

HANDBOOK

FOR DIRECTORS OF TITLE I PART C, EDUCATION OF MIGRATORY CHILDREN PROJECTS

2023-2024

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“If a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be.”

--Thomas Jefferson, 1816

Background

On December 10, 2015, President Obama signed the bipartisan Every Student Succeeds Act (ESSA), which reauthorizes the Elementary and Secondary Education Act of 1965 (ESEA). The ESSA builds upon the critical work States and local educational agencies (LEAs) have implemented over the last few years. The reauthorized law sets high standards and contains policies that will help prepare all students for success in college and future careers. It prioritizes excellence and equity and recognizes the importance of supporting great educators in our nation’s schools.

**Why did Congress enact
a state administered and operated
Title I Part C Education of Migratory Children Program
(Migrant Education Program) in 1966?**

- Migrant children had a high incidence of mobility.
- Migrant children were viewed by school districts as non-resident children, and as such, not the district's responsibility.
- The regular school year (180 days) and its fixed curricula did not accommodate short spans of instruction.
- There was no continuity of instruction from district to district, much less state to state.
- In light of student mobility, maximum flexibility for shifting funds so that the money would follow the students was desired in determining the entitlement entity (i.e., SEA versus LEA).¹

¹ Office of Migrant Education: 2002 New Directors Orientation, Overview – Goals and Operational Priorities

Migrancy as a Way of Life

- The principal reasons migrants move from one area to another, or from state to state, are to find work, to get better pay for their work, or to better their economic situation.
- Initially, the term “migrant” and “migrant worker” referred to seasonal agricultural workers who followed the crops and harvests.

Later, the term “migrant worker” was expanded by statute to include persons who moved to obtain temporary or seasonal employment in fishing, dairy farming, and processing of agricultural and fishing products. The children of these workers do not represent a significant part of the migrant child population.

- The first real migrant movement began after the Civil War, when freed slaves fled north and fell into agricultural work in Ohio, New York, and other northern states.
- Later, three main streams of migrant workers developed:

The Eastern Stream was made up of workers who moved up and down east of the Appalachians.

The Central Stream covered the great Mississippi basin with migrants moving in all directions back and forth out of Texas.

The Western Stream was a great movement from California to Arizona to Oregon and Washington, made up primarily of documented and undocumented workers with roots in Texas and Mexico.

- Today, the streams often overlap, and include many ethnic and nationality groups: Mexicans, Mexican-Americans, Puerto Ricans, other Latin Americans of Hispanic origin, African Americans, Anglo Americans, Native Americans, Pacific Islanders, Vietnamese, and others.
- Many migrant families migrate in a continuous cycle from an originating location (home base) to other locations and then back. Some simply move from one region to another. Others are more transient moving without a clear pattern—simply seeking better opportunities.
- While certain crops have become mechanized (e.g., wheat, cotton, sugar beets) and need fewer workers, crops such as apples, cucumbers, squash, green onions, broccoli, strawberries, melons, asparagus, etc., still require a great deal of individual attention. The processing of agricultural and fishing products also require intensive temporary or seasonal labor.
- Work conditions with field crops are, in large part, determined by the farmer, by the contractor who works directly for the farmer, or by the foreman who ensures that workers do their job. In some cases, migrants encounter serious problems due to poor sanitation, housing conditions, and social isolation.

Significant dangers and difficult work conditions are also prevalent in fishing, the processing of agricultural and fishing products.

- Sometimes, the children of migrant workers miss school out of economic necessity—they must work alongside their parents to help the family survive. Sometimes, older migrant children miss school to take care of younger children—to free both parents to work in the fields. Sometimes, migrant children miss school because of the frequent moves made by the family to obtain work.

These educational interruptions in combination with low household income, cultural and language barriers, social and community isolation, and various health-related problems, inhibit the ability of migrant children to do well in school.²

² Office of Migrant Education: 2002 New Directors Orientation, Overview – Goals and Operational Priorities

Acronyms Used in This Handbook and In the Migrant Education Program

ADA	Americans with Disabilities Act
AFDC	Aid to Families with Dependent Children
AMAOs	Annual Measurable Achievement Objectives
AYP	Adequate Yearly Progress
BNSWK	Budget Narrative Workbook
BMEP	Binational Migrant Education Program
BRS	Budget Reporting System
BTEP	Binational Teacher Exchange Program
CET	Cada Estudiante Triunfa (Every Student Succeeds Act in Spanish)
CAMP	College Assistance Migrant Program
CIG	Consortium Incentive Grant
CFR	Code of Federal Regulations
CNA	Comprehensive Needs Assessment
COE	Certificate of Eligibility
CONEVt	Consejo Nacional de Educación para la Vida y el Trabajo
COP	Committee or Community of Practitioners
COVID	‘CO’ stands for corona, ‘VI’ for virus, and ‘D’ for Disease
CSPR	Consolidated State Performance Record
DAC	Desegregation Assistance Center
DREAM Act	Development, Relief and Education for Alien Minors Act
DOL	Department of Labor
EBP	Evidenced Based Practices
ED	United States Department of Education
EDGAR	Education Department General Administrative Regulations
EGMS	Electronic Grant Management System
ELL	English Language Learners
ESD	Education Service Center
ESEA	Elementary and Secondary Education Act
ESL	English as a Second Language
ESSA	Every Student Succeeds Act of 2015
FEP	Fluent English Proficient

FERPA	Family Educational Rights and Privacy Act
FTE Count	Full-Time Equivalency Count
FY	Fiscal Year
GEPA	General Education Provisions Act
GPRA	Government Performance and Results Act
HEA	Higher Education Act, Title IV, special programs for students whose families are migrant
HEP	High School Equivalency Program
I&R	Identification and Recruitment, (also known as ID&R)
IMEC	Interstate Migrant Education Council
IDEA	Individuals with Disabilities Education Act
IEP	Individual Education Plan
IHE	Institution of Higher Education
IME	Instituto de los Mexicanos en el Exterior
IMEC	Interstate Migrant Education Council
INEA	Instituto Nacional para la Educación de los Adultos
LEA	Local Education Agency (also known as LOA)
LOA	Local Operating Agency
LPHA	Local Public Health Authority
MEP	Migrant Education Program
MSIX	Migrant Student Information eXchange
NABE	National Association for Bilingual Education
NCES	National Center for Education Statistics
NCLB	No Child Left Behind Act of 2001
OABE	Oregon Association of Bilingual Educators
OAR	Oregon Administrative Rule
OCR	Office of Civil Rights
ODE	Oregon Department of Education
OESE	Office of Elementary and Secondary Education
OESO	Office of Enhancing Student Opportunities at ODE over the MEP
OIG	Office of Inspector General
OME	Office of Migrant Education
OMESC	Oregon Migrant Education Service Center
OMLI	Oregon Migrant Leadership Institute
OMNIS	Oregon Migrant Student Information System

ORIS	Oregon Integrated Systems Framework
ORS	Oregon Revised Statute
OSY	Out of School Youth
PAC	Parent Advisory Council
PFS	Priority for Service
PI	Preschool Initiative (Oregon’s Consortium Incentive Grant)
PROBEM	Programa Binacional de Educación Migrante
QAD	Qualifying Arrival Date
REACTS	Records Exchange Advice, Communication, and Technical Support
RTC	Regional Technology Consortia
SED	Service Delivery Plan
SEA	State Education Agency (Oregon Department of Education)
SEP	Secretariat of Public Education of the United States of Mexico
Secretary	Secretary of Education
SFMS	Statewide Financial Management System
SRE	Secretaría de Relaciones Exteriores
SSID	Secure Student Identification Number
SUGAR	State User Group for Analysis and Recommendations
SWP	School-wide Programs
SY	School Year
TSI	Targeted Support for Improvement
TAS	Targeted Assistance School
USDE/USED	United States Department of Education
WIC	Women, Infants and Children

Definitions of these and other terms are on the following pages.

Definitions

All Students • The term “all students” is used throughout this handbook. By “all students,” USED and ODE mean every child in a school or educational program without regard to cultural or ethnic background, level of English proficiency, gender, economic status, disabilities, or *family mobility in the case of students who remain in a given school for only a short period of time*.

Agricultural Activity • (1) Any activity directly related to the production or processing of crops, dairy products, poultry, or livestock for initial commercial sale or as a principal means of personal subsistence; (2) any activity directly related to the cultivation or harvesting of trees; or (3) any activity directly related to fish farms. (For more information, see the Recruitment & Identification Section.)

Allocation • Amount of funds provided by ODE to an eligible agency after the agency’s project proposal has been approved. Oregon provides 3: Regular Year, Preschool, and Summer School.

Adequate Yearly Progress • Under the provisions of the ESEA, states must establish a definition of adequate yearly progress (AYP) that each district and school is expected to meet. States must specify annual objectives to measure progress of schools and districts to ensure that all groups of students, including low-income students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency reach proficiency within 12 years. In order to make adequate yearly progress, schools must test at least 95 percent of their students in each of the above groups.

Application Review Process • A system used by ODE to evaluate applications for allocation of ESEA Title I-C funds.

Area/Regional Project • All Title I-C activities in an area/region under the supervision of the area/regional director. The area/regional director is a staff member of the agency that has been granted an allocation to administer a migrant education project in that area/region.

Attendance Area • In relation to a particular public school, the geographical area in which the children who are normally served by that school reside; however, if a child’s school attendance area cannot be determined on a geographical basis, the child is considered to be in the school attendance area of the school to which the child is assigned, or would be assigned if the child were not attending a private school or another public school on a voluntary basis.

Average Daily Attendance (ADA) • Total days of attendance of all students divided by the official number of days taught during the project term.

Average Daily Membership (ADM) • Total days of all students who were enrolled during the project session divided by the official number of days taught during the session.

Appropriation • A legal authorization granted by a legislative body to make expenditures and to incur obligations for specific purposes. An appropriation is usually limited in amount and as to the time when it may be expended.

Certificate of Eligibility (COE) • A form adopted by the Oregon MEP for use in identifying all eligible migrant children in the state. This form must be completed for the child to be officially entered on OMSIS. (For more detail, see the Identification & Recruitment Section.)

Children With Disabilities (IDEA) • Children having mental retardation, hearing impairment (including deafness), speech or language impairment, visual impairment (including blindness), serious emotional disturbance (hereafter referred to as emotional disturbance), orthopedic impairment, autism, traumatic brain injury, developmental delay, other health impairment, specific learning disability, deaf-blindness, or multiple disabilities and who, by reason thereof, needs special education and related services under the Individuals with Disabilities Education Act (IDEA).

Consolidated State Plan • Provides essential information on the management of federally funded programs so that children who benefit from these programs will achieve to the same high performance and content standards established for all children in Oregon.

Consolidated LEA Plan • While providing the same essential information as the State Plan, the LEA Plan must show how these programs will be successfully consolidated within the district so all children will benefit by achieving the same high performance and content standards.

Continuation of Services • (1) A child who ceases to be a migratory child during a school term shall be eligible for services until the end of such term; (2) A child who is no longer a migratory child may continue to receive services for one additional school year, but only if comparable services are not available through other programs; and (3) Secondary school students who were eligible for services in secondary school may continue to be served through credit accrual programs until graduation or until they are twenty-one years of age.

Counseling Services • Services to help a student to better identify and enhance his or her educational, personal, or occupational potential; relate his or her abilities, emotions, and aptitudes to educational and career opportunities; utilize his or her abilities in formulating realistic plans; and achieve satisfying personal and social development. These activities take place between one or more MEP-funded counselors, and one or more students as counselees, between students and students in MEP-funded peer-to-peer counseling activities, or between students and other MEP-funded staff members. The services can also help the child address life problems or personal crisis that result from the culture of migrancy. NOTE: Children who receive a MEP-funded counseling service should be reported only once, regardless of frequency.

Credible Source • The identified migrant education representative (principal or designated other) who will sign the COE as a credible source in the space provided for verification of enrollment of a student moving alone and under age 14. Students, ages 14 through 17, may sign for themselves on the authorized signature line. In addition, the signature of a credible source must be included on the credible source line.

Date of Enrollment • The date a child is enrolled into the local school district.

Days Enrolled • The official number of school days that transpire between the date the student enrolls and the date of his/her withdrawal, or the date of project termination.

Dental Care • As used in this handbook, only emergency dental care services are paid for with Title I-C funds. Such services would include diagnosis, referral, treatment, and follow-up of critical dental problems after all other resources are used.

Desegregation Assistance Center • Assist SEAs and LEAs in preparing and implementing desegregation plans, identify, and promote awareness of biased and discriminatory actions, eliminate use of biased textbooks and materials, and develop procedures for nondiscriminatory student placement.

Dropout • The term used for students who: (1) were enrolled in a public school for at least one day during the past performance period, (2) were not enrolled at the beginning of the current performance period, (3) who have not graduated from high school or completed a State- or district-approved educational program, and (4) who do not meet any of the following exclusionary conditions: (a) transfer to another school district, private school, or State- or district-approved educational program (including correctional or health facility programs), (b) temporary absence due to suspension or school-excused illness, or (c) death. Students who dropped out of school prior to the latest reporting period should not be reported in this item.

Education of Homeless Children and Youths • The former McKinney-Vento Homeless Education Assistance Improvements Act of 2001 became Subtitle B – Education for Homeless Children and Youths under Title X of the No Child Left Behind Act of 2001.

Eligible Migratory Child • According to sections 1115(c)(1)(A) (incorporated into the MEP by sections 1304(c)(2), 1115(b), and 1309(3) of the ESEA, and 34 C.F.R. § 200.103(a)), a child is a “migratory child” if the following conditions are met:

- Age – Is not older than 21 years old.
- School Completion – Is eligible for a free public education through grade 12 OR is not yet at a grade level at which the local educational agency (LEA) provides a free public education.
- Qualifying Move – Moved in the preceding 36 months due to economic necessity, from one residence to another, and from one school district to another.
- Migratory Agricultural Worker or Migratory Fisher – Moved as, or with or to join a parent/guardian or spouse who is: An individual who, in the preceding 36 months, made a qualifying move AND engaged in new qualifying work soon after, OR actively sought new qualifying work and has a recent history of moves for qualifying work.
- Qualifying Work – Temporary or seasonal employment (or personal subsistence) in agriculture or fishing.

Eligibility • Refers to criteria regarding the determination that the child met/did not meet the requirements as a migratory child.

English Learner (EL) • The term English learner, when used with respect to an individual, is defined in section 9101(25) of the ESEA as amended to mean an individual: (A) who is aged 3 through 21; (B) who is enrolled or preparing to enroll in an elementary school or secondary school; (C)(i) who was not born in the United States or whose native language is a language other than English; (ii)(I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and (II) who

comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or (iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and (D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual: (i) the ability to meet challenging State academic standards described in section 1111(b)(3); (ii) the ability to successfully achieve in classrooms where the language of instruction is English; or (iii) the opportunity to participate fully in society.

Equipment • Any instrument, machine, apparatus, or set of articles which: a) retains its original shape and appearance with use, and b) is nonexpendable (i.e., if the article is damaged or some of its parts are lost or worn out, it is usually more feasible to repair it than to replace it with an entirely new unit). (See a list of equipment and criteria for determining whether an item is supply or equipment in Appendix B of the *Program Budgeting and Accounting Manual for School Districts*.)

Enrolled • The term "enrolled" refers to the enrollment of a child in any school program. Specifically, a migratory child's enrollment may occur in a MEP-funded project, or any federally funded program.

ESSA • Every Student Succeeds Act is the new reauthorization of the ESEA. It is the law of the land for Title programs from the USDE.

Federal Assurances • These are forms which must be signed by an authorized official before a project application can be considered for approval by ODE; they provide assurances that the local project will abide by pertinent federal rules and regulations.

Family Education Rights and Privacy Act of 1974 (FERPA) • A federal law designed to protect the privacy of students' education records. All LEAs are subject to FERPA, which gives certain rights to parents regarding their children's education records. These rights transfer to the student or former student who has reached the age of 18, or is attending any school beyond the high school level. These students are called "eligible students". Parents and eligible students have the following three basic rights under FERPA:

1. The right to have access to their education records;
2. The right to seek to have the records amended; and
3. The right to have some control over the disclosure of information from the records.

FERPA also requires that LEAs adopt a policy regarding how the requirements of FERPA will be met, and to notify parents and eligible students annually of the above rights under the law. Assistance in drafting an appropriate FERPA policy is available from the MESC.

FERPA also permits the nonconsensual disclosure of education records of migratory children, or personally identifiable information from these records, to authorized local and state education officials. This permits the MEP to comply with federal legal requirements to promote interstate and intrastate coordination of services, including the transfer of pertinent school records for migratory children.

Disclosure of such information to persons other than LEA or SEA officials (i.e. to health officials) may be necessary for SEA or LEA officials to carry out their interstate or intrastate coordination

responsibilities under the MEP. Such disclosures can be made **only after** obtaining prior written consent from the parent or eligible student.

Fiscal Year • The state’s fiscal year is from July 1 to the following June 30. The federal fiscal year is from October 1 to the following September 30.

Fishing Activity • Any activity directly related to the catching or processing of fish or shellfish for initial commercial sale or as a principal means of personal subsistence. A “fishing activity” could include the catching, digging, trolling, or otherwise capturing or processing of clams, crab, halibut, herring, oysters, salmon, shrimp, trout, or other types of fish or shellfish.

Financial Report • This form indicates the amount budgeted and the amount expended by each program. A form must be completed and mailed to the person designated at ODE by November for the regular school year programs for the previous school year.

FTE (Full-Time Equivalency) Count • A component of the formula used to determine the amount of national I-C education annual funding and the individual state entitlement; the determining factor is the number of days an eligible student is enrolled in the project(s) compared to the maximum possible days of enrollment.

General Educational Development Certificate (GED) • A certificate which may be issued to persons who demonstrate satisfactory performance in tests prescribed under subsection (2) of ORS 326.550 or meet the requirements of any prescribed evaluation procedure. In Oregon, the Commissioner for Community Colleges issues the GED Certificate.

High School Credit Accrual • MEP-funded instruction, funded in whole or in part by MEP funds, in courses that accrue credits needed for high school graduation provided by a teacher for students on a regular or systematic basis, usually for a predetermined period of time. High school credit accrual includes correspondence courses taken by a student under the supervision of a teacher.

High school credit accrual may include the age/grade categories of Grade 8 through Grade 12.

NOTE: Children receiving a MEP-funded high school credit accrual service should be reported only once, regardless of frequency.

High School Equivalency Diploma (HSED) • Diploma obtained by students who have passed a high school equivalency test accepted by the state (e.g., GED, HiSET, TASC).

Historically Underserved Students • Students are underserved or under-represented if they do not enjoy a full day of learning time with culturally, linguistically, and developmentally relevant curriculum strategies delivered by qualified staff in adequate structures. The result of being underserved is that these students do not perform at appropriate levels on Statewide Assessments and do not participate in supplementary extracurricular activities provided by schools or communities.

Definitions directly related to identification of historically underserved and under-represented students include the following, which are taken from current interpretations of federal and state laws and regulations related to specific services for which students may be eligible. Users of these definitions are advised that a student may belong to, and be identified under, more than one group

(e.g., racial, gender, linguistic, and/or disability). Resources may thus be drawn from more than one source to fully address the needs of the student.

Race

A student may be included in the group to which he or she appears to belong, identifies with, or is regarded in the community as belonging to.

White (not of Hispanic origin) - a student having origins in any of the original peoples of Europe, North Africa, or the Middle East.

Black (not of Hispanic origin) - a student having origins in any of the black racial groups of Africa.

Hispanic Origin - a student of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

Asian/Pacific Islander - a student having origins in any of the original peoples of the Far East, Southeast Asia, the Pacific Islands, or the Indian subcontinent.

American Indian/Alaska Native - a student having origins in any of the original peoples of North America. Regulations from the US Department of Education also provide the following definition: the term "Indian" means an individual who is

- (A) a member of an Indian tribe or band, as membership is defined by the tribe or band, including -
 - “(i) any tribe or band terminated since 1940; and
 - “(ii) any tribe or band recognized by the State in which the tribe or band resides;
- (B) a descendant, in the first or second degree of an individual described in subparagraph (A);
- (C) considered by the Secretary of the Interior to be an Indian for any purpose;
- (D) an Eskimo, Aleut, or other Alaska Native; or
- (E) a member of an organized Indian group that received a grant under the Indian Education Act of 1988 as it was in effect the day preceding the date of enactment of the Act entitled the 'Improving America's Schools Act of 1994'. (Subpart 6, Sec. 9161, PL 103-382)"

Gender

This category is included to ensure sex equity.

Talented and Gifted Children

Talented and Gifted children means those children who require special educational programs or services, or both, beyond those normally provided by the regular school program in order to realize their contribution to self and society and who demonstrate outstanding ability or potential in one or more of the following areas:

- a) General intellectual ability as commonly measured by measures of intelligence and aptitude.
- b) Unusual academic ability in one or more academic areas.
- c) Creative ability in using original or nontraditional methods in thinking and producing.
- d) Leadership ability in motivating the performance of others either in educational or non-educational settings.

- e) Ability in the visual or performing arts, such as dance, music or art.

Disability

The term “individual with a disability” means any person who has a physical or mental impairment which substantially limits one or more of such person’s major life activities, has a record of such impairment, or is regarded as having such impairment. This definition includes, but is not limited to, students who are eligible under the Individuals with Disabilities Education Act (IDEA). Under the IDEA, children with disabilities means children who require special education because of mental, physical, emotional or learning problems, including the following categories: mental retardation; hearing impairments, including hard of hearing and deafness; deaf/blind; communication disorders; visual impairments; serious emotional disturbances; orthopedic or other health impairments; autism; traumatic brain injury; and specific learning disabilities.

National Origin (Minority Language)

The term “National Origin” appears in Equal Education Opportunity languages to indicate students whose home, native, or indigenous language is other than English.

Migrant/Migratory Child/Homeless/Mobile

A “migratory child” is a child who is, or whose parent, spouse, or guardian, a migratory agricultural worker, including a migratory dairy worker, or fisher, and who in the preceding 36 months, accompanied such parent, spouse, or guardian in order to obtain temporary or seasonal employment in agricultural or fishing work: (1) has moved from one school district to another; (2) in a State that is comprised of a single school district, has moved from one administrative area to another within such district; or (3) who resides in a school district of more than 15,000 square miles, and migrates a distance of 20 miles or more to engage in a fishing activity.

A “homeless child” is one who lacks a fixed, regular and adequate residence, including sharing a residence with one or more other families, or who has a primary nighttime residence in a public or privately operated shelter or a public or private place not designed for, or ordinarily used for, a regular sleeping accommodation for human beings. Migrant children and youth who fit this homeless definition are eligible for services under the McKinney-Vento Act. (See Appendix E.)

A “mobile child” may be included in either of the definitions listed above or may be a member of a family with one or more adults enrolled in the US military or working in a construction-related occupation or other similar employment that requires frequent moves. Students may also become mobile when their families are impacted by economic dislocation and parents must relocate to seek employment or occupational retraining.

ED and ODE recognize that the term “child” is awkward when used to describe a teenager or young adult; however, the term “migratory child” is used in this document when referring to program eligibility to maintain consistency with the language of the authorizing statute, which defines “migratory child” to mean all eligible individuals ages 3 through 21. The terms *migrant children and migrant students* are also used throughout the handbook. These are the terms most often used in documents generated at the state and local level.)

Poverty/Low Income

The annual indicators for poverty are published by the federal government each spring and are based on a federal formula adjusted for several factors. Indicators for low income are based on poverty level plus an additional percentage, depending on the federal or state guideline for eligibility for one or more specific services (e.g., below 100% of poverty, at 100% of poverty, 125% of poverty, or 150% of poverty, etc.)

Sparsity

To determine “sparsity,” geographic distance (formerly ‘isolation’) and average daily membership within the school or district are considered.

Individuals with Disabilities Education Act (IDEA) • The federal law under which individuals with certain disabilities receive education services.

Individual Education Plan • The legal document which describes the services to be provided to an individual with disabilities under the IDEA.

Instructional Services • For purposes of this program, any direct supplementary services provided to eligible children by a local/regional agency.

Intersession – For schools on a year-round calendar, an intersession term is one of the periods throughout the year when the school (or part of the school) is not in session or not providing the annual instruction analogous to the traditional school-year regular term. Any break in the regular term of a year-round school is considered an intersession term, regardless of the season in which it occurs.

Kindergarten Child • Under Oregon state law (ORS 336.092), a child five years of age or whose fifth birthday occurs on or before September 1, or who has been admitted by the district school board under ORS 336.095.

Language Learners • Students whose first language is not English and who are in the process of learning English.

Licensed Staff • Refers to any staff member in a local project who under Oregon state law must be licensed by the Teacher Standards and Practices Commission to perform instructional, supervisory, or administrative services in a public school.

Local Education Agency (LEA) • A public board or other public authority legally constituted within a state for either administrative control or direction of, or performance of a service function for public elementary or secondary schools in a city, county, township, school district or other political subdivisions of a state. Also, any combination of school districts or counties as is recognized in a state as an administrative agency for its public elementary or secondary schools.

Local Operating Agency (LOA) • A local educational agency to which a state educational agency makes a subgrant under Title I-C.

Mandatory School Age • ORS 339.010 states that all children between the ages of 7 and 18 years who have not completed the 12th grade are required to attend regularly a public full-time school. ORS 339.030 provides some exceptions.

Mathematics Instruction • Instruction in mathematics provided by a MEP-funded teacher for students on a regular or systematic basis, usually for a predetermined period of time. Includes correspondence courses taken by a student under the supervision of a teacher. NOTE: Children receiving a MEP-funded mathematics instruction service should be reported only once, regardless of frequency.

MEP Funded • Any service that is funded in whole or in part with Migrant Education Program funds.

McKinney-Vento Act • The federal McKinney-Vento (MV) Education of Homeless Children and Youth program requires states to ensure equal access to public schools by homeless students and other educational support. Among the provisions is the right of homeless parents and unaccompanied homeless youths to dispute district determinations of school placement and MV eligibility.

Medical Care • Family consultation, referrals, follow-ups, recordkeeping, screening, and emergency services related to medical and dental services; preventive medical care is also covered by this term.

Migratory Agricultural Worker • A person who, in the preceding 36 months, has moved from one school district to another, or from one administrative area to another within a state that is comprised of a single school district, in order to obtain temporary or seasonal employment in agricultural activities (including dairy work) as a principal means of livelihood.

Migratory Child Eligibility • A child is eligible for the MEP (and thereby eligible to receive MEP services) if the child 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 has the basis for the State’s determination that the child is a “migratory child” properly recorded on the national Certificate of Eligibility (COE).

Migratory Fisher • 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.

Monitoring • A data collection process used by ODE to assemble and provide information to the local/regional agencies, ODE, and USDE regarding project strengths and weaknesses throughout the state.

Most in Need • Priority for services must be given to migrant children:

- Who are failing, or most at risk of failing, to meet the state’s content and performance standards; **AND**
- Whose education has been interrupted during the last year.

National Association of Bilingual Educators (NABE) • Professional association of teachers, administrators, parents, policy makers, and others concerned with securing educational equity for language minority students.

Non-licensed Staff • Persons hired by a local agency to accomplish the goals set forth in the project application who are not required by law to be credentialed, such as bilingual aides, OMSIS clerks, and home-school consultants.

Office of Civil Rights • Has responsibility for enforcing Title IV of the Civil Rights Act of 1964. Investigates allegations of civil rights violations and initiates investigations of compliance with federal civil rights laws in schools that serve special student populations, including language minority students.

(OMSIS) Oregon Migrant Student Information System • OMSIS is the web-based Oregon data base for migrant student records and serves as a pupil record storage and retrieval system designed to help provide continuity of education for migrant children. Every local Oregon MEP project must enter all relevant data on this system.

OMSIS Records Clerk • The person in a local/regional agency who is responsible for collecting and recording all pertinent pupil data, in a timely manner, on OMSIS, and medical forms and transmitting such information to the MESC.

Ongoing Evaluation • A process employed by project staff to determine the strengths and weaknesses of the project activities in order to make the necessary modifications.

Oregon Department of Education (ODE) • The legal entity of the State of Oregon which serves as the State Education Agency (SEA) and the grantee for Title I-C funds for the MEP in Oregon.

Oregon Migrant Education Service Center (OMESC) • Central office funded by Title I-C which provides coordinated services that include the Federally-required migrant student tracking system (Oregon Migrant Student Information System [OMSIS]), and identification and recruitment quality control; plus statewide migrant student accident insurance, professional development activities, technical assistance, project self-evaluation, parental involvement, and other requested services.

Out-of-School Youth (OSY) • Out-of-school means children through age 21 who are entitled to a free public education in the state and who meet the definition of a “migratory child”, but who are not currently enrolled in a K-12 institution. This 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 does it include temporary absences (e.g., summer/intersession, suspension, or illness). Enrollment in school is not a condition affecting eligibility for the MEP. Therefore, out-of-school youth who meet the definition of “migratory child” are eligible for the MEP.

Parent Advisory Committee (PAC) • A required component of a local MEP to provide a means for community and parent input during the design and operation of a project. Parents must be involved in the planning, implementation, and evaluation of each of the three allocations.

Performance Indicator • Projected outcome of an activity incorporated in the project. To be meaningful, the performance indicator must be realistic, observable, and measurable.

Performance Period • The 12-month period beginning September 1 and ending August 31, as described for the Migrant Education Program.

Performance Report • States' receiving funding for a Migrant Education Program must submit a performance report to USED each year. A new performance report format is currently being designed in two parts with Part I due in November and Part II due in April. In addition to the child counts to be used for funding, the new Performance Report requires:

- Counts of students residing in the state and counts of students participating in the program, by sex, ethnicity, school term, grade level, and services received;
- Counts of project sites, including break-outs for school-wide projects and projects that use extended-time strategies; and
- Counts of staff by various categories.

Preschool Program • Any formal instruction program designed for pre-kindergarten children sufficiently mature to benefit from such a program.

Priority for Service (PFS) • Just as Title IA must serve the “neediest” students, Title IC must also serve the neediest students, which are called PFS. These are students that have both a move during the regular year and are academically behind by not passing the state benchmarks for reading and math. This term is described in section 1304(d) of the statute as “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 the challenging State academic content standards; or (2) have dropped out of school.”

Qualifying Arrival Date (QAD) • The qualifying arrival date (QAD) is the date that the child and the worker complete the move. If a child's move precedes the worker's move, the QAD is the date that the worker arrives. If a child's move follows the worker's move, the QAD is the date the child arrives. The QAD is the date on which the child's 36 months of eligibility for the Migrant Education Program (MEP) begins. However, a child is only eligible to be counted and served as an eligible migratory child after the SEA has determined that: (1) the child meets all MEP eligibility criteria, including that the worker (if the child is not the worker) meets the definition of a "migratory agricultural worker" or "migratory fisher", and (2) such information has been properly recorded on a COE.

Qualifying Move • A qualifying move is a move due to economic necessity—

1. From one residence to another residence; and
2. From one school district to another school district, except— (i) 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 (ii) in the case of a 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.

Project Proposal • An application for a Title I-C subgrant by an eligible agency which provides evidence of the need to conduct a needs assessment or to plan and implement a project after a needs assessment has established the advisability of implementing a project and has provided information as to what activities should be incorporated in the project. To be approved, a project proposal must comply with relevant state and federal laws and guidelines, and with policies established by ODE and/or the state's coordinator of MEP.

Reading Instruction • Instruction in reading provided by a MEP-funded teacher for students on a regular or systematic basis, usually for a predetermined period of time. Includes correspondence courses taken by a student under the supervision of a teacher. NOTE: Children receiving a MEP-funded reading instruction service should be reported only once, regardless of frequency.

Regular School Year • For schools that operate on a traditional calendar, the regular school year is the period from the beginning of school in the State in the fall to the end in the spring, generally from September to June. For schools that operate on a year-round schedule without a traditional long summer break, the regular school term is the aggregate of all those periods throughout the year when the school (or part of the school) is in session providing the annual amount of instruction analogous to the traditional school-year regular term.

School Age Limits • ORS 339.115 provides that (except as provided in ORS 339.141) the district school board shall admit free of charge to the district's schools all children between the ages of five and nineteen residing therein. The board has authority to enroll students above or below these age limits also.

School-to-Work Opportunities Act • A new approach to learning that links students, schools, and workplaces. School-to-Work helps to bring relevance to students' courses and provide exposure to career opportunities by linking school-based learning, secondary and postsecondary learning, and integrating academic and occupational learning.

School-wide Programs • Schools with 40% or greater poverty levels, which use Title I funds to improve the whole school program. Title IC funds are **not** part of school-wide programs. A school-wide program is a program in which a school combines funds from various educational programs (e.g., Title I, Part A, Part C, and other State and local resources) to upgrade the entire educational program in order to raise academic achievement of all students. A school may operate a school-wide program if it meets any of the following conditions:

- A Title I school with 40 percent or more of its students living in poverty, regardless of the grades it serves.
- A Title I school that receives a waiver from an SEA to operate a school-wide program without meeting the 40 percent poverty threshold.

An SEA has discretion to grant a waiver to allow a Title I school to operate a school-wide program without meeting the 40 percent poverty threshold if the SEA has determined that a school-wide program will best serve the needs of students in the school who are failing, or at risk of failing, to meet the challenging State academic standards. To grant such a waiver, an SEA must take into

account how a school-wide program will best serve the needs of the students in the school in improving academic achievement, and other factors.

Schools must first use the MEP funds, in consultation with migratory parents, to meet the special educational needs of migratory children as outlined in a MEP-specific statewide service delivery plan (SDP), and have documented that these have been met, before they may combine MEP funds in a school-wide program.

Section 504 • An amendment to the Rehabilitation Act which extends the civil rights prohibition on discrimination to individuals with disabilities.

Service Learning • An instructional method that combines community service with a structured school-based opportunity for reflection about that service.

Staffing Report • This form indicates the number and FTE of staff employed with MEP funds. It must be completed and submitted to ODE for each Title I-C subgrant within 45 days of the end of their funding cycle, and by January 15 for mid-year.

State Advisory Committee • A group of persons recommended by the projects throughout the state and appointed by the State Superintendent of Public Instruction to advise the state coordinator of Title I-C. The committee also reviews and recommends approval of the annual state plan and all project proposals.

State Coordinator of Migrant Education • The administrator of the MEP within the Office of Enhancing Student Opportunities, ODE. The person held responsible by the SEA for development, operation, and evaluation of ESEA Title I-C projects.

State Education Agency (SEA) • The governmental agency responsible for statewide education program supervision and administration. The legal entity in each state recognized by USED as being the governing agency eligible to receive Title I-C funds and administer the state's MEP.

State Entitlement • The total amount of Title I-C funds to be made available to the state for the fiscal year. Congress has delegated the responsibility for determining the amount to the Secretary, subject to authorized appropriations and allocations.

State Plan • The overall plan for services, activities, personnel, and materials set forth as the state's application for funds to provide services to migratory children. Oregon's State Plan is integrated as a part of the State Consolidated Plan for ESSA.

Student Success Account • The Student Success Act's Student Investment Account (SIA) funds are non-competitive grants focused on providing supports and building capacity, including the right amount of challenge and accountability for the oversight of public dollars.

Supplies • Consumable materials used in the operation of a MEP by a local/regional agency including freight and cartage. (See criteria for determining whether an item is supply or equipment in *Program Budgeting and Accounting Manual for School Districts*.)

Support Services • Includes any service which aids the child in benefiting from the instructional services that may be properly listed under the support service cost category on the budget sheet.

Targeted Assistance School • Schools with Title I programs providing supplementary services to eligible educationally disadvantaged students identified as “most in need”.

Term of Project • The period of time between the project’s beginning date and the date of the last services provided by the project.

Title I • Improving the Academic Achievement of the Disadvantaged.

Title II • Preparing, Training, and Recruiting High Quality Teachers and Principals.

Title III 001 • Language Instruction for English Language Learners t and Immigrant Students.

Title IV • 21st Century Schools

Title V • Promoting Informed Parental Choice and Innovative Programs

Title VI • Flexibility and Accountability

Title VIB • Rural Schools: REAP and RLIS

Title VII • Indian, Native Hawaiian, and Alaska Native Education

Title VIII • Impact Aid Program

Title IX • Civil Rights

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Purpose of the Handbook for Directors of Migrant Education Projects

The *Handbook for Directors of Migrant Education Projects* is one of several documents included in this Resource Notebook to be used by directors and managers as they determine how best to meet the needs of migrant students in a manner consistent with the minimal requirements of federal law and the policies and guidance of the Oregon Department of Education (ODE) based on state laws and regulations.

The Handbook should be read and used in conjunction with the authorizing federal statute, applicable regulations, associated application packages, and guidance for other programs (such as Title I-A and Title III) and other documents that are relevant to developing and operating services for eligible migratory children in Oregon. It includes administrative guidelines, regulations, and information related to monitoring, assessing, and evaluating services for eligible children in Oregon.

Other documents included in the Resource Notebook:

- *Identification & Recruitment Manual* which details eligibility and recordkeeping requirements
- COE Essentials
- Oregon Migrant Student Information System (OMSIS) 'Read Only' Manual
- *Title I, Part C Education of Migratory Children: Draft Non-Regulatory Guidance*, provided by the US Department of Education's Office of Migrant Education

The Oregon Department of Education's Migrant website can be found at <http://www.oregon.gov/ode/schools-and-districts/grants/ESEA/Migrant/Pages/default.aspx>

Put this shortcut on your desktop. Presentations and Information can be found at the Oregon Migrant Education Service Center, (OMESC) at www.wesd.org/omesc .

For more detailed information at the US Department of Education, visit www.ed.gov.

Oregon Policy Guidelines for Migrant Education Program Development and Administration

A. Student Eligibility

1. General

Criteria for determining student eligibility for migrant education programs are detailed in the Identification & Recruitment Manual. Note item number 7 below that lists the Child Eligibility Requirements of the Title I Part C program. The information is taken from the Draft Title I-C Non-Regulatory Guidance. If specific questions remain after reading this information, project directors or administrators should call the OMESC Director at 503-540-4463.

2. Admission and Compulsory School Attendance

Admission of students to public schools in Oregon is assured under two laws: ORS 339.115, which relates to *requirements of districts* to enroll students requesting enrollment, and ORS 339.020 which relates to the *responsibilities of parents* to enroll students in schools. ORS 339.115 also requires that children meeting all other requirements be enrolled *whether or not they or their family have a permanent address*.

Additional information relating to ORS or OAR and FERPA regulations may be obtained through the OMESC. If additional questions remain, districts should contact the State Board of Education Executive Officer at ODE, 503-378-3600, ext. 2350.

3. Certificates of Eligibility (COE)

The SEA has the unique responsibility under the law to ensure that all migratory children are properly identified by adequate documentation. Federal regulations detail this responsibility.

The COE is the legal document which certifies the eligible migrant child for program services. Complete and accurate COEs are imperative. A system of quality control at the local and state is required, including the re-interviews of families. Program coordinators, recruiters, data specialists, and other staff responsible for the completion of COE must follow all required steps in identifying and recruiting children, and verifying the eligibility of eligible migrant children.

- (a) To qualify for enrollment in Title I-C education programs students must first meet all of the child eligibility requirements stipulated in ESEA and its regulations. The child eligibility requirements are noted in #7 below and on the chart illustrated on page on page 28.
- (b) To establish eligibility for enrollment in Title I-C education programs, proof of date of birth of the student must be provided. Because no state or federal laws require that a certificate of birth is needed to verify age, districts should develop alternative methods

of determining proof of the age and maturity of a child for admittance. MESC staff can provide assistance in developing such alternatives.

- (d) All students between the ages of 0-21 in the family should be listed on the COE with the exception of those who have received their high school diploma or GED, or those born after the QAD. These children **cannot** qualify for Title I-C services.
- (e) Students moving alone may qualify for Title I-C programs on the basis of their own move in the past three years, as long as they are above the age of 13 and all other eligibility criteria are met. Students, ages 14 through 21, may sign for themselves on the authorized signature line.
- (f) An eligible student over age 18 or legally married and not living with his/her parent or guardian may sign his/her own certification of eligibility. Legal marriage in Oregon means the marriage took place after **both** the student and spouse reached age 17.

4. Eligibility of Immigrant and Refugee Children for Migrant Education Program Services

With the exception of moves from Mexico or Canada, in general, international immigrant and refugee children do not qualify for services of the MEP on the basis of the international move alone. The move across school district boundaries must be for the express purpose of securing temporary or seasonal employment in an agricultural or fishing activity. For the most part, families designated as immigrants arrive in the United States for reasons of political refuge or war, and not for specific employment purposes. Should immigrant families later regularly seek work that would qualify them and their children for MEP services, the children may qualify at that time.

If the initial international move was a qualifying move, it **must** be justified by completing an additional documentation form, sending the original copy to the MESC.

5. Eligibility of Undocumented Children

Services through Title I-C are to be provided for all children who meet the statutory eligibility criteria regardless of their status as documented or undocumented residents of this country. Information on documentation may not be requested. See Plyler vs. Doe.

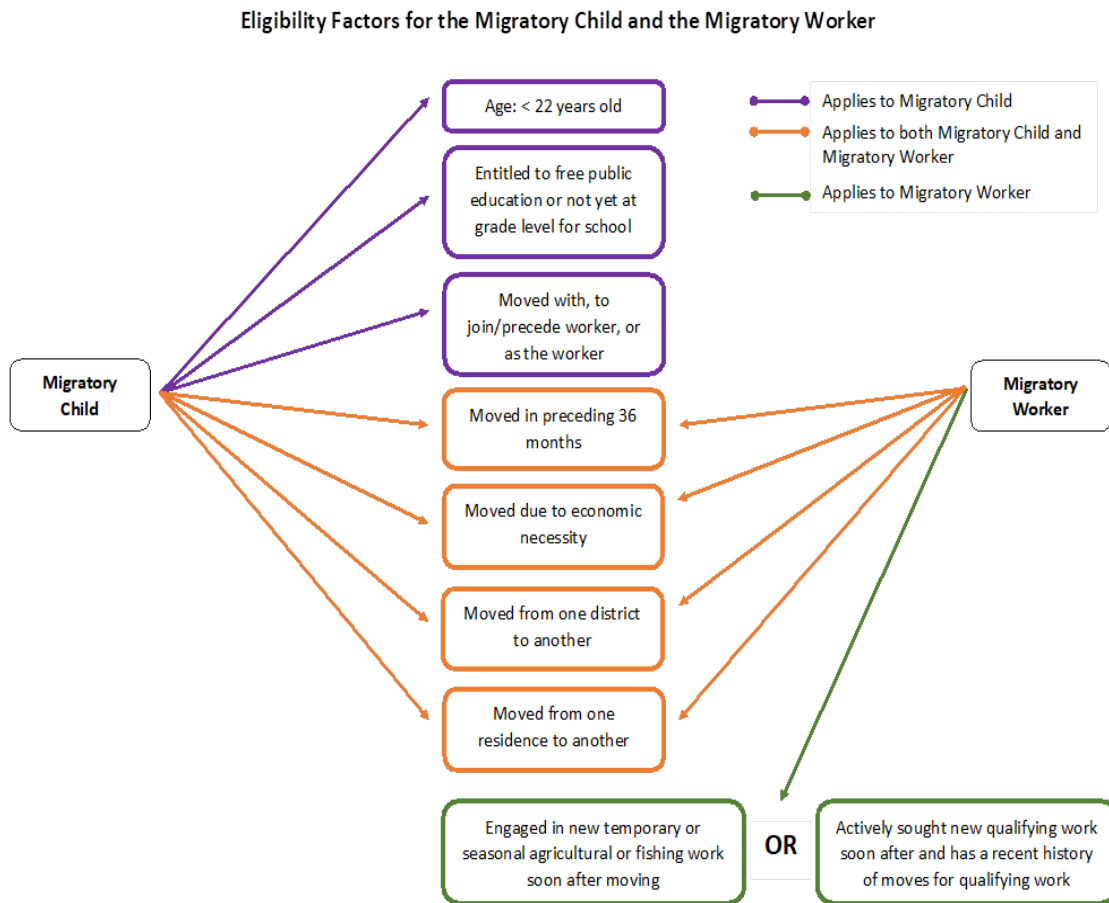
6. Ineligible Students

Determination that a child or children receiving services are, in fact, ineligible for MEP services must be reported to the regional coordinator who must report this in writing to the MESC director. The MESC director will notify OMSIS and will also inform the state coordinator who will make adjustments in Oregon's FTE.

7. Child Eligibility Requirements of the Title I Part C Program

- Age – Is not older than 21 years old.
- School Completion – Is eligible for a free public education through grade 12 OR is not yet at a grade level at which the local educational agency (LEA) provides a free public education.

- Qualifying Move – Moved in the preceding 36 months due to economic necessity, from one residence to another, and from one school district to another.
- Migratory Agricultural Worker or Migratory Fisher – Moved as, or with or to join a parent/guardian or spouse who is: An individual who, in the preceding 36 months, made a qualifying move AND engaged in new qualifying work soon after, OR actively sought new qualifying work and has a recent history of moves for qualifying work.
- Qualifying Work – Temporary or seasonal employment (or personal subsistence) in agriculture or fishing.



Note: All factors apply to a child who moves on his or her own as a migratory agricultural worker or migratory fisher.

California Draft 05/07/17

8. Guidance and Oregon Policy

Moves of Short Duration

D5. Is there a minimum duration for a qualifying move?

Although the statute and regulations are silent on the duration of a qualifying move, a migratory worker and a migratory child must stay in a new place long enough to show that the worker and child “moved,” *i.e.*, changed residence due to economic necessity. Recruiters should carefully examine and evaluate relevant factors, such as whether the move to work was a one-time act or a series of short moves to work in order to augment the family’s income. With respect to moves of such short duration (*e.g.*, less than a week) that an independent reviewer might question whether the move was a change in residence or “due to economic necessity,” ODE has established a written policy for determining and documenting when and why these moves qualify for the MEP. Consistent with the COE instructions, the Department also recommends that recruiters explain in the Comments section of the COE why they believe that a move of very short duration would be considered a qualifying move.

Oregon Policy

Short-Term Seasonal Moves: If a migratory move is a one-time or annual occurrence for seven calendar days or less to engage in a fishing or agricultural activity, it does not meet eligibility requirements. This does not constitute a change of residence.

Multiple, sustained short duration moves totaling more than seven calendar days may meet eligibility requirements, under certain conditions. To demonstrate a change in residence, it is required to record three or more qualifying moves throughout the year and/or summer, totaling a minimum of eight calendar days engaged in the qualifying work within a 12-month period. Circumstances need to explain the activity and the reason for the short duration move. These comments are to be entered in the Comments Section of the COE. Once this documentation has been completed, the eligibility of the family will be determined. In addition, if the move occurs during the school year and the student(s) have not been withdrawn from school, an Additional Documentation form must be completed further explaining the qualifying move and activity and how this short-term move is a change of residency.

9. Homeless Migrant Students MEP students may likely qualify as homeless due to the circumstances in which they are living (shared housing, labor camps, substandard housing, etc.). Please see Appendix E for a detailed definition and the rights of the homeless under the McKinney-Vento Act.
10. Migrant Students and USDA Free Lunch Program
Children duly enrolled in the MEP automatically qualify for free meals through the USDA nutrition programs. Each August the OMESC will provide the 18 MEP regional programs with a master list of all eligible migrant students for the coming school year. The MEP regional

programs will forward the list to district food service coordinators. After the master list has been distributed, the children named on the list will receive free lunch for 30 school days. After 30 days, the local migrant program must provide a monthly list of eligible migrant children to the district food service coordinators. See Appendix E for additional information.

B. Guidelines for Program Development and Operation

In Oregon, the Oregon Department of Education (ODE) operates the Title I-C Program. The Governor is in charge of education. The Deputy Superintendent of Public Instruction is the official Program Director and responsibility for oversight is delegated to the Migrant Education Specialist in the Office of Enhancing Student Opportunities, Federal Systems Unit. Local and regional agencies provide direct services under Title I-C based on applications submitted to the SEA. All Title I-C programs must be designed to address the special educational needs of migratory children in accordance with the state's comprehensive plan for service delivery. The LEA program plans are submitted to ODE via the CIP Budget Narrative/Spending Workbook and other documents.

The children who are most in need of program services are often those who are the most difficult to find. Many migrant children would not fully benefit from school, and in some cases, would not attend school at all, if the SEA and local/area program operators did not identify and recruit them into the MEP.

Local programs must identify and address the special educational needs of migratory children. To help ensure that resources are available and accessible for eligible migratory children so that they can achieve to the state's high content and performance standards, services proposed under Title I-C must also be integrated with services proposed in the implementation of the Continuous Improvement Plan of each participating LEA in the program.

Title I-C funds should be used on behalf of eligible migratory students most in need of services. Because these funds are limited, the integration of services is critical to provision of opportunities to learn for those students. Persons identified as directors or administrators of Title I-C programs must demonstrate a thorough understanding of all components of the MEP, and must also provide leadership in program operations so that migratory students have access to the quality and continuity of services necessary to meet their special educational needs.

1. Identifying Potential Students

To request funding under Title I-C, prospective grantees (LEAs or ESDs) must first survey the geographic area to be served to determine the number of children potentially eligible (K-12) who will be in the area during the period of time for which program operation is proposed. Surveying can be done by identifying migratory families with a home base in the area, and by interviewing representatives of other agencies, contractors, and growers to obtain a reasonable estimate of the labor needs and the projected size of the labor force that will be in the area during that period. OMSIS data can be used if the district has previously participated in the program.

2. Submitting Student Records

Any district in which eligible migrant students are enrolled should be participating in OMSIS, whether or not the district is administering Title I-C funds. Criteria used by the State Advisory Committee on Migrant Education and ODE staff when reviewing a project proposal for recommendations of approval or rejection include (1) whether the district has participated in OMSIS, and (2) the number of eligible migrant students from that district entered on OMSIS. Oregon's allocation of Title I-C funds is based on the number of migrant students entered on OMSIS; thus, a district not reporting all eligible migrant students is not generating its proportionate share of funding.

3. Determining Minimum Numbers for a Project

ODE has initiated the consolidation of projects over past years. Some migrant projects have entered or form consortia with other nearby districts. The purpose of the consolidations is to enhance service delivery and provide for efficient and economic program administration. 500 migrant students are usually enough to fund recruitment, data transfer, and services to migrant students.

4. Assessing Needs

Each program proposal must provide evidence that the applicant has conducted a needs assessment to determine the educational and educationally-related needs of the students eligible to be served. The needs assessment should include students' cultural or linguistic characteristics that may require special programs or services, to assure that those students have opportunities to learn and succeed that are equal to those provided for all other students.

When conducting the needs assessment, the LEA/ESD must involve the staff members as well as the parents of the students to be served.

5. Prioritizing Services

(a) Service Priorities ESSA Section 1304 (d)

In providing services with funds received under this part, each recipient of such funds shall give priority to migratory children who have either 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** have dropped out of school.*

(b) Services to Students Who Have Graduated

Regardless of age, students who have graduated or received a High School Education Diploma (HSED) may no longer receive services under Title I-C.

(c) Services to Ineligible Children

Funds provided through PL 107-110 are categorical in that they are to be used to provide services to eligible children. A child who ceases to be a migratory child during a school term shall be eligible for services until the end of such term. A child who is no longer a migratory child may continue to receive services for one additional school year, ***but only if comparable services are not available through other programs***. This is services is Continuation of Service (COS) clause. **See Non-Regulatory Guidance A-9 below.** Secondary school students who were eligible for services in secondary school may continue to be serve through credit accrual programs until graduation. If services continues after the end of eligibility, programs must contact the OMESC to properly enroll the COS enrollments on OMSIS. In all cases, Oregon’s Migrant Student Accident Insurance terminates concurrently with the end of eligibility.

A9. Are there circumstances in which a local operating agency 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 local operating agency 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 (see section 1304(e)(1));
- (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 (see section 1304(e)(2)); and
- (3) A local operating agency continues to serve secondary school students who were eligible for services in secondary school through credit accrual programs until they graduate (see section 1304(e)(3)).

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

(d) Services to Children in Nonpublic Schools

(See Draft Title I-C Non-Regulatory Guidance, Chapter V, Part H)

The responsibility of identifying eligible migrant students in private schools and consulting with private school officials about services to be provided rests with the sponsoring LEA. Title I-C funds do not “flow through” to private schools; the district is responsible for the provision of services to any eligible migrant students attending private schools. Services must be equitable, but they need not be the same services for eligible migrant children attending public schools.

Eligible migrant students attending a private school located near the public school site are eligible for transportation provided for students in the public school.

Private school children with disabilities under the IDEA continue to be eligible for special education services as determined by the IEP drawn in light of the LEA's plan for serving private school children.

Local Migrant Programs must provide a copy every year of the private schools in their area and show evidence that they shared the benefits of the program with the private schools. They must provide the form found at: <https://www.oregon.gov/ode/schools-and-districts/grants/ESEA/Migrant/Pages/default.aspx>.

(e) Charter Schools

In Oregon, charter schools operate under the auspices of the local school boards. Accordingly, migrant education programs having students in charter schools will comply with all current regulations appropriate for public school districts.

6. Size, Scope, and Quality Requirements

Districts seeking to be a subgrantee of Title I-C funds for a program/project to serve eligible migrant students must ensure the following: that migratory students will have access to the same basic educational services available to non-migratory students in the district, and that Title I-C funds will be used to provide supplemental services, and not supplant other funding sources, to address the special educational needs of migratory students that result from the effects of their migratory life-style or are needed to permit migratory children to participate effectively in school and that are not addressed by services provided under other programs including those under Title I-A. The Title I-C funded program/project must be of sufficient size, scope and quality that will help migrant students achieve the challenging standards set by the state of Oregon for all children.

In designing a supplemental program to comply with this requirement, a district needs to consider and describe *how* it will respond to the problems migratory students are encountering, as identified in the Needs Assessment, and *how* the delivery system available in its district will be coordinated to provide the indicated services or the additional services needed and not currently available, including the educational needs of preschool migratory children.

(a) Size of program

The size of the migrant education program designed by a local district must be commensurate with the number of participating students and resources available.

(b) Scope of Program

Districts must describe how they will give priority to provision of special services for migrant students most in need through Title I-C funds as a supplement to the district's basic educational program. All services provided to eligible migrant students must be designed to help those students achieve in school readiness, reading, math and graduation. Decisions about what courses to teach and what curriculum to include in those courses are local decisions.

Districts must describe how the effectiveness of Title I-C programs will be determined, using the same approaches and standards that will be used to assess the performance of students, schools and LEAs under Title I-A.

To the extent feasible, programs/projects should also provide for advocacy and outreach activities for migratory children and their families, including informing such children and families, or helping such children and families gain access to other education, health, nutrition, and social services.

Whenever possible, the integration of information technology into educational and related programs should occur.

Programs and projects serving secondary school migratory students should also closely coordinate with School-to-Work efforts, and with course work toward meeting benchmarks and graduation.

(c) Quality of Program

Districts must describe how eligible migrant students will have access to core knowledge and skills required for graduation, and how students will be assessed based on the state's content standards.

Under Oregon law, students who do not meet the standards at grades 3, 5, 8, and 10 are eligible for additional instructional and other services, alternative education, or the option to attend another public school. Districts must describe how they will ensure that Title I-C funds supplement the opportunities that would otherwise be available to students needing special assistance if the student were not eligible for I-C funds.

7. Staffing Issues

(A) Staff

In recruiting personnel for Title I-C programs, the same consideration must be given to state and federal affirmative action and equal employment opportunities as applies in recruiting personnel funded from other sources. In addition, consideration should be given to selecting staff members who are qualified to serve the specific needs of Title I-C students with respect to skills development and linguistic and cultural competence.

(B) Salaries Funded by More Than One Fund Source

As stated in Chapter CI, C4 of the Draft Non-Regulatory Guidance, “A grantee must maintain appropriate time distribution records. Actual costs charged to each program must be based on the employee’s time distribution records. For instructional staff, including teachers and instructional aides, class schedules that specify the time that such staff members devote to MEP activities may be used to demonstrate compliance with the requirement for time distribution records so long as there is corroborating evidence that the staff members actually carried out the schedules.”

(C) Use of Title I-C Staff for General School Activities

Funds awarded to an LEA or ESD to provide services under Title I-C should be clearly viewed as supplemental to the basic educational services regularly provided to students. General education assistant positions cannot be supported by Title I-C. If Title I-C funds are to be used to support general school activities, these must clearly be above and beyond the activities regularly provided by local funds. In addition, Title I-C funds cannot be used for activities previously provided by local funds.

Title I-C funded teachers or education assistants should not be called upon to substitute when regular staff is absent. Not only is this a clear violation of the intent of the law, but students eligible for services under Title I-C are deprived of the continuity of the special services they need. LEAs and ESDs must not use Title I-C staff to maintain records, write IEPs or perform other duties related to students with disabilities under IDEA. These activities should be funded by the LEA or ESD through the resources available for those responsibilities, not by Title I-C funds. Any time a Title I-C funded staff performs duties not called for in the project application, the LEA or ESD is open to a charge of supplanting.

(D) Simultaneous Service

Nothing in Section 1115 of ESSA should be construed to prohibit a school from serving students served under this section simultaneously with students with similar educational needs, in the same educational settings where appropriate.

(E) Limitations on the Use of Education Assistants

Education assistants play an important role in the success of Title I-C programs. LEAs and ESDs should be aware of the regulations concerning the employment and use of these positions. As previously indicated, salaries for these positions should be comparable with the LEA or ESD salary schedule. In the absence of such a schedule, LEAs should be guided by the state average pay for education assistant positions.

Education assistants should not be seen as the sole source for translation or instruction for students for whom English is a second language because they are bilingual unless an assessment of their language proficiency and training and preparation indicates competence in this area consistent with the “highly qualified” standards of ESSA. LEAs should be guided by the requirements of the Civil Rights Act in these matters. Staff of the MESC can provide assistance in this area.

In general:

- (1) Education assistants should not take charge of class activities without the direct supervision of a licensed teacher. Supervision by a principal is not acceptable unless the principal actually provides the close oversight and support required under guidelines of the State Board of Education.
- (2) Education assistants must not be used as substitute teachers, to relieve teacher overload, or fill in during the absence of the classroom teacher. This violates licensure regulations of Teacher Standards and Practices Commission.
- (3) While education assistants may participate as part of a team in the planning of curriculum used in the classroom, they should not be the sole developers of such materials.

8. Professional Development

(a) Regular School Year Staff

Budgets should reflect provisions for participation of all Title I-C staff in the professional development opportunities provided during the school year, and be specifically designed to meet their needs. Participation in OMESC-sponsored and recommended workshops and conferences is essential to obtaining and enhancing the knowledge and skills of Title I-C staff who provide services to migrant students. The intent of ESSA is that all children will achieve to the state’s high content and performance standards. Ongoing challenging professional development opportunities for Title I-C staff promote equity for migrant students to achieve to these high standards.

A primary role of the state coordinator and OMESC is to provide assistance to program administrators as they plan, schedule, and conduct professional development opportunities. In addition, participation of representatives of Title I-C staff statewide in the planning and design of professional development opportunities is facilitated and supported by the state coordinator and OMESC.

(b) Summer School Staff

Summer school staff must also be provided with professional development opportunities that are required to be described in the application for funding for each project each year to address preparation for summer school. District professional development should not be the focus. OMESC staff will provide technical assistance in planning and implementing workshops.

9. Reporting

There are several reports that are required during the course of a grant period, including:

- (a) Financial Report – This report is due in November each year for regular school year of the previous year.
- (b) The End of the Year Evaluation Report is due in the summer. It should be a time of reflection and planning for the next year. Data should be gathered to support the evaluation.

10. OMSIS – Oregon Migrant Student Information System and Migrant Student Information Exchange (MSIX)

The Oregon Migrant Student Information System (OMSIS) was created as a result of Section 1304(b)(3) requires State Education Agencies (SEAs) to promote interstate and intrastate coordination by providing for educational continuity through the timely transfer of pertinent school records (including health information) when children move from one school to another, whether or not the move occurs during the regular school year. Additional legal reference can be found below:

- (a) Statute – Part C of Title I of the Elementary and Secondary Education Act (ESEA) of 1965, as amended by Every Student Succeed Act of 2010 (ESSA) – Sections 1304(b)(3) and 1308(b).
- (b) CFR – 34 CFR 20081, 200.82(c) and 200.85
- (c) Guidance – Non-Regulatory Guidance for Title I, Part C, Education of Migratory Children: Chapter VI, D (2010).

Oregon developed the first version of OMSIS in 1999. Over the years the system has gone through many enhancements to sustain itself with growing technology and demands. OMSIS 6.0 web application incorporate Application Program Interface (API) technology communication with Oregon’s initial release of the Mobile COE.

OMSIS provides statewide web-based user-friendly interface accessibility to staff with a valid user credential. OMSIS maintains all information on the COE, in addition to state and federal data. OMSIS stores all of the required Minimum Data Elements (MDEs) for daily transfer to the national Migrant Student Information eXchange (MSIX) system as stated in ESSA, Section 1308 (b)(1)(2).

OMSIS Mission

To promote the education and well-being of eligible migrant children by providing a computerized information network to facilitate the transfer of student academic and health records.

Vision

To promote immediate, user-friendly OMSIS access to eligible parties in order to enhance the education of the migrant child.

Access to OMSIS & MSIX

All users who wish to access OMSIS or MSIX must complete and sign the User Application form. Please visit the OMESC website at www.wesd.org/OMESC to download the User Application form.

Hardware and Software Requirements

- ✓ PC Only
- ✓ Intel i5 or better
- ✓ 8 GB RAM or better
- ✓ 50 GB HD or better
- ✓ 1920 x 1080 resolution. Desktop monitor 20', Laptop 14' – 15.6 is a better option.
Do not recommend 4K HD monitors for laptop.
- ✓ Windows 10.1
- ✓ Ethernet connection – wireless, wired or both
- ✓ **OMSIS** - Internet Explorer, Firefox. **MSIX** - Chrome.

Funding

Currently, funding is based on the number of identified migratory children reported in our Consolidated State Performance Report (CSPR) based on MSIX data system, ages 3-21. On a monthly basis, the OMESC provides regional programs with the number of qualified migrant children enrolled. In January, the OMESC provides the final count which is then used to determine regional allocations for the next summer, preschool, and regular school year.

Regional OMSIS Data Specialists

Districts or ESDs who receive Title I-C funds from the ODE allocates 1 FTE for an OMSIS data specialist position. The OMSIS data specialist is responsible for maintaining and reporting migrant student data on the OMSIS system, and to work closely with the IT Department in their district for information sharing and exchange.

The OMSIS specialists play an important role in the migrant education program. The OMSIS specialist is also the liaison between the OMESC and the district recruiters. They handle all migrant education information; establish communication between school secretaries, recruiters, coordinators, and migrant families. They are kept well informed of the latest eligibility rulings.

Newly hired OMSIS data specialists must attend a full day ID&R training followed by a full-day OMSIS/MSIX training. All trainings are conducted by the Program Trainers at the OMESC. The OMESC strongly recommend all OMSIS specialists participate in all refresher ID&R and OMSIS/MSIX trainings to keep updated with the latest changes in Title I-C eligibility rulings and record procedures.

Available OMSIS/MSIX Trainings:

Hardware and Software Requirements

OMSIS 6.0 System Training • This training is for newly-hired OMSIS data specialists. The training covers all aspects of the OMSIS system, from entering enrollments to manipulating reports. This training takes place at the regional site and lasts a full day. Once trained, the OMESC will monitor the data specialist's work and provide feedback.

Read-Only OMSIS 6.0 System Training • This training is open to anyone working with migrant students who wish to have access to the OMSIS (i.e., teachers, school secretaries, recruiters, coordinators etc.). The training targets the needs of the individual users and may cover the entire system, or it can be set-up to focus on certain sections of the system. The OMSIS system is a valuable resource to the recruiter; recruiters are highly recommended to take this training. This training is scheduled for four hours.

MSIX System Training • All MEP personnel are strongly recommended to take the MSIX training. The training focuses on MSIX usage and data security for different stakeholders. This training emphasizes the role of the users and identifies how MSIX can support their role. This training is scheduled for four hours.

Title I-C Reporting/Withdrawal Form • The OMESC highly recommends this training for new migrant staff working with migrant children in the classroom; however, veteran staff are welcome to attend as well. Requests for this training should take place in the fall, spring, or summer. The training covers the What, When, Where, and Why we report and document information on migrant children. This training is scheduled for three hours.

Other Forms (Mass Enrollment, Change of Residency School Form (CRSF), Mass Withdrawal) • Training on these forms are integrated within either the ID&R or the Title I-C Reporting Form training. The OMESC is open to conducting focused training as well.

11. Binational Program / OMEP

The Multilingual and Migrant Education office at the Oregon Department of Education with the collaboration of the Mexican Consulate through the Oregon-Mexico Education Partnership (OMEP), provides staff development training in the areas of parental involvement, early childhood education, cultural diversity, family literacy, and instructional and curriculum resources to local school agencies, students, and their families to help the English language learners succeed in school.

12. Oregon Migrant Summer Student Leadership Institute

Annually, ODE partners with higher education institutions to provide middle school and high school migratory students the opportunity to participate in leadership programs. Our most current partners are:

- The Director of the CAMP program at OSU to provide four one-week programs for 40-60 students each week starting in July and sometimes through part of August.
- The Director of the CAMP program at OSU to provide a five-day program for about 100 students starting in July and sometimes through part of August.
- The Director of the CAMP program at Treasure Valley Community College (TVCC) to provide three one-week programs for 40-60 students each week in July.
- The Coordinator of the CAMP program at Southern Oregon University (SOU) to provide two one-week programs for 30-40 students each week starting in July and sometimes through part of August.

Migratory youth from across the state participate in these opportunities to gain and develop leadership skills and become strong leaders in their schools, communities, and the workforce.

C. Support Services

1. General

The purpose of Title I, Part C, includes supportive services (Section 1301(3)). It also states that programs are 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 do well in school.” Provision of health or other supporting services with Title I-C funds as necessary to enable eligible students to participate effectively in instructional services is permissible; however, coordination with social services agencies in local communities should be developed to extend funds whenever possible.

2. Categories of Support Services

The following are categories or types of support services typically provided to eligible students and their families through Title I-C.

(a) Attendance, social work, guidance, etc., includes all of the following subcategories:

- (1) Home Visits: Includes any child whose home was actually visited for advisory, problem solution or problem prevention purposes. Used in this context, home visiting does not include the initial home visit made for recruiting because every child will receive at least one home visit as part of the recruiting process. (Also see Other Parent Contact.)
- (2) Other Parent Contact: Includes any child for whom parent contacts (other than actual home visits) were made. This includes phone contact, individual letters, parent visits to the school (or school events). This does not include notes or general notices sent to all Title I-C parents. (Also see Home Visits.)
- (3) Translation: Includes any child for whom individual language interpreting services were provided. Individual means either the child or family. This service includes language interpreting relating to the student or family in connection with enrolling in school, any other school processes, or dealings with enrolling in school, any other school processes, or dealings with any other agencies or individuals which affect the child’s education. This service definition does not include any general translation service (such as translating a PTA notice which would go home with all children) which might be incidentally provided by a Title I-C staff member. (Also see Advocacy.)
- (4) Advocacy: Includes any child for whom a Title I-C staff person intervened in connection with a case regarding the child’s (or child’s family) education, health, or social wellbeing. Examples might include problems of school attendance, school dress codes, welfare regulations, rental agreements, and the like. This would include making arrangements for services at a free medical or dental clinic. Translation may or may not be required. (If so, also see Translation.)

- (5) Health: Includes any child provided with medical, optical, or other related services (e.g., examinations), which were paid for with Title I-C funds. This does not include services arranged for but not actually paid for by Title I-C. (Also see Advocacy.)
- (6) Dental: Includes any child provided with dental services or examinations which were paid for with Title I-C funds. This does not include services arranged for but not actually paid for by Title I-C. (Also see Advocacy.)
- (7) Nutrition (meals): Includes any child provided with breakfast, lunch, or snacks paid for by Title I-C funds.
- (8) Pupil Transportation: Includes any child transported at Title I-C expense to school, on field trips, or other educational activities.
- (9) Clothes/Shoes: Includes any child provided with clothing, shoes, or other personal necessities (including P.E. clothing or gym shoes), which were paid for or otherwise directly obtained by Title I-C. An example would be a used clothing drive conducted by Title I-C staff.
- (10) Student Fees: Includes any child for whom Title I-C has paid student fees (usually at the secondary level) such as student activity cards, locker or towel fees, shop or lab fees, required items such as Weekly Readers or school newspapers. This also includes any child provided with needed school supplies through Title I-C funds such as paper, pens, rulers, etc., not regularly provided by the school. As in all cases, these fees should not be already provided to students or it is supplanting.

3. Home-School Consultant or Recruiter

Many Oregon Title I-C projects employ staff specialists designated as Home-School Consultants or Specialists to assure that a high level of quality is maintained in delivery of support services to eligible students. Experienced programs follow a recommendation that full-time or part-time services of a highly skilled Home-School Consultant be available based on the number of families to be served by the program.

(a) Roles and Responsibilities of Home-School Consultants or Recruiters

Home-School Consultants or Recruiters play a primary role in assisting in the development of open communications between schools and the families of migrant students. Their role is not only to represent the school to the families, but perhaps more importantly, to represent the migrant student and his/her parents to the school.

As the relationship between consultants or recruiters and families grow, they may be entrusted with information/confidences shared by parents that are privileged. Home School Consultants or Recruiters must, therefore, have the integrity and mature judgment to maintain a balance between best interests of students and their families, and the needs of school administrators to conduct an exemplary program.

The Consultant or Recruiter must have knowledge, skills, and understanding of the experiences, working and living conditions, language and cultural values of migratory workers. Programs must seek highly qualified Home-School Consultants or Recruiters who clearly exemplify the attributes described here.

(b) General Assignments

In general, the Home-School Consultant or Recruiter will:

- (1) Establish lines of positive communication with growers, camp owners and managers, housing authority representatives, and all others who can provide information on the temporary or permanent residence of the migrant families.
- (2) Become knowledgeable of the school's philosophy, curriculum, activities, and support services, and assist the staff in determining how these should be modified to meet the needs of eligible migrant students.
- (3) Determine what supportive services can be provided by agencies, service groups, businesses, and industries in the community that will assist the school in meeting the needs of the eligible migrant students. He/she will also open lines of communication among the support services providers, the schools, and migrant students and their families.
- (4) When requested, assist with planning and arrangements for professional development opportunities for school personnel to assist them in understanding and recognizing the individual and group needs of migrant students, as well as in ways of developing programs and services required to accommodate those needs.
- (5) Counsel with students and parents to identify and develop recommendations so that school personnel are able to meet the educational needs of migrant students.
- (6) Complete and follow the ID&R plan for their area.

(c) Specific Assignments

Home-School Consultants or Recruiters will:

- (1) Recruit all eligible migrant children, ages 0-21, for enrollment using skills of information and persuasion rather than coercion.
- (2) Work with eligible migrant students and their families to encourage regular attendance and participation, and identify the causes of any truancy.
- (3) After obtaining permission, recruit for students in migrant labor camps, apartment complexes, etc.
- (4) Work with school personnel to make each student's first exposure to the school a positive, non-threatening experience.
- (5) Keep school administrators and transportation personnel advised of any changes or needs for additional transportation services for eligible migrant students.
- (6) Advise school administrators of projected crop conditions, labor demands, and number of migrant families anticipated by growers, contractors, and camp managers for each current year.
- (7) Provide school administrators with information about eligible migrant students who are eligible to receive free school breakfasts and lunches.
- (8) Develop cooperative mechanisms to ensure that eligible migrant students have an adequate supply of appropriate clothing for school activities.
- (9) Serve as interpreter at parent-teacher conferences when qualified district personnel are not available.

- (10) In the absence of other designated personnel and after receiving proper authorization, attend to emergencies such as transporting students to medical or dental services, or to their homes, etc.
- (11) Encourage families of migrant students to visit schools and to participate in school-sponsored activities with their children.
- (12) Ensure that information is obtained to complete students' records and required forms.
- (13) Encourage and provide leadership to school personnel in planning social activities that will involve families of migrant students.
- (14) Maintain a log of daily activities.
- (15) Provide professional development opportunities for education assistants in the work of Home-School Consultants.
- (16) Maintain up-to-date information on social services available to families of migrant students, including childcare, preschools, adult education, family literacy opportunities, employment training opportunities, health services, public assistance, legal services, housing assistance, etc.
- (17) Develop a working knowledge of laws and regulations related to education and public schools.
- (18) Provide required data for OMSIS.

4. Other Areas of Service

(a) Nutritional Services

USDA School Food and Nutrition Services available through ODE should be accessed and fully used for regular and summer programs to extend Title I-C funds for this important support service. See Part A (8) in this handbook for further information.

(b) Health and Medical Services

Healthy students respond well to education services. Programs should provide for preventive health services, as well as for access to needed medical and dental treatment services. Programs should identify and establish communication with all available agencies, institutions, and service organizations that could assist in meeting the health-related needs of students and their families

(c) Clothing

Home-School Consultants often discover that migrant students are not attending school because they feel they lack adequate clothing; if they do attend, they may become concerned about their appearance and withdraw from participation in school activities. Sources of clothing should be identified within communities to assist in meeting such problems. Fraternal organizations, ministerial alliances, and service clubs are often suitable resources to meet these needs.

(d) Transportation

Migrant students should be transported through district resources when such services are provided for other students meeting the district's criteria (e.g., distance, disability,

etc.) Eligible migrant students may be transported for summer schools using Title I-C resources unless the district operates on a year-round basis.

Transportation to school-related activities designed to supplement the educational services provided by the district and that have been evaluated as to how they promote the program's objectives may also be covered by Title I-C funds.

(e) Migrant Student Accident Insurance

The Oregon Department of Education provides blanket Accident Insurance to migrant children, purchased through Title I-C program at ODE. Migrant children may receive the insurance if they have an active COE on file and are on the OMSIS (with a current enrollment line). A student must be a current Oregon resident and between the ages of 3-21 years enrolled or out-of-school.

As an allowable service under the regulations, the goal behind the accident insurance is to help keep children in school:

- Encourage parents to seek prompt treatment for a child who has suffered an accident, which in turn should enable the child to return to school more quickly, or to study without the distraction of unaddressed medical issues; and
- Provide the required accident insurance so a child may participate in inter-scholastic sports, an important connection to the school community for many student athletes.

Please keep in mind that Accident Insurance coverage ends when a student's eligibility for the Migrant Education Program ends. If a student is involved in sports, the local program must let the parents know that the coverage has ended.

The insurance policy is renegotiated every year. It runs from September 1 through August 31. Eligible students are covered 24 hours a day, up to their end of eligibility status. When the new policy goes into effect each year on September 1, eligible students continue to be covered. In this way, students receive seamless coverage for their three years of MEP eligibility; however, the specific benefits may change each year. The insurance is secondary to any other insurance the family may have. It is also secondary to Medicaid benefits through the Oregon Health Plan/Health Kids Plan.

New brochures are provided each fall by the insurance company. After September 1, the brochures from the previous year should be discarded. The new brochures will have a new policy number and updated coverage information. Recruiters should give new brochures to the eligible migrant families each fall.

(f) Graduation Specialist

Every LEA and ESD with a migrant program receive a 1 FTE Graduation Specialist position. This specialist will meet with every middle school and high school migrant student to make sure they are on a path towards graduation. The specialist will also provide scholarship and college information to encourage students to not only graduate, but go on to a post-secondary education.

(g) Parent Engagement Specialist

Every LEA and ESD with a migrant program will receive a 0.5 FTE Family Engagement Specialist position. This specialist will set up regular Parent Advisory Committees (PACs) at the local level. They will also meet with elementary and middle school parents, and provide support to assist their children with reading and math. Finally, they will support high school parents in understanding graduation requirements and navigating the

college process. The OMESC will provide a person to specifically train these staff, and provide monthly webinars to continue training them.

(h) Preschool Specialist

Every LEA and ESD with a migrant program will receive a 1.0 FTE Preschool Specialist position. This specialist will set a database of services and levels of families getting their students ready for Kindergarten. Also, they will meet with preschool parents to advise them on early childhood engagement strategies. The OMESC will provide a person to specifically train these staff, and provide monthly webinars to continue training them.

D. Family Engagement

Family engagement is an integral part of all Title I programs, including the MEP. Research shows that parents play a significant role in the academic achievement of their children. Therefore, it is important for parents and schools to develop partnerships and build ongoing dialogues to improve student achievement. Title I supports parental involvement by enlisting individual parents to help their children do well in school. In order to receive MEP funds, SEAs and the local operating agencies must implement programs, activities, and procedures that effectively involve migrant parents.

The ESSA Act of 2015 empowers migrant parents in new ways, requiring SEAs to provide parents with better information and more input and choices regarding the education of their children. By that law, SEAs must now disaggregate performance results for migrant students and districts, and schools must provide achievement information and school report cards to the parents of migrant students in a format and language they can understand. All the requirements for Title I assessment, accountability, and flexibility must be explained to migrant parents, so they can make informed decisions about their children's education. In addition, SEAs must assure that there is consultation with parent advisory councils for programs of one school year in duration, and all programs and projects are carried out in a manner that provides for the same family engagement as Title I, Part A. The family engagement requirements include developing and distributing a written parent involvement policy, convening annual meetings, and providing parents with timely information about programs, school curriculum, proficiency levels, and assessment.

LEAs are required to consult with parents in planning the local migrant education program. A parent advisory committee advises the LEA on concerns of migrant parents that relate to the planning, operation, and evaluation of migrant projects (see Section VII. Parental Involvement in the Draft Non-Regulatory Guidance and Title I, Part A, Section 1118 for the legal basis of these requirements).

Local/regional projects should ensure that participating schools provide full opportunities for the participation of parents with limited English proficiency or with disabilities, including providing information on school profiles in a language and form such parents understand. Examples of family engagement strategies that focus on the parents of students with limited English proficiency include, but are not limited to:

- The use of bilingual and bicultural Home-School Consultants;

- Family literacy programs that bring parents into the school community to strengthen their role in improving the education of their children;
- Availability of staff proficient in multiple languages to translate any materials that go to the school community or parents, and who serve as interpreters in school functions;
- Cultural awareness and language classes for teachers and other school staff working to build ties between home and school;
- Availability of translators and interpreters for meetings.

Section 1304(c)(3) of Title I-C requires that the SEA and local/regional programs and projects be carried out, to the extent feasible, consistent with the parental involvement requirements of Section 1118 of I-A.

E. Fiscal Management

1. As an overall guideline when determining your regional MEP spending is to consider the ‘supplement, not supplant’ requirement, the ‘reasonable and necessary’ cost principle, and the ‘comparability of services’ consideration. These questions might help you:

What would have happened in the absence of these Title IC funds? Your region should demonstrate that it is not replacing its state and local funding with these federal dollars.

Are the costs of the service or activity reasonable? Is the cost relatively similar to the market prices for comparable goods or services? How critical is this to support the education of migratory children?

Are these MEP services comparable to non-MEP supplemental educational services? How are these supplementary services supporting the education of migratory children?

All the expenditures need to be aligned with the five Program Goals as well as our most current Measurable Program Outcomes. See the [Service Delivery Plan](#) for reference.

2. If you are a consortium lead make sure your district members have been involved in developing the budget narrative application. See the entire Consortium Lead Agreement (Appendix A).

3. Supplement vs. Supplant, Parallel and Duplicate Programs

Title I-C funds are provided for the purpose of administering programs that will supplement the programs supported by general funds. Title I-C funds cannot be used to supplant or duplicate programs or activities funded with state, local, or Title I-A funds. Any services provided by the district funded by state, local, or Title I-A funds must also be provided without cost to the Title I-C students.

4. Budget Amendments

Migrant project areas are expected to expend funds according to the categories proposed in the application. Occasionally, it may be necessary to shift line item budget amounts due to higher costs or inability to hire the anticipated staff. The state Title I-C office has authorized two methods by which budget amendments may be made.

Amounts of less than 10 percent may be moved from one line item (function, object) to another by the area fiscal office without state coordinator approval. All budget changes must be documented and authorized by the project coordinator.

For moving amounts equal to or greater than 10 percent from, or to, any program line item, the area must seek prior approval from the state migrant coordinator's office. Requests for transfer should include:

- (a) A letter or email identifying state program number with function and object numbers to be reduced or increased, listing the amounts of change, and a statement as to why these funds were available for transfer.
- (b) A statement regarding the effect of the transfer on the original objectives of the project.
- (c) New budget pages using amended copies of the application's Detail Budget and Summary Budget pages.

Once approved, the amended budget becomes the official budget.

5 Use of Funds for Parent and Teacher Involvement

An LEA may use Title I-C funds to pay costs that are reasonable and necessary for the effective implementation of the LEA's plan for consultation with parents and teachers, including costs associated with meetings and other appropriate activities. (See Draft Non-Regulatory Guidance, Chapter VII, Parental Involvement, B11, B12 and B13.)

6. Accountability for Equipment

Equipment purchased with Title IC funds will remain on inventory until equipment no longer functions. The district/ESD will dispose of the equipment following the federal procedures set up for disposing of equipment. (See Definitions subsection for information regarding equipment.)

The following steps are outlined to assist in taking a physical inventory:

- (a) Yearly at the beginning of every school year, check on every item purchased with Title I-C funds.
- (b) If an item is missing, report description (i.e., serial number, date of purchase, purchase price).
- (c) If equipment has been transferred to another school, print new location.
- (d) Minimum information required on new equipment is as follows:
 - (1) Description;
 - (2) Purchase Date;
 - (3) Purchase Price;
 - (4) Location of equipment.

For additional information on equipment, please see the Draft Non-Regulatory Guidance, Chapter X, Fiscal Requirements, H1-H9.

7. Allowable Costs

An LEA may use Title I-C funds only to meet the costs of project activities that are designed to meet the special education needs of educationally deprived children, and which are stated in the application.

- (a) With the exception of the “indirect costs” provision, allowable costs are those that relate directly to the Title I-C program and its students, and may not pay for expenses of other programs or non-migrant students. For example, school-wide and district-wide tests are not allowable costs.
- (b) Supply purchases in Oregon should be limited to no more than ten percent of the total project budget and must be purchased for Title I-C students.
- (c) Equipment purchases in Oregon should be limited to no more than ten percent of the legal project budget. The purchase of equipment in itself does not constitute a valid Title I-C project. Equipment must be purchased only for Title I-C identified students.
- (d) Equipment purchases must relate directly to the program proposed in the project application.
- (e) Title I-C funds may be used to pay the usual employee costs for which the district assumes responsibility, such as health and dental insurance, life insurance, retirement and unemployment insurance. Payments from federal funds should be in the form of premiums into a policy or reserve, and in no case should funds be used for direct unemployment compensation. The fact that a district does not use a reserve or pre-funding plan makes no difference in the use of federal funds for unemployment compensation. To quote Dr. John Staehle of the US Department of Education, “The bite from federal funds should be no larger than if an acceptable pre-funding plan had been set up.”
- (f) The cost of legal expenses required in the administration of grant programs is allowable; however, if it is found that under the agency’s procedures, those fees were not within the scope of the approved application, then the fees would be unallowable. Expenditures of the grantee may be charged to this grant only if they: (1) are in payment of an obligation incurred during the grant period, and (2) conform to the approved project proposal. In the case of a personnel controversy, it should be determined whether the controversy arose out of the personnel procedures that are generally applied to all the agency’s employees or only to those involved in the Title I-C project. If the controversy could have arisen in connection with non-federally reimbursed activities and just happened to involve personnel connected with the Title I-C program, that would be another reason for questioning this expenditure.
- (g) Rent for Public Buildings:
In general, Title I-C funds shall not be allocated or disbursed for rent for public buildings that are to be used in implementing any component of the Title I-C projects. An

exception may be made by the state coordinator after having first received a statement signed by the project's official representative assuring that:

- (1) No facilities, or funds to rent facilities, are available from any other source.
- (2) Without the facilities, the project activities could not be satisfactorily implemented nor the objectives achieved.
- (3) The facility to be rented is appropriate for the activity and is the least expensive acceptable facility available.

(h) Student Accident Insurance:

The expenditure for migrant student accident insurance is paid by the ODE.

8. Unallowable Expenditures

Expenses incurred prior to project approval by ODE cannot be charged to Title I-C.

Title I-C funds may not be used to construct school facilities.

The Migrant Education Non-Regulatory Guidance March 2017, pg. 112 states:

F5. May an SEA or local operating agency use MEP funds to construct school facilities?

No. This is not permitted because the MEP statute does not authorize the use of MEP funds for construction.

Please visit the U.S. Office of Migrant Education Website <https://results.ed.gov/about> for a complete list of allowable and potential unallowable programs and activities.

9. Responsible Agency

The state educational agency is considered to be the responsible agency under all Title I programs and, hence, is accountable to the federal government for any misspending of funds. In the migrant program, the state educational agency is not only the administering agency, as it is for all Title I programs, but also the "recipient" of the federal funds. Although a subcontract arrangement was entered into with the LEA based on the conditions established by the state educational agency, the state educational agency is responsible for the return of funds based on any state migrant program exception.

10. Funding Decisions

In determining the amount of a subgrant, ODE must distribute funds based on the requirements in the Non-Regulatory Guidance, Section Title I-C, published on 2017. Factors ODE must take into account are:

- (a) The number of migrant children;
- (b) The needs of migrant children;
- (c) The statutory priority to first serve children who are failing, or most at risk of failing to meet the state's challenging State academic content standards and whose education has been interrupted during the regular school year; and
- (d) The availability of funds from other Federal, State, and local programs.

Factors in determining "most-in-need" will include, but not be limited to:

- Most recent arrivals from another country;
- Most mobile during school year;
- Poor attendance;
- Low first language literacy skills;
- Low in English academic achievement;
- Progress toward graduation/CIM;
- At risk for dropping out (secondary);
- Poverty level;
- Health needs;
- Interrupted schooling;
- Service area cost (remote vs. rural within district project area);
- Gender, acculturation, parental expectations.

Depending on the purpose of the program, the prioritization of “priority of services” factors may vary. The use of the funds should be consistent with the findings of the Comprehensive Needs Assessment.

In determining the **allowability** of a particular activity, districts must consider whether the activity is authorized under a particular Title program and the cost principles described in the Uniform Grants Guidance (UGG). This includes meeting the requirements of [necessary, reasonable, and allocable](#) and ensuring that [supplanting](#) does not occur.

A brief description of any **supplies or materials** purchased with federal funds should be included in the CIP BN application.

11. Carry-Over Funds

The Regular Year and PreK 2022-2023 allocations, 100%, **can** be carried over from one regular school year program to the next. Only 45% of the Summer 2023 allocation can be carryover. To request carry-over funds, local migrant education programs must complete a Title I-C Application for Carry-over Funds and submit it to ODE via CIP BN. The Budget Narrative opens on November 15th each year, and applications should be submitted at that time. The application requires a detailed narrative of how carry-over funds will be used, how it fits in with the region’s Title I-C program, why there are funds remaining to be carried over, and a detailed budget on expenditure of the funds. Funds **cannot** be expended until approval is issued by ODE.

F. Program Management

Area coordinators and LEAs must provide assurance to the SEA of proper and effective program management and fiscal control.

1. Monitoring

The Oregon Department of Education must assure compliance with all applicable requirements. As such, ODE will monitor its subgrantees (LEAs) for compliance with Federal

statutes and regulations, applicable State rules and policy, needs assessment findings, the consolidated State Application, and the ODE-approved operating agency agreement. ODE will provide project directors with a monitoring schedule and a copy of the monitoring instrument.

2. Testing

Through OMSIS, ODE, and OMESC will gather student data in both individual and district format to analyze and determine services to be offered to the schools and districts.

APPENDIX A

2023-2024 Title I-C Migrant Education Program Consortium Agreement

PURPOSE

The State of Oregon awards Title 1-C funds to Consortium Leads for the purpose of establishing and improving programs and projects that are designed to meet the special educational needs of children of migratory agricultural workers or migratory fishers.

By accepting Title 1-C funds, Consortium Leads commit to implementing high quality services and programs, particularly those grounded in research and evidence of success, that enable migratory children to succeed in school.

This Agreement describes the responsibilities of Consortium Leads and Member Districts to administer their regional Migrant Education Program.

NAME / ORGANIZATION

A Consortium shall consist of the Member districts and Consortium Lead.

“Consortium Lead” means the public school district or Education Service District that will administer a region’s Migrant Education Program and serves as its Fiscal Agent.

“Member district” or “Consortium Member” means each public school district that has agreed to participate in the Consortium program, including the Consortium Lead.

“Administrators” mean the superintendents of each public school district that has agreed to participate in the Consortium program, including the Consortium Lead.

“Fiscal agent” means the public school district or Education Service District that is established within the terms of this Agreement to submit Title 1-C subgrant budget narratives and claims, and to provide the administrative business services on behalf of the Consortium.

TERM OF AGREEMENT

When executed by the undersigned parties, this Agreement is effective as of October 1, 2023 (“Effective Date”), and, unless extended or terminated earlier in accordance with its terms, will expire on September 30, 2024.

CONSORTIUM LEAD RESPONSIBILITIES

The Consortium Lead shall serve as the fiscal agent and federal subgrantee for purposes of all administrative business services associated with participation in the Consortium pursuant to the terms of this Agreement. The fiscal agent shall receive the Title 1-C subgrant on behalf of the Consortium. As fiscal agent for the Consortium, the Consortium Lead agrees to complete the following specific responsibilities on the Consortium’s behalf:

- The Consortium Lead must have a federal tax identification number.
 - The Consortium Lead must maintain copies of this agreement signed by all superintendents of the Consortium Members including the fiscal agent, stating agreement to be Members of the Consortium.
 - The Consortium Lead must maintain the written agreement regarding consortium members' participation.
 - The Consortium Lead must submit the consortium agreement(s) signed by all Consortium Member administrators to the Oregon Department of Education (ODE) no later than August 31 of the grant year.
- Please note: Budget authority cannot be granted to the fiscal agent of the Consortium until all required signatures have been submitted to ODE.

MEMBER DISTRICT RESPONSIBILITIES

Each Consortium Member agrees to provide timely input and feedback on proposed budget narratives and amendments. Upon request, the Consortium Member district superintendent shall approve school district representatives, including parents, to participate in the review, development, and submission of the Budget Narrative Spending Workbook. Consortium members agree to review and approve the Budget Narrative Spending Workbook prior to submission to the Oregon Department of Education.

Each Consortium Member shall authorize its Migrant Students in grades PreK through 12 to enroll in services and/or programs that are offered by the Consortium Migrant Education Program.

Each Consortium Member district superintendent shall authorize the release of Migrant Student data through secure transfer when requested by the Consortium Lead and/or the Oregon Department of Education, for the purpose of identifying and supporting the academic and career success of Migrant Students, including but not limited to:

- Full student demographic data (identification and recruitment, replacement of eligibility surveys, address and phone number of students' parents/guardians);
- Secure Student ID and District Student ID numbers;
- Transcripts (EDI Format) and attendance reports;
- ELPA scores and state assessment scores;
- Mass withdrawal (attendance, IEP/504, ELD graduated, suspension/expulsion data) and summer school data.

ADMINISTRATION

The Consortium shall be governed and administered by the Consortium Lead with active input from all Consortium Members. The Consortium Lead shall invite and maintain a process for all Consortium Members to have an active role in the planning, budgeting, and review of the regional Migrant Education Program.

A. The Consortium Lead shall ensure adequate staffing of the Migrant Education Program, including sufficient FTE for the following positions:

- Program coordinator (1.0 FTE recommended)
- Data specialist (1.0 FTE)
- Recruiter (1.0 FTE)
- Graduation specialist (1.0 FTE)

- Preschool specialist (1.0 FTE)
- Family engagement specialist (0.5 FTE)

The staffing listed above provides the minimum level of services recommended by the Oregon Migrant Education Program,

Consortium Lead staff members paid with Title 1-C funds shall provide Migrant Education Program services to students in all Consortium Member districts and coordinate with all Consortium Members to improve planning and implementation of services to migratory children and their families enrolled in the Consortium's Migrant Education Program. With agreement from all Consortium Member Districts, additional Title 1-C staff member positions (beyond those listed above) may be designated to serve specific schools, districts, and/or regions within the Consortium.

B. The Consortium Lead shall solicit participation from all Consortium Members to develop Title 1-C budget narratives and plan spending for the grant year. The Consortium Lead shall make consistent efforts to obtain input and participation from all Consortium Members through written communication and coordinating meetings with Consortium Members. The Consortium Lead shall incorporate Consortium Members' input into the proposed Budget Narrative through a fair and consensus-based process. On request, the Consortium Lead shall provide ODE with evidence of communication to Consortium Members, including engagement in the budget development process.

C. Consortium Members shall appoint a representative to participate in the development of the Title 1-C budget narrative and planning to be facilitated by the Consortium Lead, if they have the time and resources to do so.

D. The Consortium Lead shall submit Title 1-C budget narratives and claims to ODE in a timely manner.

E. The Consortium Lead shall ensure a process for fair representation of parents across the Consortium Members at the State Parent Advisory Committee (SPAC) and define this process in the regional Parent Advisory Committee (PAC) bylaws.

INDEPENDENCE RETAINED

It is expressly understood and agreed to by the Consortium Members that nothing contained in this Agreement shall be construed to create a partnership, association, or other affiliation or like relationship between the Consortium Members, it being specifically agreed that their relationship is and shall remain that of independent parties participating in a cooperative mutual relationship in the Consortium. In no event shall a school district or educational service district be liable for the debts and obligation of another school district or educational service district.

DISPUTE RESOLUTION

The Parties should attempt in good faith to resolve any dispute arising out of this Agreement. This may be done at any management level, including at a level higher than persons directly responsible for administration of the Agreement. In addition, the parties may agree to utilize a jointly selected mediator or arbitrator (for non-binding arbitration) to resolve the dispute short of litigation. Each party will bear its own costs incurred for any mediation or non-binding arbitration.

FINANCIAL PROVISIONS

The Consortium Lead shall authorize only those expenditures that are reasonable and necessary to accomplish the objectives of the Migrant Education Program described above, following the federal Uniform Grant Guidance, Education Department General Administrative Regulations (EDGAR), and Oregon state law.

The Consortium Lead shall follow the principles of "supplement, not supplant" in all spending decisions.

The Consortium Lead will seek prior approval from the Oregon Department of Education grant manager for any budget amendments equal or greater than 10 percent from or to any program line items, and ensure Consortium Members are apprised of proposed budget amendments.

APPLICATION OF LAWS, RULES AND REGULATIONS

This Agreement and all policies, rules, and regulations adopted by the administrators to govern the operation of the program shall comply with the laws of the state of Oregon, with rules and regulations of the Oregon Department of Education, and with federal laws and regulations. Any provisions of this Agreement in conflict therewith shall be null and void and the remainder of the Agreement shall be binding upon all members.

All Consortium Members shall refrain from any action which would violate any law, rule, policy, or regulation of any governmental body or agency having jurisdiction over this Agreement.

All Consortium Members agree to cooperate as needed to assure that all required services and responsibilities are provided by the Consortium Members and that the educational programs and activities are operated in compliance with all applicable laws.

BINDING EFFECT

Upon execution by the undersigned, this Agreement shall be binding upon the Consortium Lead and Consortium Members hereto and any successors they assign.

Name of Consortium Lead Superintendent: _____

Signature of Consortium Lead Superintendent: _____ Date _____

Name of Consortium MEP Coordinator: _____

Signature of Consortium MEP Coordinator: _____ Date _____

Name of Consortium Member Superintendent: _____

Signature of Consortium Member Superintendent: _____ Date _____