Education of Migratory Children

Purpose

In accordance with the Board's philosophy to provide a quality educational program to all students, the District shall provide an appropriate planned instructional program for all students who qualify as Migratory Children under applicable provisions of state and federal law and/or this Policy. The purposes of the program are:

1. To implement a high-quality and comprehensive educational program and to provide educational services during the school year and, as applicable, during summer or intersession periods, that address the unique educational needs of migratory children.

2. To ensure that migratory children who move around the United States are not penalized in any manner by disparities among the states in curriculum, graduation requirements, and challenging state academic standards.

3. To ensure that migratory children receive full and appropriate opportunities to meet the same challenging state academic standards that all children are expected to meet.

4. To help migratory children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit their ability to succeed in school.

Eligibility

Children are eligible to receive District services if they fall within the definitions below:

1. Migratory child: The term "migratory child" means a child or youth who made a qualifying move in the preceding 36 months:

    A. As a migratory agricultural worker or a migratory fisher; or
    B. With, or to join, a parent or spouse who is a migratory agricultural worker or a migratory fisher.

2. Migratory fisher: The term "migratory fisher" means an individual who made a qualifying move in the preceding 36 months and, after doing so, engaged in new temporary or seasonal employment or personal subsistence in fishing. If the individual did not engage in such new employment soon after the move, then 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.

3. Qualifying move: The term "qualifying move" means a move due to economic necessity:

    A. From one residence to another residence; and
    B. 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.

    C. The term "in order to obtain", when used to describe why a worker moved, means that one of the purposes of the move is to seek or obtain qualifying temporary employment or seasonal employment in agricultural work or fishing work.

    D. If a worker states that a purpose of the move was to seek any type of employment, i.e., the worker moved with no specific intent to find work in a particular job, the worker is deemed to have moved with a purpose of obtaining qualifying work if the worker obtains qualifying work soon after the move.

    E. Notwithstanding item D above, a worker who did not obtain qualifying work soon after a move may be considered to have moved in order to obtain qualifying work only if the worker states that at least one purpose of the move was specifically to seek the qualifying work, and:

        i. The worker is found to have a prior history of moves to obtain qualifying work; or

        ii. There is other credible evidence that the worker actively sought qualifying work soon after the move but, for reasons beyond the worker's control, the work was not available.

<u>Plan Requirements</u>

The District's Plan shall, at a minimum, include provisions to accomplish the following goals and directives:

1. *Performance targets:* The plan must specify:

    A. Performance targets that the State has adopted for all children in reading and mathematics achievement, high school graduation, and the number of school dropouts, as well as the State's performance targets, if any, for school readiness; and

B. Any other performance targets that the State or District has identified for migratory children.

2. *Needs assessment:* The plan must include an identification and assessment of:

   A. The unique educational needs of migratory children that result from the children's migratory lifestyle; and
   B. Other needs of migratory students that must be met in order for migratory children to participate effectively in school.

3. *Measurable program outcomes:* The plan must include the measurable program outcomes (i.e., objectives) that a State's migrant education program will produce to meet the identified unique needs of migratory children and help migratory children achieve the State's performance targets identified in paragraph (1)(A) of this section.

4. *Service delivery:* The plan must describe the strategies that the State Board will pursue on a statewide basis to achieve the measurable program outcomes in paragraph (3)(A) of this section by addressing:

   A. The unique educational needs of migratory children; and
   B. Other needs of migratory children.

5. *Evaluation.* The plan must describe how the District will evaluate the effectiveness of its program.

Record Keeping

District records for migratory children should include the following:

1. Immunization records and other health information;
2. Elementary and secondary academic history (including partial credit), credit accrual, and results from State assessments;
3. Other academic information essential to ensuring that migratory children achieve to the challenging State academic standards; and
4. Eligibility for services under the Individuals with Disabilities Education Act.

The District is required to keep financial records to demonstrate:

1. The amount of funds under the grant or sub-grant;
2. How the District uses the funds;
3. The total cost of the program;
4. The share of the cost provided from other sources; and
5. Other records as needed to facilitate an effective audit.

The District must maintain migrant child records for three years after the date the District submits its last expenditure for the time period. If any litigation, claim, negotiation, audit, or other action involving the migrant child records is taken, the records must be retained until the completion of the action and resolution of all issues or until of the end of the regular three-year period, whichever is later.

For an employee who has both migrant child and non- migrant child responsibilities, the District 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 migrant child 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.

Legal References:	20 U.S.C. § 6391, *et seq*.	Education of Migratory Children
	34 C.F.R. Subpart C	Migrant Education Program
	34 C.F.R. §§ 76.730-31	Records (EDGAR)
34 C.F.R. § 200.333	Retention and Access Requirements for Records (EDGAR)	

Policy History:
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