include-
    - 1) the acquisition of equipment
    - 2) pay-for-success initiatives; or
    - 3) providing targeted services for youth who have come in contact with both the child welfare system and juvenile justice system
  - b. Shall be designed to support educational services that-
    - 1) Except for institution-wide projects under Section 1416, are provided to children and youth identified as failing, or most at-risk of failing, to meet the challenging State academic standards;
    - 2) Respond to the educational needs of children and youth, by supplementing and improving quality of the educational services provided to such children and youth; and
    - 3) Afford such children and youth an opportunity to meet challenging State academic standards.
  - c. Shall be carried out in a manner consistent with fiscal requirements (Sec. 1118 and part F) (as applicable).

4. SA assures that a program on this subpart supplements the number of hours of instruction students receive from State and local sources shall be considered to comply with the supplement, not supplant requirement of section 1118 (as applied to this part) without regard to the subject areas in which instruction is given during those hours [Section 1415 (b)];
5. A SA that provides free public education for children and youth in an institution for neglected or delinquent children and youth (other than an adult correctional institution) or attending a community-day program for such children and youth may use funds received under this subpart to serve all children in, and upgrade the entire educational effort of, that institution or program if the SA has a comprehensive plan for such institution or program that-
  - a. provides for a comprehensive assessment of the educational needs of all children and youth in the institution or program serving juveniles;
  - b. provides for a comprehensive assessment of the educational needs of youth aged 20 and younger in adult facilities who are expected to complete incarceration within a 2-year period;
  - c. describes the steps the State agency has taken, or will take, to provide all children and youth under age 21 with the opportunity to meet challenging State academic standards in order to improve the likelihood that the children and youth will attain a regular high school diploma or its recognized equivalent, or find employment after leaving the institution;
  - d. describes the instructional program, specialized instructional support services, and procedures that will be used to meet the needs described in paragraph (1), including, to the extent feasible, the provision of mentors for the children and youth described in paragraph (1) and how relevant and appropriate academic records and plans regarding the continuation of educational services for such children or youth are shared jointly between the State agency operating the institution or program and local educational agency in order to facilitate the transition of such children and youth between the local educational agency and the State agency;
  - e. specifically describes how such funds will be used;
  - f. describes the measures and procedures that will be used to assess and improve student achievement;
  - g. describes how the agency has planned, and will implement and evaluate, the institution-wide or program-wide project in consultation with personnel providing direct instructional services and support services in institutions or community-day programs for neglected or delinquent children and youth, and with personnel from the State educational agency; and



- d. Complete high school (or high school equivalency requirements) and obtain employment after leaving the institution;
  - e. As appropriate, participate in postsecondary education and job training programs.
8. The SA shall submit evaluation results to TEA and use the results of such evaluations to plan and improve subsequent programs for participating children and youth upon request.

## Title I, Part D, Subpart 2

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### General Assurances

1. LEA assures that it will collaborate with locally operated neglected and delinquent facilities and meet the following Title I, Part D Subpart, 2 requirements [Section 1423]. Documentation must be kept on file:
  - a. Description of the program;
  - b. Description of formal agreements between the LEA and correctional facilities and alternative school programs serving children and youth involved with juvenile justice system including such facilities operated by the Secretary of the Interior and Indian tribes;
  - c. As appropriate, description of coordination with facilities working with delinquent children and youth ensuring their participation in comparable local school education programs;
  - d. Description of program to facilitate successful transition of children and youth returning from correctional facilities and, as appropriate, the types of services offered;
  - e. Description of the characteristics (including learning difficulties, substance abuse problems, and other special needs) of the children and youth returning from correctional facilities. Description of how LEA will coordinate existing education programs to meet unique educational needs of children and youth;
  - f. As appropriate, description of LEA will coordinate with existing social, health, and other services to meet the needs of students returning from correctional facilities - including prenatal health care and nutrition services, parenting and child development classes, childcare, targeted reentry and outreach program, referrals to community resources, and scheduling flexibility;
  - g. As appropriate, description of partnerships with institutions of higher education or local businesses to facilitate postsecondary and workforce success for children and youth

- returning from correctional facilities – i.e., credit-bearing coursework, enrollment in postsecondary education, participation in career and technical education programming, and mentoring services;
- h.** As appropriate, description of how the program will involve parents and family members to improve the educational achievement of their children, assist in dropout prevention activities and prevent the involvement in delinquent activities;
  - i.** Description of coordination with other Federal, State, and local programs, i.e., Title I of the Workforce Innovation and Opportunity Act and career and technical education programs serving at-risk children and youth;
  - j.** Description of coordination with Juvenile Justice and Delinquency Prevention Act of 1974 and other comparable programs, if applicable;
  - k.** Description of coordination and collaboration with probation officers to assist children and youth returning from correctional facilities;
  - l.** Description of efforts to ensure correctional facilities are aware of child’s existing individualized education program; and
  - m.** Description of steps LEA will take to find alternative placements for children and youth interested in continuing their education but unable to participate in a traditional public-school program.
- 2.** LEA assures that Title I, Part D, Subpart 2 programs are used for the following allowable activities [Section 1424]:
- a.** Programs that serve children and youth returning to local schools from correctional facilities and assist in the transition;
  - b.** Dropout prevention programs serving at-risk children and youth;
  - c.** Coordination of health and social services for youth if there is a likelihood that the provision of such services, including day care, drug and alcohol counseling, and mental health services, will improve the likelihood of youth completing education;
  - d.** Special programs to meet unique academic needs, including career and technical education, special education, career counseling, curriculum-based youth entrepreneurship education, and financial aid assistance for postsecondary education;
  - e.** Mentoring and peer mediation programs;
  - f.** At-risk Indian children and youth in correctional facilities in LEAs served area operated by the Secretary of the Interior or Indian tribes; and
  - g.** Pay for success initiatives.

3. The LEA assures that, in accordance with section 1431, it evaluates the program, disaggregating data on participation by gender, race, ethnicity and age, while protecting individual student privacy, not less than once every 3 years, to determine the program's impact on the ability of participants to:
  - a. Maintain and improve educational achievement and to graduate from high school in the number of years established by the State under either the four-year adjusted cohort graduation rate or the extended-year adjusted cohort graduation rate, if applicable;
  - b. Accrue school credits that meet State requirements for grade promotion and high school graduation;
  - c. Make the transition to a regular program or other education program operated by a LEA or school operated or funded by the Bureau of Indian Education;
  - d. Complete high school (or high school equivalency requirements) and obtain employment after leaving the institution;
  - e. As appropriate, participate in postsecondary education and job training programs.
4. The LEA shall submit evaluation results to TEA and use the results of such evaluations to plan and improve subsequent programs for participating children and youth upon request.

### Programs Operated by Local Education Agencies Section 1422

1. The LEA assures it will follow the special rule under section 1422 (2) and the transition and academic services as mentioned in section 1422 (4) which states:
  - a. A local education agency that serves a school operated by a correctional facility, is not required to operate a program of support for children and youth returning from such school to a school that is not operated by a correctional agency but served by such local educational agency, if more than 30 percent of the children and youth attending the school operated by the correctional facility will reside outside the boundaries served by the local educational agency after leaving such facility.
  - b. Transitional and supportive programs operated in local educational agencies under this subpart shall be designed primarily to meet the transitional and academic needs of students returning to local educational agencies or alternative education programs from correctional facilities. Services to students at-risk of dropping out of school shall not have a negative impact on meeting such transitional and academic needs of the students returning from correctional facilities.

## Program Requirements for Correctional Facilities Receiving Title I, Part D, Subpart 2 Funds

### [Section 1425]

1. LEA assures that each correctional facility entering into an agreement under Section 1423(2) to provide services to children and youth under this subpart shall—
  - a. Where feasible, ensure educational programs are coordinated with the student’s home school, particularly with respect to a student with an individualized education program under part B of the Individuals with Disabilities Education Act.
  - b. Notify LEA if the child or youth is identified as in need of special education services while in the correctional facility.
  - c. Where feasible, provide transition assistance to help the child or youth stay in school, including coordination of services for the family, counseling, assistance in accessing drug and alcohol abuse prevention programs, tutoring, and family counseling.
  - d. Provide support programs that encourage children and youth who have dropped out of school to reenter school and attain a regular high school diploma or provide children and youth with the skills necessary to gain employment or seek a regular high school diploma or high school equivalency certificate.
  - e. Ensure correctional facility is staffed with teachers and other qualified staff who are trained to work with children and youth with disabilities.
  - f. Ensure educational programs are related to assisting students to meet the challenging State academic standards.
  - g. To the extent possible, use technology to assist in coordinating educational programs between the correctional facility and the community school.
  - h. Where feasible, involve parents in efforts to improve the educational achievement of their children and prevent the further involvement of delinquent activities.
  - i. Coordinate funds with other local, State, and Federal funds available to provide services - i.e., Title I of the Workforce Innovation and Opportunity Act, and career and technical education funds.
  - j. Coordinate programs with activities funded under the Juvenile Justice and Delinquency Prevention Act of 1974, if applicable.
  - k. If appropriate, work with local businesses to develop training, curriculum-based youth entrepreneurship education, and mentoring programs for children and youth.

- l.** Work with the child’s or youth’s family members and the LEA that most recently provided services to the child or youth to ensure relevant and appropriate academic records and plans are shared jointly.
- m.** Consult with the LEA for a period jointly determined necessary by the correctional facility and LEA upon discharge from that facility, to coordinate educational services so as to minimize disruption to the child’s or youth’s achievement.

## Title II, Part A

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### General Assurances

The school system assures the following:

- 1.** The LEA will use Title II, Part A, funds to supplement and not supplant nonfederal funds that would otherwise be used for allowable Title II, Part A, program expenditures. [Section 2301]
- 2.** The LEA will meaningfully consult with teachers, principals, other school leaders, paraprofessionals (including organizations representing such individuals), specialized instructional support personnel, charter school leaders (in an LEA that has charter schools), parents, community partners, and other organizations or partners with relevant and demonstrated expertise in programs and activities designed to meet the purpose of Title II, Part A. [Section 2102(b)(3)(A)]
- 3.** The LEA will seek advice from the individuals and organizations described in the preceding subparagraph regarding how best to improve the LEA’s activities to meet the purpose of Title II, Part A. [Section 2102(b)(3)(B)]
- 4.** The LEA will coordinate activities under Title II, Part A, with other related strategies, programs, and activities being conducted in the community. [Section 2102(b)(3)(C)].
- 5.** The LEA will expend these funds to conduct activities in one or more of the following areas [Section 2103(b)(3)]:
  - a.** Developing or improving a rigorous, transparent, and fair evaluation and support system for teachers, principals, or other school leaders that— is based in part on evidence of student achievement, which may include student growth; and shall include multiple measures of educator performance and provide clear, timely, and useful feedback to teachers, principals, or other school leaders.
  - b.** Developing and implementing initiatives to assist in recruiting, hiring, and retaining effective teachers, particularly in low-income schools with high percentages of ineffective teachers and high percentages of students who do not meet the challenging

- State academic standards, to improve within-district equity in the distribution of teachers, consistent with section 1111(g)(1)(B), such as initiatives that provide— expert help in screening candidates and enabling early hiring; differential and incentive pay for teachers, principals, or other school leaders in high-need academic subject areas and specialty areas, which may include performance-based pay systems; teacher, paraprofessional, principal, or other school leader advancement and professional growth, and an emphasis on leadership opportunities, multiple career paths, and pay differentiation; new teacher, principal, or other school leader induction and mentoring programs that are designed to—improve classroom instruction and student learning and achievement; and increase the retention of effective teachers, principals, or other school leaders; the development and provision of training for school leaders, coaches, mentors, and evaluators on how accurately to differentiate performance, provide useful feedback, and use evaluation results to inform improvement strategies, and personnel decisions; and a system for auditing the quality of evaluation and support systems.
- c. Recruiting qualified individuals from other fields to become teachers, principals, or other school leaders, including mid-career professionals from other occupations, former military personnel, and recent graduates of institutions of higher education with records of academic distinction who demonstrate potential to become effective teachers, principals, or other school leaders.
  - d. Reducing class size to a level that is evidence based and used to improve student achievement through the recruiting and hiring of additional effective teachers.
  - e. Providing high-quality, personalized professional development that is evidence-based for teachers, instructional leadership teams, principals, or other school leaders, that is focused on improving teaching and student learning and achievement, including supporting efforts to train teachers, principals, or other school leaders to— effectively integrate technology into curricula and instruction (including education about the harms of copyright piracy); use data to improve student achievement and understand how to ensure individual student privacy is protected, as required under section 444 of the General Education Provisions Act (commonly known as the “Family Educational Rights and Privacy Act of 1974”) (20 U.S.C. 1232g) and State and local policies and laws in the use of such data; effectively engage parents, families, and community partners, and coordinate services between school and community; help all students develop the skills essential for learning readiness and academic success; develop policy with school, local educational agency, community, or State leaders; and participate in opportunities for experiential learning through observation.
  - f. Developing programs and activities that increase the ability of teachers to effectively teach children with disabilities, including children with significant cognitive disabilities, and English learners, which may include the use of multi-tier systems of support and

positive behavioral intervention and supports, so that such children with disabilities and English learners can meet the challenging State academic standards.

- g. Providing programs and activities to increase— the knowledge base of teachers, principals, or other school leaders on instruction in the early grades and on strategies to measure whether young children are progressing; and the ability of principals or other school leaders to support teachers, teacher leaders, early childhood educators, and other professionals to meet the needs of students through age 8, which may include providing joint professional learning and planning activities for school staff and educators in preschool programs that address the transition to elementary school.
- h. Providing training, technical assistance, and capacity-building in local educational agencies to assist teachers, principals, or other school leaders with selecting and implementing formative assessments, designing classroom-based assessments, and using data from such assessments to improve instruction and student academic achievement, which may include providing additional time for teachers to review student data and respond, as appropriate.
- i. Carrying out in-service training for school personnel in—the techniques and supports needed to help educators understand when and how to refer students affected by trauma, and children with, or at risk of, mental illness; the use of referral mechanisms that effectively link such children to appropriate treatment and intervention services in the school and in the community, where appropriate; forming partnerships between school-based mental health programs and public or private mental health organizations; and addressing issues related to school conditions for student learning, such as safety, peer interaction, drug and alcohol abuse, and chronic absenteeism.
- j. Providing training to support the identification of students who are gifted and talented, including high-ability students who have not been formally identified for gifted education services, and implementing instructional practices that support the education of such students, such as—early entrance to kindergarten; enrichment, acceleration, and curriculum compacting activities; and dual or concurrent enrollment programs in secondary school and postsecondary education.
- k. Supporting the instructional services provided by effective school library programs.
- l. Providing training for all school personnel, including teachers, principals, other school leaders, specialized instructional support personnel, and paraprofessionals, regarding how to prevent and recognize child sexual abuse.
- m. Developing and providing professional development and other comprehensive systems of support for teachers, principals, or other school leaders to promote high-quality instruction and instructional leadership in science, technology, engineering, and mathematics subjects, including computer science.

# Program-Specific and ESSA Provisions and Assurances

- n. Developing feedback mechanisms to improve school working conditions, including through periodically and publicly reporting results of educator support and working conditions feedback.
  - o. Providing high-quality professional development for teachers, principals, or other school leaders on effective strategies to integrate rigorous academic content, career and technical education, and work based learning (if appropriate), which may include providing common planning time, to help prepare students for postsecondary education and the workforce.
  - p. Carrying out other activities that are evidence-based and identified by the local educational agency that meet the purpose of Title II, Part A.
6. An assurance of a description of how the LEA will prioritize funds to schools served by the agency under Title I, Section 1111(d) and that have the highest percentage of children counted under Title I, Section 1124(c) [Section 2102(b)(2)(C)].
  7. The LEA will coordinate Title II, Part A, professional development activities with professional development activities provided through other federal, state, and local programs [Section 2102(b)(2)(F)].
  8. An assurance of a description of how the LEA will use data and ongoing consultation to continually update and improve Title II, Part A, activities [Section 2102(b)(2)(D)].
  9. An assurance of a description of how the Title II, Part A, program activities will be aligned with challenging state academic standards [Section 2102(b)(2)(A)].
  10. Title II, Part A, program activities will address the learning needs of all students, including children with disabilities, English learners, and gifted and talented students [Section 2103(b)(2)].
  11. The LEA will comply with the uniform provisions for providing services to private schools as specified in Title XIII, Section 8501 [Section 2102(b)(2)(E)].
  12. An assurance of a description of the LEA's system of professional growth and improvement such as inductions for teachers, principals, or other school leaders and opportunities for building the capacity of teachers and opportunities to develop meaningful teacher leadership. [Section 2102(b)(2)(b)].
  13. An assurance that all professional development activities funded with Title II, Part A, funds meet the statutory definition as stated in section 8101(42) and as referenced in the "ESSA Provisions and Assurances" section of this document.

## Assurances Related to Private Schools

The school system 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 II, Part A, and [Section 8501(a)(1)].
2. Educational services or other benefits including materials and equipment provided to eligible private school students with Title II, Part A, funds shall be secular, neutral, and nonideological [Section 8501(a)(2)].
3. Title II, Part A, 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 II, Part A, 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 II, Part A, 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.
  - h. Whether to provide equitable services to eligible private school children-

## Program-Specific and ESSA Provisions and Assurances

- 1) 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
  - 2) 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.
5. Control of Title II, Part A, funds and title to materials, equipment, and property purchased with these funds will be in a public agency for Title II, Part A, uses and purposes, and a public agency will administer the Title II, Part A, funds, and property [Section 8501(d)(1)].
  6. In the provision of Title II, Part A, 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 II, Part A, programs. Such meetings shall continue throughout 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)]

## Title III, Part A- ELA

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### General Assurances

The school system assures the following:

1. Title III language instruction educational programs and activities help to ensure that English learners (ELs)/emergent bilingual (EB) students, including immigrant students, attain English proficiency at high levels in academic subjects and can meet the same challenging State academic standards that all children are expected to meet.

### General Fiscal Assurances

The school system assures the following:

1. Title III, Part A-ELA funds will be used to supplement the state-required programs for EB and/or immigrant students and not supplant that which is required under state statute.
2. Title III, Part A-ELA funds will not be used to provide the 10% training to staff required when LEAs are approved for a bilingual education exception and/or an English as a Second Language (ESL) waiver [19 TAC §89.1207 (a)(1) and (b)(1)].
3. Direct Administrative costs are restricted to no more than 2% of the current-year Title III, Part A -ELA, entitlement. Calculations must include information regarding administrative costs of third-party contracts.

### Program-Specific Assurances

The school system assures the following:

1. All teachers in any language instruction educational program for EB and/or immigrant students are fluent in English and any other language used for instruction, including having written and oral communication skills.
2. Professional development activities will address the needs of EB students, including immigrant students and intervention strategies to increase English proficiency or substantially increase the subject matter knowledge.
3. Professional development activities will be supplemental to any professional development trainings that fulfill requirements for serving EB and/or immigrant students in state-mandated Bilingual/ESL programs and activities.

# Program-Specific and ESSA Provisions and Assurances

4. Shall provide and implement effective parent, family, and community engagement activities to enhance language instruction educational programs for EB and/or immigrant students.
5. The school system will consult with teachers, researchers, school administrators, and parents, and if appropriate with education-related community groups, nonprofit organizations, and institutions of higher education in developing their local plans.
6. Will maintain control of Title III, Part A – ELA program funds being used to provide equitable services to private school students and their teachers.
7. Will maintain appropriate time and effort records for staff who are split funded with other funds.

## Assurances Related to Private Schools

The school system 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 III, Part A, and [Section 8501(a)(1)].
2. Educational services or other benefits including materials and equipment provided to eligible private school students with Title III, Part A, funds shall be secular, neutral, and nonideological [Section 8501(a)(2)].
3. Title III, Part A, 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 III, Part A, 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 III, Part A, 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;

## Program-Specific and ESSA Provisions and Assurances

- 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 III, Part A, funds and title to materials, equipment, and property purchased with these funds will be in a public agency for Title III, Part A, uses and purposes, and a public agency will administer the Title III, Part A, funds, and property [Section 8501(d)(1)].
6. In the provision of Title III, Part A, 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 III, Part A, programs. Such meetings shall continue throughout 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)]

## Title III, Part A- Immigrant Children and Youth

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### General Assurances

The school system assures the following:

1. Title III language instruction educational programs and activities help to ensure that immigrant students attain English proficiency at high levels in academic subjects and can meet the same challenging State academic standards that all children are expected to meet.
2. Will provide enhanced instructional opportunities for immigrant students above and beyond what is being funded with any other federal, state, or local funds.

### Program-Specific Assurances

The school system assures the following:

1. Will maintain control of Title III, Part A – Immigrant program funds being used to provide equitable services to private school students and their teachers.
2. Provide enhanced instructional opportunities for immigrant students.
3. Will maintain appropriate time and effort records for staff who are split funded with other funds.

### Assurances Related to Private Schools

The school system 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 III, Part A, and [Section 8501(a)(1)].
2. Educational services or other benefits including materials and equipment provided to eligible private school students with Title III, Part A, funds shall be secular, neutral, and nonideological [Section 8501(a)(2)].
3. Title III, Part A, 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 III, Part A, programs and will be provided in a timely manner [Section 8501(a)(3)(A)].

# Program-Specific and ESSA Provisions and Assurances

4. The LEA conducted timely and meaningful consultation with appropriate private school officials during the design and development of the Title III, Part A, 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 III, Part A, funds and title to materials, equipment, and property purchased with these funds will be in a public agency for Title III, Part A, uses and purposes, and a public agency will administer the Title III, Part A, funds, and property [Section 8501(d)(1)].
6. In the provision of Title III, Part A, 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 III, Part A, programs. Such meetings shall continue throughout 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)]

## Title IV, Part A, Subpart 1

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### General Assurances

The school system assures the following:

1. The LEA will reserve not more than two percent for the direct administrative costs of carrying out the LEA's responsibilities under Title IV, Part A. [Section 4105(c)]
2. The LEA will use Title IV, Part A, only to supplement, and not supplant, non-federal funds that would otherwise be available for activities authorized under this program. [Section 4110]
3. The LEA may not use Title IV, Part A, funds for program activities if the cost of those activities would have otherwise been paid with state or local funds in the absence of Title IV, Part A, funding.
4. The LEA will engage in meaningful and continued consultation with a broad range of stakeholders, including, but not limited to, the following groups or individuals in the area served by the LEA:
  - a. Parents;
  - b. Teachers;
  - c. Principals;
  - d. School leaders;
  - e. Specialized instructional support personnel;
  - f. Students;

# Program-Specific and ESSA Provisions and Assurances

- g. Community-based organizations;
- h. Local government representatives (which may include a local law enforcement agency, local juvenile court, local child welfare agency, or local public housing agency);
- i. Indian tribes or tribal organizations that may be in the region served by the LEA when applicable;
- j. Charter school teachers, principals, and other school leaders (if agency or consortium supports charter schools); and
- k. Others with relevant and demonstrated expertise in programs and activities designed to meet the purpose of this program.

The goal of the consultation is to identify relevant, evidence-based activities to carry out the goals of the grant program.

An LEA must continue to consult with stakeholders to improve the activities it conducts under Title IV, Part A, and coordinate with other related strategies, programs, and activities being conducted in the community.

5. The LEA will prioritize the distribution of funds to schools served by the LEA based on one or more of the following:
  - a. Are among the schools with the greatest needs as determined by the LEA;
  - b. Have the highest percentages or numbers of students from low-income families (as counted for purposes of the LEA's Title I, Part A, grant);
  - c. Are identified for comprehensive support and improvement under Title I, Part A;
  - d. Are implementing targeted support and improvement plans under Title I, Part A; and/or
  - e. Are identified as a persistently dangerous public elementary school or secondary school. [Section 4106(e)(2)(A)(v)].
6. An LEA shall comply with ESEA Title VIII, Part F, Subpart 1, Section 8501, regarding equitable participation by private school children and teachers. [Section 4106(2)(B)]
7. An LEA that receives at least \$30,000, will conduct a comprehensive needs assessment prior to submitting its application and subsequent needs assessments at least once every three years. The comprehensive needs assessment must examine the LEA's needs for improvement of each of the following program content areas [Section 4106(d)]:
  - a. Access to, and opportunities for, a well-rounded education for all students;
  - b. School conditions for student learning to create a healthy and safe school environment; and

# Program-Specific and ESSA Provisions and Assurances

- c. Access to personalized learning experiences supported by technology and professional development for the effective use of data and technology.

**EXCEPTION:** An LEA receiving an allocation in an amount less than \$30,000 shall not be required to conduct a comprehensive needs assessment but is required to consult with stakeholders [Section 4106(d)(2)].

8. An LEA that receives at least \$30,000 will use not less than 20 percent of funds to develop and implement programs and activities that support access to a well-rounded education and that—
  - a. Are coordinated with other schools and community-based services and programs;
  - b. May be conducted in partnership with an institution of higher education, business, nonprofit organization, community-based organization, or other public or private entity with a demonstrated record of success in implementing activities; and
  - c. May include one or more activities or programs that provide well-rounded educational opportunities to all students. [Section 4106(e)(2)(C)]
9. An LEA that receives at least \$30,000 will use not less than 20 percent of funds to develop, implement, and evaluate comprehensive programs and activities that—
  - a. Are coordinated with other schools and community-based services and programs and may be conducted in partnership with an institution of higher education, business, nonprofit organization, community-based organization, or other public or private entity with a demonstrated record of success in implementing activities described;
  - b. Promote the involvement of parents in the activity or program; and
  - c. May include one or more activities or programs that foster safe, healthy, and supportive school environments that promote student academic achievement. [Section 4106(e)(2)(D)]
10. An LEA that receives at least \$30,000 will use some portion of funds to improve the use of technology to improve the academic achievement, academic growth, and digital literacy of all students, including by meeting the needs of the LEA that are identified in the required comprehensive needs assessment. [Section 4106(e)(2)(E)]
  - a. May provide educators, school leaders, and administrators with the professional learning tools, devices, content, and resources;
  - b. May use technology effectively in the classroom, including by administering computer-based assessments and blended learning strategies; and
  - c. May implement and support school-and district-wide approaches for using technology to inform instruction, support teacher collaboration, and personalize learning.

**SPECIAL RULE:** An LEA, *regardless of allocation amount*, shall not use more than 15 percent of the funds identified for the effective use of technology to purchase technology infrastructure, to include purchasing devices, equipment, software applications, blended learning technology software and platforms, digital instructional resources, initial professional development activities, and one-time information technology purchases. [Section 4109(b)]

**SPECIAL RULE:** Any LEA receiving an allocation in an amount less than \$30,000 is required to provide only one of the assurances described in (7), (8), and (9) above. [Section 4106(f)]

11. The LEA will increase opportunities and access for all students through grade 12 who are members of groups underrepresented, such as female students, minority students, English learners, children with disabilities, economically disadvantaged students, and students in rural, remote, and underserved areas.
12. The LEA will maintain a description of the activities and programming that the LEA will carry out, including a description of:
  - a. any partnership with an institution of higher education, business, nonprofit organization, community-based organization, or other public or private entity with a demonstrated record of success in implementing activities under this subpart [Section 4106(e)(1)(A)];
  - b. if applicable, how funds will be used for activities related to supporting well-rounded education under section 4107 [Section 4106(e)(1)(B)];
  - c. if applicable, how funds will be used for activities related to supporting safe and healthy students under section 4108 [Section 4106(e)(1)(C)];
  - d. if applicable, how funds will be used for activities related to supporting the effective use of technology in schools under section 4109 [Section 4106(e)(1)(D)]; and
  - e. the program objectives and intended outcomes for activities under this subpart, and how the LEA will periodically evaluate the effectiveness of the activities carried out under this section based on such objectives and outcomes [Section 4106(e)(1)(E)].

**Note:** The required descriptions are to be maintained locally and available upon request from TEA and/or an auditor.

13. The LEA will annually submit a report regarding how funds for the Title IV, Part A, Student Support and Academic Enrichment Program, are being used to meet the requirements of (#7 - #9) above. [Section 4106 (e)(2)(F)]
14. The LEA receiving Title IV, Part A, Subpart 1, funds shall also adhere to all internet safety requirements of the ESSA Title IV, Part A, Subpart 2, Section 4121 Internet Safety statute.

Below is a **summary** of the internet safety requirements:

No funds made available under Title IV, Part A, Subpart 1, to an LEA for an elementary school or secondary school that does not receive services at discount rates under the Communications Act of 1934 (47 U.S.C. 254(h)(5)) may be used to purchase computers used to access the internet or to pay for direct costs associated with accessing the internet for such school unless the school, school board, LEA, or other authority with responsibility for administration of such school has the following in place:

- a. **policy of internet safety for minors** that includes the operation of a technology protection measure with respect to any of its computers with internet access that protects against access through such computers to visual depictions that are obscene, are child pornography, or are harmful to minors, and is enforcing the operation of such technology protection measure during any use of such computers by minors; and
- b. **policy of internet safety that includes the operation of a technology protection measure** with respect to any of its computers with internet access that protects against access through such computers to visual depictions that are obscene or child pornography and is enforcing the operation of such technology protection measure during any use of such computers.

An LEA shall certify its compliance with these requirements annually upon submission of the ESSA Consolidated Application.

## Assurances Relating to Private Schools

The school system 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 IV, Part A, and [Section 8501(a)(1)].
2. Educational services or other benefits including materials and equipment provided to eligible private school students with Title IV, Part A, funds shall be secular, neutral, and nonideological [Section 8501(a)(2)].
3. Title IV, Part A, 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 IV, Part A, 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 IV, Part A, 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 contract.
  - h. Whether to provide equitable services to eligible private school children-
    - 1) 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
    - 2) 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.
5. Control of Title IV, Part A, funds and title to materials, equipment, and property purchased with these funds will be in a public agency for Title IV, Part A, uses and purposes, and a public agency will administer the Title IV, Part A, funds, and property [Section 8501(d)(1)].
6. In the provision of Title IV, Part A, 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 IV, Part A, programs. Such meetings shall continue throughout 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)].

## Title V, Part A — Funding Transferability for State and Local Educational Agencies

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### General Assurances

The school system assures that:

1. When using Title V, Part A, Subpart 2—Funding Transferability flexibility, 100% of the LEAs funds from the following:
  - a. Title II, Part A
  - b. Title IV, Part A

May be transferred to the following:

- a. Title I, Part A
- b. Title I, Part C
- c. Title I, Part D
- d. Title II, Part A

- e. Title III, Part A
  - f. Title IV, Part A
  - g. Title V, Part B
2. No transfer of funds from Title I, Part A; Title I, Part C; Title I, Part D; Title III, Part A; or Title V, Part B will occur. [Section 5103(c)]
  3. When funds are transferred under Section 5103, the LEA will comply with each of the rules and requirements applicable to the funds under the provision to which the transferred funds are transferred. [Section 5103(e)(1)]
  4. Consultations in accordance with Section 8501 have occurred if the transfer moves funds from a program that provides for the participation of students, teachers, or other educational personnel from private schools. [Section 5103(e)(2)]
  5. When making a transfer of funds under Section 5103, the LEA will do the following:
    - a. Modify, to account for the transfer, each local plan, or application submitted, to which the funds relate.
    - b. Submit a copy of the modified plan or application to the state not later than 30 days after the date of transfer.
    - c. Notify the state of the transfer not later than 30 days before the effective date of the transfer.

## Title V, Part B, Subpart 1— Rural Education Achievement Program (REAP)

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### General Assurances

The school system assures the following:

1. When using the flexibility under Section 5211—REAP, the LEA will use applicable funding under the following:
    - a. Title II, Part A
    - b. Title IV, Part A
- for activities under the following programs:
- a. Title I, Part A

- b. Title II, Part A
- c. Title III
- d. Title IV, Part A
- e. Title IV, Part B

## ESSA Provisions and Assurances

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The following special provisions apply to all programs funded under Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA) that replaced its predecessor, the No Child Left Behind (NCLB) Act of 2001.

By certifying and submitting the eGrants application, the applicant is assuring it is in compliance with the following provisions:

- A. Each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications.
- B. The control of funds provided under each such program and title to property acquired with program funds will be in a public agency or in a nonprofit private agency, institution, organization, or Indian tribe, if the law authorizing the program provides for assistance to such entities.
- C. The public agency, nonprofit private agency, institution, organization, or Indian tribe will administer such funds and property to the extent required by the authorizing statutes.
- D. The applicant will adopt and use proper methods of administering each such program, including the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program and the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation.
- E. The applicant will cooperate in carrying out any evaluation of each such program conducted by or for the Texas Education Agency (TEA), the US Secretary of Education, or other federal officials.
- F. The applicant will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, federal funds paid to such applicant under each such program.
- G. The applicant will submit such reports to TEA (which shall make the reports available to the governor) and the US Secretary of Education, as TEA and the US Secretary of Education may require to enable TEA and the US Secretary of Education to perform their duties under each such program.

## Program-Specific and ESSA Provisions and Assurances

- H. The applicant will maintain such records, provide such information, and afford access to the records as the Agency (after consultation with the governor) or the Secretary may find necessary to carry out the Agency's or the Secretary's duties.
- I. Before the application was submitted, the applicant afforded a reasonable opportunity for public comment on the application and has considered such comment.
- J. **Gun-Free Schools Act:** The local educational agency assures that it is in compliance with Section 37.007(e) of the Texas Education Code, which requires expulsion of a student who brings to school or possesses at school a firearm as defined by 18 United States Code (USC) Section 2891 (pursuant to the requirements in Section 8561[b][1]). In addition, the local educational agency certifies that it has a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm or weapon to school [Section 8561(h)(1)].
- K. **Student Records Transfer:** The local educational agency shall ensure that a student's records and, if applicable, a student's individualized education program as defined in Section 602(11) of the Individuals with Disabilities Education Act, are transferred to a charter school upon the transfer of the student to the charter school, and to another public school upon the transfer of the student from a charter school to another public school, in accordance with applicable state law [Section 4308].
- L. **Consolidation of Administrative Funds:** A local educational agency, with the approval of TEA, may consolidate and use for the administration of one or more programs under the Every Student Succeeds Act not more than the percentage, established in each program, of the total available for the local educational agency under those programs. A local educational agency that consolidates administrative funds shall not use any other funds under the programs included in the consolidation for administration for that fiscal year. Consolidated administrative funds shall be used for the administration of the programs covered and may be used for coordination of these programs with other federal and non-federal programs and for dissemination of information regarding model programs and practices.
- M. **Privacy of Assessment Results:** Any results from an individual assessment referred to in the Every Student Succeeds Act of a student that become part of the education records of the student shall have the protections provided in Section 444 of the General Education Provisions Act [Section 8523 and the Family Educational Rights and Privacy Act (FERPA) of 1975, as amended].
- N. **School Prayer:** The local educational agency certifies that it is in compliance with Section 25.901 of the Texas Education Code. In addition, as a condition of receiving funds under the Every Student Succeeds Act, the local educational agency certifies that no policy of the local educational agency prevents, or otherwise denies participation in, constitutionally protected prayer in public elementary schools and secondary schools, as detailed in the guidance provided by the US Secretary of Education pertaining to such. The state educational agency

shall report to the Secretary of Education each year a list of those local educational agencies that have not filed this assurance or against which complaints have been made to the state educational agency that the local educational agencies are not in compliance with this requirement [Section 8524(b)].

- O. Equal Access to Public School Facilities—Boy Scouts of America Equal Access Act:** No public elementary school, public secondary school, or local educational agency that has a designated open forum or a limited public forum and that receives funds made available from the US Department of Education shall deny equal access or a fair opportunity to meet, or shall discriminate against, any group officially affiliated with the Boy Scouts of America, or any other youth group listed in Title 36 of the United States Code (as a patriotic society) that wishes to conduct a meeting within that designated open forum or limited public forum, including denying such access or opportunity or discriminating for reasons based on the membership or leadership criteria or oath of allegiance to God and country of the Boy Scouts of America or of the youth group listed in Title 36 of the United States Code (as a patriotic society). For the purposes of this section, an elementary school or secondary school has a limited public forum whenever the school involved grants an offering to, or opportunity for, one or more outside youth or community groups to meet on school premises or in school facilities before or after the hours during which attendance at the school is compulsory. Nothing in this section shall be construed to require any school, agency, or a school served by an agency to sponsor any group officially affiliated with the Boy Scouts of America, or any other youth group listed in Title 36 of the United States Code (as a patriotic society). Compliance with this provision will be enforced through rules and orders issued by the Office for Civil Rights. If the public school or agency does not comply with the rules or orders, no funds made available through the Department of Education shall be provided by a school that fails to comply with such rules or orders or to any agency or school served by an agency that fails to comply with such rules or orders [Section 8525].
- P. General Prohibitions:** None of the funds authorized under the Every Student Succeeds Act shall be used to develop or distribute materials, or operate programs or courses of instruction directed at youth, that are designed to promote or encourage sexual activity, whether homosexual or heterosexual; to distribute or to aid in the distribution by any organization of legally obscene materials to minors on school grounds; to provide sex education or HIV-prevention education in schools unless that instruction is age appropriate and includes the health benefits of abstinence; or to operate a program of contraceptive distribution in schools [Section 8526].
- Q. Armed Forces Recruiter Access to Students and Student Recruiting Information:** In accordance with guidance issued by the US Department of Education, each local educational agency receiving assistance under the Every Student Succeeds Act shall provide, on a request made by military recruiters or an institution of higher education, access to secondary school student names, address, and telephone listings, upon prior written consent of a student or the parent of

a student. A secondary school student or the parent of the student may request that the student's name, address, and telephone listing not be released without prior written parental consent, and the local educational agency or private nonprofit school shall notify parents of the option to make a request and shall comply with any request. Each local educational agency receiving assistance under the Every Student Succeeds Act shall provide military recruiters the same access to secondary school students as is provided generally to post-secondary educational institutions or to prospective employers of those students [Section 8528].

- R. **Unsafe School Choice Option:** The local educational agency certifies that it shall establish and implement a policy requiring that a student attending a persistently dangerous public elementary school or secondary school, as determined by TEA, or who becomes a victim of a violent criminal offense, while in or on the grounds of a public elementary or secondary school that the student attends, be allowed to attend a safe public elementary or secondary school within the local educational agency, including a public charter school [Section 8532].
- S. **Civil Rights:** Nothing in the Every Student Succeeds Act shall be construed to permit discrimination on the basis of race, color, religion, sex (except as otherwise permitted under Title IX of the Education Amendments of 1972), national origin, or disability in any program funded under the Every Student Succeeds Act [Section 8534].
- T. Assurances related to the **education of homeless children and youth:**
  - 1. The LEA assures that each child of a homeless individual and each homeless youth shall have equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youth.
  - 2. The LEA assures that it will review and undertake steps to revise any laws, regulations, practices, or policies that may act as a barrier to the enrollment, attendance, or success in school of homeless children and youth.
  - 3. The LEA assures that it will not separate students from the mainstream school environment on the basis of homelessness alone.
  - 4. The LEA assures that homeless children and youth have access to the education and other services that they need in order to meet the same challenging state student academic achievement standards to which all students are held.
- U. Definitions: The following terms shall be defined as follows for programs authorized and carried out under the Every Student Succeeds Act:
  - 1. *Charter School:* An open-enrollment charter school receiving federal funds of any type must meet the federal definition of a charter school as provided in Section 4310(2). The term charter school means a school that:

## Program-Specific and ESSA Provisions and Assurances

- a. Is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and control
- b. Operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the authorized public chartering agency (i.e., the State Board of Education [SBOE])
- c. Provides a program of elementary or secondary education, or both
- d. Is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious instruction
- e. Does not charge tuition
- f. Complies with the Age Discrimination Act of 1975, Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and Part B of the Individuals with Disabilities Education Act
- g. Is a school to which parents choose to send their children, and that –
  - i. admits students on the basis of a lottery, if more students apply for admission than can be accommodated
  - ii. in the case of a school that has an affiliated charter school (such as a school that is part of the same network of schools), automatically enrolls students who are enrolled in the immediate prior grade level of the affiliated charter school and, for any additional student openings or student openings created through regular attrition in student enrollment in the affiliated charter school and the enrolling school, admits students on the basis of a lottery as described in clause (i)
- h. Agrees to comply with the same federal and state audit requirements as other elementary schools and secondary schools in the state, unless such requirements are specifically waived for the purpose of this program
- i. Meets all applicable federal, state, and local health and safety requirements
- j. Operates in accordance with state law
- k. Has a written performance contract with the authorized public chartering agency in the state (i.e., SBOE) that includes a description of how student performance will be measured pursuant to state assessments that are required of other schools and pursuant to any other assessments mutually agreeable to the SBOE

## Program-Specific and ESSA Provisions and Assurances

2. *Community-Based Organization*: A public or private nonprofit organization of demonstrated effectiveness that is representative of a community or significant segment of a community and that provides educational or related services to individuals in the community
3. *Highly Qualified*: This only applies to paraprofessionals.
4. *Parental Involvement*: The participation of parents in regular, two-way and meaningful communication involving student academic learning and other school activities, including ensuring:
  - a. That parents play an integral role in assisting their child’s learning
  - b. That parents are encouraged to be actively involved in their child’s education at school
  - c. That parents are full partners in their child’s education and are included, as appropriate, in decision making and on advisory committees to assist in the education of their child
  - d. The carrying out of other activities, such as those described in Section 1116.
5. *Professional Development*: Includes activities that: [Section 8101(42)]
  - a. Are an integral part of school and local educational agency strategies for providing educators (including teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals, and as applicable, early childhood educators) with the knowledge and skills necessary to enable students to succeed in a well-rounded education and to meet the challenging State academic standards: and
  - b. Are sustained (not stand-alone, 1-day, or short-term workshops), intensive, collaborative, job-embedded, data-driven, and classroom-focused, and may include activities that –
    - i. Improve and increase teachers’ –
      - I. knowledge of the academic subjects the teachers teach;
      - II. understanding of how students learn; and
      - III. ability to analyze student work and achievement from multiple sources, including how to adjust instructional strategies, assessments, and materials based on such analysis;
    - ii. Are an integral part of broad schoolwide and districtwide educational improvement plans;

# Program-Specific and ESSA Provisions and Assurances

- iii. Allow personalized plans for each educator to address the educator’s specific needs identified in observation or other feedback;
- iv. Improve classroom management skills;
- v. Support the recruiting, hiring, and training of effective teachers, including teachers who became certified through state and local alternative routes to certification;
- vi. Advance teacher understanding of effective instructional strategies that are;
  - I. Effective instructional strategies that are evidence-based; and
  - II. Strategies for improving student academic achievement or substantially increasing the knowledge and teaching skills of teachers;
- vii. Are aligned with and directly related to academic goals of the school or local educational agency;
- viii. Are developed with extensive participation of teachers, principals, other school leaders, parents, representatives of Indian tribes (as applicable) and administrators of schools to be served under this Act;
- ix. Are designed to give teachers of English learners, and other teachers and instructional staff, the knowledge and skills to provide instruction and appropriate language and academic support services to those children, including the appropriate use of curricula and assessments;
- x. To the extent appropriate, provide training for teachers, principals and other school leaders in the use of technology so that technology and technology applications are effectively used in the classroom to improve teaching and learning in the curricula and academic subjects in which the teachers teach;
- xi. As a whole, are regularly evaluated for their impact on increased teacher effectiveness and improved student academic achievement with the findings of the evaluations used to improve the quality of professional development;
- xii. Are designed to give teachers of children with disabilities or children with developmental delays, and other teachers and instructional staff, the knowledge and skills to provide instruction and academic support services, to those children, including positive behavioral interventions and supports, multi-tier system of supports, and use of accommodations;
- xiii. Include instruction in the use of data and assessments to inform and instruct classroom practice;

- xiv. Include instruction in ways that teachers, principals, pupil services personnel, and school administrators may work more effectively with parents and families;
  - xv. Involve the forming of partnerships with institutions of higher education to establish school-based teacher training programs that provide prospective teachers and beginning teachers with an opportunity to work under the guidance of experienced teachers and college faculty;
  - xvi. Create programs to enable paraprofessionals (assisting teachers employed by an LEA receiving assistance under Title I, Part A) to obtain the education necessary for those paraprofessionals to become certified and licensed teachers;
  - xvii. Provide follow-up training to teachers who have participated in activities described previously in this definition that are designed to ensure that the knowledge and skills learned by the teachers are implemented in the classroom; and
  - xviii. Where practicable, provide jointly for school staff and other early childhood education program providers, to address the transition to elementary school, including issues related to school readiness.
6. *Technology*: Modern information, computer and communication technology products, services, or tools, including, the Internet and other communications networks, computer devices and other computer and communications hardware, software applications, data systems, and other electronic content (including multimedia content) and data storage.
7. *Well-Rounded Education*: Courses, activities and programming in subjects such as English, reading or language arts, writing, science, technology, engineering, mathematics, foreign languages, civics and government, economics, arts, history, geography, computer science, music, career and technical education, health, physical education, and any other subject, as determined by the State or local educational agency, with the purpose of providing all students access to an enriched curriculum and educational experience.
- V. **TEA State ESSA Plan**: The LEA agrees to adopt any performance goals or indicators, or programmatic indicators submitted in the Texas Consolidated State Application for Funds Under the Every Student Succeeds Act.
- W. **Transfer of School Disciplinary Records**: The LEA assures it has a procedure in place to transfer disciplinary records, with respect to a suspension or expulsion, to any private or public elementary school or secondary school for any student who is enrolled or seeks, intends, or is instructed to enroll, on a full- or part-time basis, in the school. This requirement shall not apply to any disciplinary records with respect to a suspension or expulsion that are transferred from a

private, parochial or other nonpublic school, person, institution, or other entity, that provides education below the college level [Section 8537].

- X. **Ed-Flex Statewide Administrative Waivers:** The LEA is aware that by submitting the Consolidated Application for Federal Funding, the LEA is also requesting the three Statewide Administrative Waivers under the Education Flexibility Program (Ed-Flex), which are applicable to the following programs:

- ESSA, Title I, Part A (other than Section 1111)
- ESSA, Title I, Part C
- ESSA, Title I, Part D
- ESSA, Title II, Part A
- ESSA, Title IV, Part A
- Carl D. Perkins Career and Technical Education Act of 2006, as amended by the Strengthening Career and Technical Education for the 21st Century Act

1. **Submission of an Amendment to Transfer Funds for Training Costs**

This waiver eliminates the need for an amendment to transfer funds budgeted for training costs that are direct payments to trainees as long as the program description in the application remains unchanged.

2. **Certification that an Employee is Funded from a Single Fund Source or Cost Objective**

This waiver eliminates the requirement that charges for salaries and wages be supported by a semi-annual certification that the employee worked solely on that program for the period covered by the certification. This waiver is allowable as long as the employee’s job description clearly states that the employee is assigned 100 percent to the program or single cost objective.

3. **Approval of Pre-award Costs**

This waiver allows LEAs to request approval from the Texas Education Agency for pre-award costs for covered programs, rather than requiring them to request approval from the USDE.

**Evaluation of Statewide Administrative Waivers:** The effectiveness of the Statewide Administrative Waivers will be evaluated based on student performance on the state assessment in Reading and Math for “All Students” statewide. If student performance fails to improve statewide for two consecutive years, the waivers will be reviewed by the Committee of Practitioners (serves as the Ed-Flex Committee) to determine if changes should be recommended to the Commissioner.

**Public Comment:** Because the LEA’s Consolidated Application for Federal Funding must be made available for public comment (ESEA section 8306(a)(7)) prior to submission, the required public comment concerning Ed-Flex waiver applications is met through that process. There is no need for the LEA to conduct a separate public comment process concerning its application for

the Statewide Administrative waivers in order to meet the public comment requirement in Ed-Flex.

Information concerning the availability of other types of Ed-Flex Waivers can be found at: <https://tea.texas.gov/finance-and-grants/grants/essa-program/ed-flex-waivers>.

- Y. Non-smoking Policy:** The LEA assures that no person shall permit smoking within any indoor facility owned or leased or contracted for and utilized by such person for provision of routine or regular kindergarten, elementary, or secondary education or library services to children. Smoking shall not be allowed within any indoor facility (or portion of such a facility) owned or leased or contracted for, and utilized by, such person for the provision of regular or routine health care or day care or early childhood education programs. Exception: This shall not apply to any portion of such facility that is used for inpatient hospital treatment of individuals dependent on or addicted to drugs or alcohol; or to any private residence. [Section 8573]
- Z. Prohibition of ESEA Program Funds Used for Possession of and/or Training with Dangerous Weapons:** The LEA assures that no funds under the ESEA will be used for the provision to any person of a dangerous weapon, as defined in section 930(g)(2) of title 18, United States Code, or training in the use of a dangerous weapon. [Section 8526 of the Elementary and Secondary Education Act of 1965 (ESEA) as amended by the Bipartisan Safer Communities Act, *Section 2938, Division A-Mental Health and Firearms Provisions, Title III-Other Matters, Subtitle D-Amendment on ESEA Funding, Section 13401*]

A dangerous weapon is defined in section 930(g)(2) as a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocketknife with a blade of less than 2 1/2 inches in length.

Please note, the prohibition went into effect immediately on June 25, 2022, and applies to all ESEA funds, existing and future awards under all ESEA programs.

**By certifying and submitting the eGrants application, the applicant agrees, as a matter of legal contract, to accept and comply with all requirements described in this document.**