

MIGRANT EDUCATION PROGRAM (MEP) FISCAL REQUIREMENTS

Sarah Martinez

Office of Migrant Education (OME)

2019 MEP New Directors' Orientation

March 11, 2019



OBJECTIVES

- Develop a basic understanding of the following:
 - How MEP funds are allocated to State educational agencies (SEAs);
 - How SEAs may use MEP funds for program administration;
 - What factors an SEA must take into account in determining the amount of subgrants; and
 - Key considerations for determining whether an activity or service is an allowable use of MEP funds

REFERENCES

- Statute

Sections 1004, 1303, 1304, and 1306 of the *Elementary and Secondary Education Act* (ESEA) of 1965, as amended by the *Every Student Succeeds Act* (ESSA) of 2015

- Code of Federal Regulations (CFR)

34 CFR Part 76 and 200.82, 200.88, 200.100(b); 2 CFR Part 200 (Uniform Guidance)

- Guidance

Chapters I (State Application and Funding), X (Fiscal Requirements), and XI (State Administration) of the *Non-Regulatory Guidance for the Title I, Part C Education of Migratory Children*

STATE ALLOCATIONS

CHILD COUNTS

- “Category 1”: identified eligible migratory children aged 3 through 21 residing in the State during the performance reporting period (September 1 – August 31)
- “Category 2”: identified eligible migratory children, aged 3 through 21, who received MEP services in summer or intersession programs provided by the State during the performance reporting period
- Category 2 is a subset of Category 1
- Child counts are reported by States to the Department (ED) on an annual basis through the EDFacts reporting system (populates the Consolidated State Performance Report, or CSPR)

FUNDING FORMULA

[Category 1 Child Count: average from preceding three years

+

Category 2 Child Count: preceding year]

x

[State's average per pupil expenditure x 40%*]

= State Allocation

**may not be less than 32% or more than 48% of the U.S. average per pupil expenditure*

(see section 1303(a) of the ESEA)

HOLD HARMLESS PROVISION

For each of fiscal years (FYs) 2017 through 2019:

No State shall receive less than 90% of the State's MEP allocation for the preceding FY.

(see section 1303(b) of the ESEA)

FY 2019 AWARDS

- Category 1 Child Counts: 2017-18, 2016-17, and 2015-16
- Category 2 Child Count: 2017-18
- State per pupil expenditures: initial data reported to national Center for Education Statistics (NCES) in spring 2019
- Adjustments for “hold harmless” provision

PERIOD OF AVAILABILITY

- ED awards MEP funds to SEAs for a 15-month period, beginning on July 1st of the award cycle.
- “Tydings amendment”: If funds are not **obligated** by the end of the 15-month period, States may **carry over** unobligated funds for an additional 12 months, giving the SEA up to 27 months to obligate the funds.
- Example: FY 2019 MEP awards will be allocated on July 1, 2019. The GAN will show the budget period as July 1, 2019 – September 30, 2020. With the tydings period, those funds are available for obligation through September 30, 2021.

(see section 421(b) of the General Education Provisions Act (GEPA) and 34 CFR 76.137)

PROGRAM ADMINISTRATION

GENERAL PROGRAM ADMINISTRATION

Some examples of allowable general administrative activities include:

- Designing and distributing forms required to operate the program (e.g., project applications, performance and financial reports, and evaluation reports);
- Processing of project applications (subgranting process);
- Monitoring of projects for fiscal compliance;
- Maintaining fiscal control and accounting procedures;
- Disseminating program information; and
- Developing state MEP rules, regulations, or policies

(see Chapter XI, A2 of *MEP Non-Regulatory Guidance (NRG)*)

GENERAL PROGRAM ADMINISTRATION: ALLOWABLE AMOUNT

- An SEA may reserve for general administrative activities necessary to carry out the MEP, the greater of:
 - 1% from each of the amounts allocated to the State under Title I, Parts A, C, and D or
 - \$400,000 (\$50,000 in the case of outlying areas).
- EXCEPTION: If the sum of the amounts appropriated for Title I, parts A, C, and D is \$14 billion or more, the reservation may not exceed 1 percent of the amount the State would receive if \$14 billion were allocated among all States for parts A, C, and D.
- SEAs may combine the reserved amounts into a general Title I account for administration of any or all Title I, parts A, C, and D programs; or may keep MEP funds separate and administer the MEP with those funds.

(see section 1004 of the ESEA; 34 CFR 200.100(b); and Chapter XI, A1 of *MEP NRG*)

“UNIQUE” PROGRAM ADMINISTRATION

In addition to MEP funds set aside for general administrative activities, SEAs may use MEP funds to carry out other administrative activities that are **unique to the MEP**. These activities include, but are not limited to—

- Statewide identification and recruitment (ID&R);
- Interstate and intrastate coordination of the MEP with other relevant programs and projects;
- Timely transfer of educational and health records, beyond that required generally by State and local agencies;
- Collecting and using information for accurate distribution of subgrants;
- MEP Statewide needs assessment, service delivery plan, and evaluation;
- Supervision of instructional and support staff; and
- State parent advisory council

(see 34 CFR 200.82, and Chapter XI, A4-A5 of *MEP NRG*)

“UNIQUE” PROGRAM ADMINISTRATION: ALLOWABLE AMOUNT

- There is no specific cap in terms of dollar amount or percentage of the MEP award that may be set aside for these purposes.
- It depends on State-specific factors such as the State size, program design, and activities that vary from year to year (e.g., comprehensive needs assessment, independent prospective re-interviews).
- The State may choose to set limits on the amount subgrantees spend on administrative functions (general and/or MEP-specific).

REFLECT AND SHARE

- Please take a few minutes to share examples of how you are using MEP funds at the State level in the current program year for administrative functions that are unique to the MEP.
- Have you found effective ways to reduce administrative costs and make more funds available for direct services to migratory children?

SUBGRANTING

SUBGRANTING BASICS

- SEAs may choose to deliver MEP services directly, or through local operating agencies (LOAs).
- An LOA is defined as:
 - A local educational agency (LEA),
 - A public or private agency, or
 - The SEA, if the SEA operates the MEP directly.

(see sections 1302 and 1309(1) of the ESEA, as amended)

REQUIRED FACTORS

In determining the amount of any subgrants to LOAs, the State must take into account:

1. **Numbers** of migratory children;
2. **Needs** of migratory children;
3. **Priority for services (PFS)** to migratory children who have made a qualifying move within the previous 1-year period and who are failing, or most at risk of failing, to meet the challenging State academic standards; or have dropped out of school; and
4. **Availability of funds** from other Federal, State, and local programs.

(see sections 1304(b)(5) and (d) of the ESEA)

OTHER CONSIDERATIONS

- In addition to the four required factors, the SEA may also consider additional factors when determining amounts for subgrants.
- SEAs may choose to adopt a strictly formula approach, a negotiation approach, or a combination
- LOAs are not entitled to a MEP subgrant. The SEA has the discretion to select subgrantees, using criteria that are transparent, consistent, and which includes the required considerations.

DISCUSSION

- Consider whether and how your State's MEP subgrant process takes into account the four required factors.
- Share how the subgrant process works in your State. For example,
 - Are all of the factors included in a formula?
 - Is there room for negotiation in determining the final subgrant amount? If so, how does this process occur?
 - What data is used for each factor (numbers, needs, PFS, and other available funds)?
- Has your State chosen to include additional factors, other than those required by statute?

FIVE CONSIDERATIONS FOR ALLOWABLE USES OF MEP FUNDS

IDENTIFIED NEEDS AND STRATEGIES

- 1. Does the activity or service address a need identified in the MEP statewide comprehensive needs assessment (CNA)? Is the activity or service aligned to the strategies in the MEP statewide service delivery plan (SDP)?**
 - ESEA section 1304(c)(1)(A) requires that funds be used in accordance with the statewide CNA and SDP required in ESEA section 1306.

- 2. Are the funds being used to meet the identified needs that result from the children's migratory lifestyle and to permit the children to participate effectively in school?**
 - ESEA section 1306(b)(1) requires that MEP funds must first be used to meet the identified needs of migratory children that result from their migratory lifestyle and to permit the children to participate effectively in school.

OTHER AVAILABLE RESOURCES

- 3. Does the activity or service supplement, and not supplant, non-Federal funds?**
 - ESEA section 1304(c)(2) requires that MEP programs and projects be carried out in a manner consistent with the objectives of ESEA section 1118(b).

- 4. Is the need already addressed by services available from other programs?**
 - In general, ESEA section 1306(b)(2) requires that MEP funds be used to address the needs of migratory children not addressed by services available from other Federal and non-Federal programs.

UNIFORM GUIDANCE COST PRINCIPLES

5. **Are the costs reasonable and necessary, and allocable (i.e., chargeable) to the MEP relative to the benefit received?**
 - See the Uniform Guidance (2 CFR Part 200, subpart E) for information about the cost principles.

THANK YOU

Sarah Martinez

Sarah.Martinez@ed.gov

RESULTS.ED.GOV

