



Title I, Part C

Education of Migratory Children

Introduction

The Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA), established the Migratory Education Program (MEP) under Title I, Part C in 2015. This program provides formula grants to states to support comprehensive educational programs for migratory students and to assist districts in improving opportunities for migratory children to help them succeed in the regular school program, meet the state academic standards, and graduate from high school.

Purpose

The purposes of this federal program are as follows:

1. To assist states in supporting high-quality and comprehensive educational programs and services during the school year and, as applicable, during summer or intersession periods, that address the unique educational needs of migratory children.
2. To ensure that migratory children who move among the states are not penalized in any manner by disparities among the states in curriculum, graduation requirements, and challenging State academic standards.
3. To ensure that migratory children receive full and appropriate opportunities to meet the same challenging state academic standards that all children are expected to meet.
4. To help migratory children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit the ability of such children to succeed in school.
5. To help migratory children benefit from State and local systemic reforms (ESEA § 1301).

Important Definitions

Migratory Child

The term “migratory child” means a child or youth who made a qualifying move in the preceding 36 months—

- As a migratory agricultural worker or a migratory fisher; or
- With (or to join) a parent or spouse who is a migratory agricultural worker or a migratory fisher (ESEA § 1309(3)).

Qualifying Move

The term “qualifying move” means a move due to economic necessity—

- From one residence to another residence; and
- From one school district to another school district, except in the case of a—
 - State that is comprised of a single school district, wherein a qualifying move is from one administrative area to another within such district; or

- School district of more than 15,000 square miles, wherein a qualifying move is a distance of 20 miles or more to a temporary residence (ESEA § 1309(5)).

Migratory Agricultural Worker

The term “migratory agricultural worker” means an individual who made a qualifying move in the preceding 36 months and, after doing so, engaged in new temporary or seasonal employment or personal subsistence in agriculture, which may be dairy work or the initial processing of raw agricultural products. If an individual did not engage in such new employment soon after a qualifying move, such individual may be considered a migratory agricultural worker if the individual actively sought such new employment and has a recent history of moves for temporary or seasonal agricultural employment (ESEA § 1309(3)).

Migratory Fisher

The term “migratory fisher” means an individual who made a qualifying move in the preceding 36 months and, after doing so, engaged in new temporary or seasonal employment or personal subsistence in fishing. If the individual did not engage in such new employment soon after the move, the individual may be considered a migratory fisher if the individual actively sought such new employment and has a recent history of moves for temporary or seasonal fishing employment (ESEA § 1309(4)).

Out-of-School-Youth (OSY)

For the purposes of the MEP, the Department considers the term “out-of-school youth” to mean age 16 through age 21 who:

- Are entitled to a free public education in the state,
- Meet the migratory child definition, and
- Are not currently enrolled in a K-12 institution.

Enrollment in school is not a condition affecting eligibility for the MEP. Therefore, OSY who meet the definition of a “migratory child” are eligible for the MEP.

- OSY could include:
 - Students who have dropped out of school,
 - Youth who are working on a high school equivalency diploma (HSED) outside of a K-12 institution, and
 - Youth who are “here-to-work” only.
- It would not include:
 - Children in preschool nor
 - Temporary absences (e.g., summer or intersession, suspension, illness).

Priority for Service

Federal law requires that the MEP provide services first to migratory students who have been identified as Priority for Service (PFS). Section 1301(d), paragraph d of ESEA revised the definition to specifically include students who have dropped out and students who moved at any point during the prior year:

In providing services with funds received under this part, each recipient of such funds shall give priority to migratory children who have made a qualifying move within the previous 1-year period and who (1) are failing, or most at risk of failing, to meet challenging State academic standards or (2) have dropped out of school.

Grant Requirements

The MEP is a supplemental education program that addresses the unique needs of migratory students that arise because of the migratory lifestyle. As a recipient of funds from this federal program, the Iowa

Department of Education (Department) must identify students on a statewide basis who meet the program’s eligibility requirements. One way to fulfill this requirement is to ask each district to designate a migratory liaison. The MEP is designed to provide educational assistance to children whose families make frequent moves in search of agricultural work. The program helps migratory children master the educational content provided in the local districts by offering services to help reduce the educational disruptions and other problems that can result from these moves.

Child Eligibility

A child is eligible for the MEP (and thereby eligible to receive MEP services) if the child:

1. Meets the definition of “migratory child” in section 1309(3) of the ESEA, and is an “eligible child” as the term is used in section 1115(c)(1)(A) of the ESEA and 34 C.F.R. § 200.103; and
2. Has the basis for the State’s determination that the child is a “migratory child” properly recorded on the national Certificate of Eligibility (COE).

According to section 1309(2) of Title I, a child is eligible for services provided by MEP funding if:

- The child is younger than 22 and has not graduated from high school or does not hold a high school equivalency certificate; and
- The child is a migratory agricultural worker or a migratory fisher or has a parent, spouse or guardian who is a migratory agricultural worker or a migratory fisher; and
- The child has moved within the preceding 36 months in order to obtain (or seek) or to accompany (or join) a parent, spouse, or guardian to obtain (or seek), temporary or seasonal employment in qualifying agricultural or fishing work; and
- Such employment is a principal means of livelihood; and
- The child has moved from one school district to another

Supplement vs Supplant Requirement

The supplement not supplant provision requires that federal funds be used to enhance the regular educational program. This means that federal funds cannot be used to supplant, or take the place of, funds that would have been spent if these federal Title funds were not available.

Supplementing	Supplanting (unallowable)
Using federal funds to enhance, expand, increase, or extend the programs and services offered with other federal, state, and/or local funds.	Using federal funds to fund (in total or in part) a program or service that is required to be provided or was previously funded by other federal, state, and/or local funds.

Context for Continuous Improvement

Title I, Part C (Sec. 1306) specifies that state educational agencies must deliver and evaluate MEP-funded services to migratory children based on a state plan that reflects the results of a statewide, Comprehensive Needs Assessment (CNA). To do so, a state’s Service Delivery Plan (SDP) must be viewed within a cycle of continuous improvement that contextualizes identified needs based on:

- Performance targets
- A comprehensive needs assessment (CNA)
- Measurable program outcomes (MPOs)
- Service delivery strategies
- An evaluation plan

Service Delivery Plan Strategies and Required Activities

States funded under Title I, Part C are required to develop a comprehensive Service Delivery Plan (SDP) (Sec.1305 (e) Section 1306 (20 U.S.C. 6396) in consultation with migratory parents, in a language and format they understand, and based on meeting State Performance Targets, as well as the priority needs identified in the Comprehensive Needs Assessment (CNA). This plan intends to update the Iowa Migratory Education Program's State Delivery Plan in accordance with the most recent Comprehensive Needs Assessment and in consultation with the state's migratory Parent Advisory Council (PAC).

The Iowa State Delivery Plan determined areas of focus to measure the extent to which the proposed solutions address the State Performance Targets.

Additional Information

In implementing the comprehensive plan, the Department retains the flexibility to determine the activities to be provided with funds made available under this program except that such funds first shall be used to meet the identified needs of migratory children that result from their migratory lifestyle, and to permit these children to participate effectively in school.

Funds provided under this program shall be used to address the needs of migratory children that are not addressed by services available from other Federal or non-Federal programs, except that migratory children who are eligible to receive services under Title I may receive those services through funds provided under that program.

Questions and Additional Guidance

For questions and resources, contact Isbelia Arzola at isbelia.arzola@iowa.gov.