

Provision of Services Guidance

Title I, Part C: Education of Migratory Children

Excerpted from Pages 53-69 of the Non-Regulatory Guidance for the Title I, Part C Education of Migratory Children, updated March 2017

Excerpted from U.S. Department of Education – Office of Migrant Education Quarterly MEP Q&A's

Statutory Requirements

Title I, Part C, Sections 1304(c)(7) and 1306(b)

Title VIII, Section 8101(21) and 8501

Regulatory Requirements

34 CFR 200.29(c)(1); 200.83; 200.86; 299.6 – 299.9

In general, what may districts use MEP funds for?

- Instructional services (e.g., activities for preschool-age children and instruction in elementary and secondary schools, such as tutoring before and after school);
- Support services (e.g., educationally related activities, advocacy for migrant children; health, nutrition, and social services for migrant families; necessary educational supplies; transportation, providing access to health and social service providers)
- Professional development (e.g., training programs for school personnel to enhance their ability to understand and appropriately respond to the needs of migrant children);
- Parent Advisory Council (PAC) and other parent and family engagement activities;
- Identification and recruitment;
- Coordination activities with other agencies, both within the State and with other States nationwide, including the transfer of student records;
- Comprehensive needs assessment activities; and
- Evaluation of the MEP.

For purposes of the MEP, what are “services”?

“Services” are a subset of all the activities that the MEP provides through its programs and projects. “Services” are those educational or educationally related activities that:

1. directly benefit a migrant child;
2. address a need of a migrant child consistent with the State’s comprehensive needs assessment and service delivery plan;
3. are evidence-based; and
4. are designed to enable the program to meet its measurable outcomes and contribute to the achievement of the State’s performance targets.

What is “evidence-based”?

The term “evidence-based” means an activity, strategy, or intervention that—

1. demonstrates a statistically significant effect on improving student outcomes or other relevant outcomes based on—
 - a. strong evidence from at least 1 well-designed and well-implemented experimental study;

- b. moderate evidence from at least 1 well-designed and well-implemented quasi-experimental study; or
 - c. promising evidence from at least 1 well-designed and well-implemented correlational study with statistical controls for selection bias; or
2. demonstrates a rationale based on high-quality research findings or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes or other relevant outcomes; and includes ongoing efforts to examine the effects of such activity, strategy, or intervention.

What types of services may an SEA or district provide with MEP funds?

Districts may use MEP funds to provide the following types of services:

1. Instructional services (e.g., educational activities for preschool-age children and instruction in elementary and secondary schools, such as tutoring before and after school); and
2. Support services (e.g., educationally related activities, such as advocacy for migrant children; health, nutrition, and social services for migrant families; necessary educational supplies; transportation).

What are some examples of allowable activities that do not constitute a service?

Activities related to identification and recruitment activities, parent and family engagement, program evaluation, professional development, or administration of the program are examples of allowable activities that are not considered services. Another example would be handing out leaflets to migrant families on available reading programs as part of an effort to increase the reading skills of migrant children. Although this is an allowable activity, it is not a service because it does not meet all of the criteria of what a service is.

Why is it important for districts to provide services of sufficient intensity in operating the MEP?

It is important to design services that are of sufficient intensity to provide reasonable promise of the project's ability to meet its measurable outcomes. In turn, the attainment of these outcomes enables the program to help migrant children succeed in school and to contribute to the achievement of the State's performance targets.

How should the district select students for services?

The district should:

1. Identify the eligible migrant children with special educational needs who are expected to reside in the area (statewide or locally);
2. Determine the educational and educationally related needs of the children to be served;
3. Determine the focus of the program (i.e., instructional areas and/or grade levels) based on a needs assessment; and
4. Select children with the greatest need for MEP services according to their Priority for Service (PFS) status.

How may districts provide services to migrant children?

Districts have used a wide variety of service delivery designs. Some examples include (this is not an exhaustive list):

- Extended day programs;
- Before/after school programs;
- In-class programs;
- Saturday or vacation programs;
- Summer or intersession programs;
- In-home instruction (e.g., the MEP provides family literacy services to the child at home); and
- Distance learning programs (e.g., Web-based or portable courses of instruction)

What should the district keep in mind when considering if and when MEP funds may be used to support particular activities?

The district must determine the following:

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

In terms of numbers 3 and 4 in the list above, documentation of efforts to investigate non-MEP resources is important for quality control. It also serves as evidence of compliance with the statute in case of a State or Federal monitoring or audit. For example, if you speak with service agencies, another Federal program director, or district officials, be sure to document the name and title of individuals you spoke with and the date of the conversation.

Are there circumstances in which a district may continue to provide MEP services to children who are no longer eligible for the MEP?

Yes. The statute provides three circumstances in which a district may continue to provide services to children whose eligibility has ended:

1. a child's eligibility ends during the school term and the agency provides services for the duration of the term;
2. a child's eligibility ends and the agency provides services for an additional school year because comparable services are not available through other programs; and
3. a district continues to serve students who were eligible for services in secondary school through credit accrual programs until they graduate.

Note: Before the district provides services under these provisions, it should consider whether the child's unmet unique educational needs are addressed by the general school program and whether migrant children who have a priority for services have already been served.

Who has priority for services in the MEP?

Section 1304(d) of the statute gives priority for services to migrant 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.

Contact the Alaska Department of Education & Early Development – Migrant Education Office for more information regarding the identification of priority for services children.

May the MEP serve children who do not meet the “priority for services” criteria?

Yes. Districts may serve children who do not meet the “priority for services” criteria so long as they serve children who meet the criteria first.

May a district use MEP funds to provide English language services to migrant children who are English learners?

Yes. Districts may provide these services to migrant children who are English learners if:

1. a needs assessment demonstrates that the service is necessary to address an unmet need; and
2. the funds are not used to enable the district to meet its Title VI of the Civil Rights Act of 1964 responsibilities.
 - a. For example, a school may use MEP funds to hire bilingual staff to help English learner children learn content areas such as reading and math. In addition, a school may use MEP funds to provide English language instruction to help English learner children learn English. In both cases, the MEP services must supplement those that the school district offers in the regular program.

May the MEP serve migrant children with disabilities?

Yes. Districts must coordinate their provision of MEP services with other Federal programs, such as IDEA, in order to increase program effectiveness. However, in providing services, districts must be careful not to violate the MEP’s “supplement, not supplant” requirement. Districts are required to provide migrant children access to the same Federal, State, and locally funded services that non-migrant children with disabilities receive to address their needs, and may not use MEP funds to provide services that school districts are required by law to provide through other programs.

Is it an allowable use of MEP funds to purchase laptop computers, iPads, and other electronic devices for migratory students to keep indefinitely?

The Office of Migrant Education considers such purchases to be an unallowable use of MEP funds because the MEP would not be able to assure that the devices are used solely for authorized purposes, nor would the MEP be able to maintain effective control over the devices once the students’ MEP eligibility ends. In accordance with the cost principles that guide Title I, Part C grants, in order to be considered allowable, costs must be allocable or chargeable to the MEP, relative to the benefit received (see 2 Code of Federal Regulations (CFR) §200.405)]. In addition, 2 CFR § 200.302 (b) (4), requires grantees and subgrantees to have financial management systems that maintain effective control and accountability for all funds, property, and other assets. This same provision requires grantees and subgrantees to adequately safeguard all such property and must assure that it is used solely for authorized purposes. If the MEP were to purchase electronic devices (e.g. laptop computers, iPads) for students to keep, it would be extremely difficult to determine the purposes for which they were being used. Moreover, the SEA would have no control over the electronic devices when the students’ MEP eligibility ends.

If the MEP wishes to purchase electronic devices for migratory children to use (rather than “to keep”) while they are receiving services from the Program, it might consider the following options:

1. The MEP may purchase computers or mobile computer devices (e.g., laptops or iPads) that it can use year after year to provide instruction/training to migratory students. In this situation, the MEP retains ownership and oversight of the computers and devices while also being able to use the devices for multiple years.
2. The MEP may share the cost of computer and mobile computer device purchases with another program, assuming that each program utilizes the devices for a period of time relative to each program’s share of the cost. In this situation, the MEP may opt to share costs with another program because during particular times of the year migratory children may not reside in the State and the MEP could cut costs by allowing another program to use the devices during these times.

3. A loan system may be implemented for MEP-owned computers and mobile computer devices (e.g., laptops or iPads), which would allow students to check out the technology to use at home. The MEP should establish basic procedures for checking in with students about their uses of the devices (e.g., require students to sign a good-faith agreement to use the equipment for specific, academically-related purposes, limit access to certain software or websites which are not academically-related) and for returning the devices at the end of the project or term.

The aforementioned options might allow the resources to benefit more students, while still maintaining ownership and oversight by the MEP.

How can a district determine whether a service should be counted as a “referred service”?

Referred services cannot be MEP-funded and they cannot be school or district based services that the child is already entitled to receive (e.g., Title I Part A services, Title III services). Referred services are educational or educationally-related (supportive) services that migratory children would not have received without the efforts of MEP-funded personnel. The child must actually receive the service in order for it to be counted as a referral. An eligible migratory child must be the direct recipient of the referred service. Examples of referred services that a child might receive as a result of MEP efforts include: High School Equivalency Diploma (HSED) or pre-HSED classes, Adult basic education classes, parenting classes (for eligible youth), computer literacy classes, job training programs, early childhood classes, nutrition and health education workshops, health and dental screenings, and food and clothing assistance.

In deciding whether to include a referred service for program reporting purposes, districts may find it helpful to consider the following three questions:

1. Is the service MEP-funded? If the service was delivered using MEP funds, it cannot be counted as a referred service.
2. Is the child entitled to receive the service from the school or district? If the child would have been entitled to the service, regardless of MEP-personnel efforts, it cannot be counted as a referred service.
3. Is the service educational or educationally-related? If the service, whether instructional or support, cannot reasonably be expected to positively impact a child’s education, it cannot be counted as a referred service.

Can MEP funds be used to pay the cost of physical examinations and athletic fees for eligible migratory children, as required for participation in school athletics?

The use of MEP funds for eligible migratory students’ physical examinations and athletic fees (as required for participation in school athletics) might be an allowable support service. The Office of Migrant Education recommends that you consider the following factors in determining whether to pay for physicals and athletic fees with MEP funds:

- What policies does the school district have in place for any student athlete that cannot afford the costs associated with sports participation? Migratory students are entitled to the same benefits that the district provides for all students. If the district does not provide the necessary assistance, then MEP funds might be used to pay for the eligible migratory students.
- Has the possibility of referred services been explored?

What are examples of health services that States and districts might provide to eligible migratory children with MEP funds?

Preventive health services may be provided to eligible migratory children where other sources of health services are unavailable. Some examples: medical and dental screenings, immunizations, and health education.

Emergency or one-time treatments may also be provided to eligible migratory children with MEP funds. Some examples: infections, fractures, open wounds, tooth extractions/repairs, eye glasses, and behavioral intervention needs.

The Office of Migrant Education does not believe districts should provide ongoing or long-term health services, non-emergency surgeries, treatment of chronic illness or diseases, or orthodontia services regardless of whether these services are also preventive. Furthermore, if a State or district provides health support services, the agency must ensure that the service is tied to helping the child meet his or her learning need and that the funds are included in their budgets as a result of the State's Comprehensive Needs Assessment (CNA) and Service Delivery Plan (SDP).

Can MEP funds be used to provide food for eligible migratory families as a stopgap measure when other resources are not available?

Services such as the provision of food for eligible migratory families should be provided by non-MEP local programs such as a community food bank.

Can MEP funds be used to provide instructional or support services for parents of migrant children?

No. The district may consider the feasibility of providing a family literacy program per Section 1304(c)(6)(C) of the statute.

Must a district serve eligible migrant children who attend private schools?

Yes. Section 8501 of the statute requires districts that receive MEP funds to provide special educational services or other benefits on an equitable basis to eligible children who are enrolled in private schools, and to their teachers and other educational personnel. This must be done after timely and meaningful consultation with appropriate private school officials.

See DEED's [Private School and the ESEA](#) webpage for more information.