

# Section B: Overview of Statutes, Regulations, and Non-regulatory Guidance Related to Service Delivery Plans

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<b>Developing the Service Delivery Plan (SDP): A Step-by-Step Approach</b>	
<p>Step 1: Conceptualize the big picture of the task of developing the SDP.</p> <ul style="list-style-type: none"> <li>• Review requirements for the SDP</li> <li>• Review the Comprehensive Needs Assessment (CNA)</li> <li>• Identify programs with which to coordinate and collaborate in providing services to migrant children and youth</li> <li>• Determine the sections of your SDP</li> </ul>	<p>Developing the SDP is a continuum of planning, implementation, and evaluation focused on enabling migrant students to meet state performance targets. You should become familiar with the requirements of the SDP in Section B. Since coordination with other programs is both required and strategic, you should review Appendix B.2 and B.3 for lists of Federal programs and Office of Migrant Coordination Grants to include in planning and service delivery. Section F discusses additional sections to include in the SDP and Appendix I.1 provides a sample table of contents for the SDP list of suggested sections.</p>

*The state education agency’s (SEA’s) comprehensive state plan for service delivery is the primary tool for designing and communicating the direction of the program. (Guidance)*

Three main documents inform and guide migrant education programs and their service delivery. It is important to fully read the documentation to ensure complete compliance with program requirements:

- Code of Federal Regulations, Title 34, Sec. 200.83, *Responsibilities of SEAs to implement projects through a Comprehensive Needs Assessment and a comprehensive state plan for service delivery* (<http://cfr.vlex.com/vid/200-83-implement-through-needs-delivery-19757826>).
- Elementary and Secondary Education Act, Section 1306, *Comprehensive Needs Assessment and Service Delivery Plan; authorized activities* (<http://www2.ed.gov/policy/elsec/leg/esea02/pg8.html#sec1306>).
- *Non-Regulatory Guidance: Education of Migrant Children under Title I, Part C of the Elementary and Secondary Education Act of 1965* (specifically Chapter IV –

Comprehensive Needs Assessment and Service Delivery Plan)  
(<http://www.ed.gov/programs/mep/mepguidance2010.doc>).

While a summary of the requirements is provided in this section, it is important to read the relevant sections of the referenced documents fully, especially to clarify questions regarding program requirements.

### **B.1 Service Delivery Plan (SDP)**

To ensure that states and local operating agencies (LOAs) identify and address the special educational needs of migratory children, the law requires that states prepare a comprehensive state plan that:

- Is integrated with other Federal programs
- Provides that migratory children will have an opportunity to meet the same challenging state academic content and academic achievement standards that all other children are expected to meet
- Specifies measurable program goals and outcomes
- Encompasses a full range of services available to migratory children
- Involves joint planning
- Provides for integration of services

### **B.2 SDP Components**

To ensure that the Service Delivery Plan is linked to and accountable for state performance goals, the SDP is required to include the following components:

1. *State-approved performance targets* that focus on reading, mathematics, high school graduation, high school dropouts, school readiness if appropriate, and any other state identified targets for migrant children.
2. *Identification and assessment* of the unique needs of migrant children resulting from a migratory lifestyle and other needs that must be met for migrant students to participate effectively in school.
3. *Measurable program outcomes* (MPOs) (i.e., objectives) that a State's Migrant Education Program (MEP) will produce to meet the identified unique needs of migratory children and help migratory children achieve the State's performance targets.
4. *Service delivery strategies* the SEA will pursue on a statewide basis to meet the performance targets and MPOs developed for the Plan.
5. *Evaluation* descriptions that outline how the SEA will evaluate the effectiveness of the MEP.

To help ensure that your SDP is compliant with Federal regulations and the *Guidance*, a checklist of requirements is provided in Appendix B.1.

### **B.3 Priority for Services**

Migrant students are held to the same state performance goals and targets as all other students. In order to ensure that migrant students with the greatest risk factors are provided the additional support they need to achieve the state performance targets, the law requires that certain migrant students be given priority over other students in consideration of the services the SEA provides.

Section 1304(d) of the Elementary and Secondary Education Act (ESEA) requires that states give priority to those migrant students who are most vulnerable and in need of services. Migrant students identified as PFS are children:

- Who are failing **or** who are most at risk of failing to meet the state’s academic and achievement standards, *and*
- Whose education has been interrupted during the regular school year

### **B.4 Preschool Migratory Children and Out-of-School Youth**

- Section 1304(c) (4) of the ESEA requires that states, in carrying out their programs and projects, address the unmet needs of preschool migratory children.
- Under their consolidated state applications, all SEAs adopted a performance goal for their MEPs that all migrant students will graduate from high school. One of the groups of migratory youth who are least likely to graduate from high school is out-of-school youth. Because the high school graduation goal is also a subject of the migrant program evaluation, it follows that the unique needs of these youth should be addressed in the SDP.

### **B.5 Updates and Revisions to the State SDP**

Once developed, the SDP is to remain in effect and be periodically reviewed and revised by the state to reflect changes in strategies and programs. Specifically, the SDP should be updated when the state:

1. Updates the statewide CNA
2. Changes the performance targets and/or MPOs
3. Significantly changes the services that the MEP will provide statewide
4. Significantly changes the evaluation design

### **B.6 Serving Migrant Children Through Other Programs**

Sections 1304(b) and 1306(a) of the ESEA require SEAs to identify and address the special educational needs of migrant children by providing them a full range of services from appropriate local, state, and Federal educational programs. In providing these services, SEAs

must plan jointly with local, state, and Federal programs and must integrate the Migrant Education Program with services provided by other programs.

The statute for Title I, Part A includes language specific to serving migrant children, requiring services to be provided to eligible migrant children and formerly migrant children on the same basis as other eligible children.

- Schoolwide programs must implement reform strategies that address the needs of *all* children in the school, and the law specifically mentions the inclusion of migrant students.
- Migrant children in targeted assistance schools are eligible to participate in the Title I, Part A program.

If a LOA qualifies for a Title III subgrant, migrant children who are limited English proficient must be selected to receive Title III services on the same basis as all other limited English proficient children.

Appendix B.2 provides a list of these and other Federal programs that serve and provide resources for migrant children. The MEP needs to be familiar with these programs and determine with which ones to coordinate in order to provide a full range of services for migrant students.

State MEP officials must also coordinate with other states, and ensure that LOAs coordinate with one another internally in a state. Interstate and intrastate coordination facilitates coordination of services and timely transfers of records and information on migrant students, and so minimizes the educational disruption caused by the migrant mobile lifestyle.

In addition, the Office of Migrant Education awards coordination grants in certain areas. MEP coordination funds are used to provide grants and contracts to improve the interstate and intrastate coordination of MEPs. Appendix B.3 *Office of Migrant Education Coordination Grants* provides a list of migrant education coordination grants.

## **B.7 Summary of Key Concepts**

- The SDP helps the MEP describe the services that will be provided on a statewide basis to address special educational needs of migrant students.
- The SDP must include performance targets, a needs assessment, measurable program outcomes, service delivery, and an evaluation.
- In providing services, SEAs must give priority to migrant children who are failing or are most at risk of failing and whose education has been interrupted during the regular school year; the SDP must address how these services will be delivered and evaluated.

- The SDP should be updated when the SEA: updates the CNA; changes the performance targets and/or MPOs; significantly changes the services that the MEP will provide; or significantly changes the evaluation design.
- MEP officials should be familiar with the range of programs that provide services for migrant students and establish coordination and collaboration.
- MEP officials should build strong interstate and intrastate coordination to facilitate the timely transfer of records and information related to migrant students.

## **B.8 Reflection and Application**

1. Do I understand the regulations and requirements that govern the MEP?
2. Do I understand the requirements related to the SDP?
3. With what programs does the MEP currently coordinate or collaborate? With what programs should the MEP coordinate or collaborate?
4. What is the level of interstate and intrastate coordination that exists with the MEP? How can it be improved?

## **B.9 Resources and Tools in Appendix B**

Appendix B.1 Checklist for Reviewing Your Service Delivery Plan (SDP)

Appendix B.2 Federal Programs that Provide Services and Resources for Migrant Children

Appendix B.3 Office of Migrant Education Coordination Grants

## Appendix B.1 Checklist for Reviewing Your Service Delivery Plan (SDP)

**The following checklist is based on the Elementary and Secondary Education Act (ESEA; Title I, Part C, Section 1306); Code of Federal Regulations, and the 2010 *Non-Regulatory Guidance*. This checklist can serve as a quick reference guide to help determine if your SDP meets the Federal requirements.**

### ***The SDP includes how we address specific needs of migratory students:***

- The Plan reflects how our state will provide services so that migrant children will be able to meet the same academic standards as all children. (ESEA, Sect. 1306(a)(1)(C); *Guidance*, Chapter IV, Introduction)
- The Plan specifies how the special needs of migratory children are specifically addressed—including those children that are determined to be Priority for Service (PFS) students and other subgroups of children with special needs, such as preschool migratory children and out-of-school migrant youth. (ESEA, Sect. 1306(a)(1)(i); *Guidance*, Chapter IV, A7, A8, B6)
- The Plan describes what activities/funding will be used to meet the identified needs and permit migrant children to participate effectively in school. (*States have flexibility, but these identified needs must be met first.*) (ESEA, Sect. 1306(b)(1); 34 C.F.R Section 200.83(A)(2)(ii))

### ***The SDP is planned in collaboration with others:***

- The Plan is integrated with other plans under this Act. (ESEA, Sect. 1306(a)(1)(A); *Guidance*, Chapter IV, B4)
- The Plan is developed in collaboration with the parent advisory council (PAC), or if no PAC exists, with parents of migrant children, in a language and format they understand. (ESEA, Sect. 1306(a)(1)(B)(ii); 34 C.F.R. Section 200.83(b); *Guidance*, Chapter IV, B4)
- The Plan includes a description of how parents and/or the state PAC were consulted to develop the Plan. (*Guidance*, Chapter IV, B6)
- The Plan encompasses a range of local, state, and Federal services for migrant children. (ESEA, Sect. 1306(a)(1)(E))
- The Plan was jointly planned among local, state, and Federal programs (ECE, language instruction, and other programs under Parts A and B). (ESEA, Sect. 1306(a)(1)(F); *Guidance*, Chapter IV, B4)

- The Plan provides for integration of services. (ESEA, Sect. 1306(a)(1)(G), *Guidance*, Chapter IV, B4)

***The SDP includes how we will keep the plan current and ensure all eligible children are identified:***

- A plan is in place to periodically review and revise our SDP to reflect changes in strategies and programs. (ESEA, Sect. 1306(a)(2)(B), *Guidance*, Chapter IV, B7)
- The Plan provides a description for identification and recruitment activities and quality control procedures. (*Guidance*, Chapter IV, B6)
- The Plan includes a description for requesting and using migrant student records and transferring migrant student records to schools and other migrant projects. (*Guidance*, Chapter IV, B6)

***The SDP must include the State Adopted Performance Targets for:***

- Reading
- Math
- High School Graduation
- Number of Dropouts
- School Readiness (if adopted by our SEA)
- Any other performance target our state has identified for migrant children (ESEA, Sect. 1306(a)(1)(C); 34 C.F.R. Section 200.83(a)(1)(i-ii); *Guidance*, Chapter IV, Introduction)

***The SDP includes Measurable Program Outcomes (MPOs):***

- The Plan includes MPOs that the Migrant Education Program will produce statewide through specific education or education-related services. (ESEA, Sect. 1306(a)(1)(D); 34 C.F.R. section 200.83; *Guidance*, Chapter IV, B5)
- The Plan includes MPOs that will help achieve state performance targets. (*Guidance*, Chapter IV, B2, B5)

***The SDP provides information on service delivery:***

- The Plan clearly describes the strategies for achieving the performance targets and measurable objectives. (*Guidance*, Chapter IV, Introduction)
- The Plan addresses other non-educational needs that must be met in order to participate effectively in school (health, dental, nutritional, etc.). (*Guidance*, Chapter V, A3)

***The SDP has an evaluation component:***

- ❑ The Plan describes how our state will evaluate whether, and to what degree, the program is effective in relation to performance targets and measurable outcomes. (34 C.F.R. 200.83(a)(5); 34 C.F.R. 200.84; *Guidance*, Chapter IV, B5)

## Appendix B.2 Federal Programs that Provide Services and Resources for Migrant Children

<b>Department of Health and Human Services</b>
<b>Head Start</b>
<a href="http://www.acf.hhs.gov/programs/ohs/index.html">http://www.acf.hhs.gov/programs/ohs/index.html</a>
<p>The Office of Head Start provides grants to local public and private non-profit and for-profit agencies to provide comprehensive child development services to economically disadvantaged children and families, with a special focus on helping preschoolers develop the early reading and math skills they need to be successful in school. Head Start programs promote school readiness by enhancing the social and cognitive development of children through the provision of educational, health, nutritional, social, and other services to enrolled children and families. They engage parents in their children's learning and help them in making progress toward their educational, literacy, and employment goals. Significant emphasis is placed on the involvement of parents in the administration of local Head Start programs.</p> <p>In FY 1995, the Early Head Start program was established to serve children (0–3) in recognition of the mounting evidence that the earliest years matter a great deal to children's growth and development. Also, Migrant Head Start programs are funded through the Office of Head Start.</p>
<b>Department of Education</b>
<b>Title I, Part A (ESEA) – Improving the Academic Achievement of the Disadvantaged</b>
<a href="http://www2.ed.gov/programs/titleiparta/index.html">http://www2.ed.gov/programs/titleiparta/index.html</a>
<p>Title I, Part A of ESEA provides financial assistance to local education agencies (LEAs) and schools with high numbers or high percentages of children from low-income families to help ensure that all children meet challenging state academic standards. Federal funds are currently allocated through four statutory formulas that are based primarily on census poverty estimates and the cost of education in each state.</p>
<b>Individuals with Disabilities Education Act (IDEA)</b>
<a href="http://idea.ed.gov/">http://idea.ed.gov/</a>
<p>IDEA ensures services for children with disabilities. IDEA governs how states and public agencies provide early intervention, special education, and related services to more than 6.5 million eligible infants, toddlers, children, and youth with disabilities. Infants and toddlers with disabilities (0–2) and their families receive early intervention services under IDEA Part C. Children and youth (3–21) receive special education and related services under IDEA Part B.</p>
<b>Title I, Part D (Elementary and Secondary Education Act – ESEA) – Prevention and Intervention Program for Youth who are Neglected, Delinquent, or At-Risk</b>
<a href="http://www2.ed.gov/programs/titleipartd/index.html">http://www2.ed.gov/programs/titleipartd/index.html</a>

<p>The Title I, Part D, Subpart 1, State Agency Neglected and Delinquent (N and D) program provides formula grants to SEAs for supplementary education services to help provide education continuity for children and youths in state-run institutions for juveniles and in adult correctional institutions so that these youths can make successful transitions to school or employment once they are released. Funds are allocated by formula to SEAs, which make subgrants to the state agencies responsible for educating neglected or delinquent children and youths. The Subpart 2 Local Education Agency Program requires each SEA to reserve from its Title I, Part A, allocation, funds generated by the number of children in locally operated institutions for delinquent youths. Funds are awarded to LEAs with high proportions of youths in local correctional facilities to support dropout prevention programs for at-risk youths. The programs support supplemental instruction in core subject areas, such as reading and mathematics, as well as tutoring, counseling, and transition services.</p>
<p><b>Title III, Part A (ESEA) – English Language Acquisition, Language Enhancement, and Academic Achievement Act</b></p>
<p><a href="http://www2.ed.gov/about/offices/list/oela/index.html">http://www2.ed.gov/about/offices/list/oela/index.html</a></p>
<p>Title III of ESEA assists SEAs and LEAs with the development of high-quality language instruction to ensure children who have limited English proficiency, including immigrant children, meet the same challenging state academic standards as all children are expected to meet. It provide SEAs and LEAs with flexibility to implement language instruction programs, based on scientifically based research on teaching limited English proficient children, that the agencies believe to be the most effective for teaching English.</p>
<p><b>Title IV, Part B (ESEA) – 21st Century Community Learning Centers</b></p>
<p><a href="http://www2.ed.gov/programs/21stcclc/index.html">http://www2.ed.gov/programs/21stcclc/index.html</a></p>
<p>Title IV, Part B of ESEA supports the creation of community learning centers that provide academic enrichment opportunities during non-school hours for children, particularly students who attend high-poverty and low-performing schools. The program helps students meet state and local student standards in core academic subjects, such as reading and math; offers students a broad array of enrichment activities that can complement their regular academic programs; and offers literacy and other educational services to the families of participating children.</p>
<p><b>McKinney-Vento Homeless Assistance Act</b></p>
<p><a href="http://www2.ed.gov/programs/homeless/index.html">http://www2.ed.gov/programs/homeless/index.html</a></p>
<p>Title X, Part C, The Education for Homeless Children and Youth Program in ESEA ensures that homeless children and youth receive a free and appropriate public education and removes barriers to their educational access, attendance, and success. This includes addressing problems due to transportation needs, immunization and residency requirements, lack of birth certificates and school records, and guardianship issues. The program supports an office for coordination of the education of homeless children and youths in each state to oversee the implementation of the McKinney-Vento Act. Every school district must have a local homeless liaison. The McKinney-Vento Act specifically mentions migrant students who are experiencing homelessness according to the definition included in the law.</p>
<p><b>Department of Agriculture</b></p>
<p><b>National School Breakfast Program</b></p>
<p><a href="http://www.fns.usda.gov/cnd/breakfast/">http://www.fns.usda.gov/cnd/breakfast/</a></p>
<p>The School Breakfast Program (SBP) provides cash assistance to States to operate nonprofit</p>

breakfast programs in schools and residential childcare institutions. The program is administered at the Federal level by the Food and Nutrition Service. State education agencies administer the SBP at the State level, and local school food authorities operate it in schools. All migrant children are eligible for SBP.
<b>Summer Food Service Program</b>
<a href="http://www.summerfood.usda.gov/">http://www.summerfood.usda.gov/</a>
The program is designed to provide free and reduced-price breakfast and lunch during the summer. All migrant children are categorically eligible for Summer Food Service Program.
<b>Special Milk Program</b>
<a href="http://www.fns.usda.gov/cnd/milk/">http://www.fns.usda.gov/cnd/milk/</a>
The Special Milk Program provides milk to children in schools and childcare institutions who do not participate in other Federal meal service programs. The program reimburses schools for the milk they serve.  Schools in the National School Lunch or School Breakfast Programs may also participate in the Special Milk Program to provide milk to children in half-day pre-kindergarten and kindergarten programs where children do not have access to the school meal programs.
<b>Special Supplemental Program for Women, Infants, and Children (WIC)</b>
<a href="http://www.fns.usda.gov/wic/">http://www.fns.usda.gov/wic/</a>
WIC provides Federal grants to States for supplemental foods, health care referrals, and nutrition education for low-income pregnant, breastfeeding, and non-breastfeeding postpartum women, and to infants and children up to age five who are found to be at nutritional risk.
<b>Child and Adult Care Food Program (CACFP)</b>
<a href="http://www.fns.usda.gov/cnd/care/">http://www.fns.usda.gov/cnd/care/</a>
This program improves the quality of day care for children and elderly adults by making care more affordable for many low-income families. Through CACFP, more than 3.2 million children and 112,000 adults receive nutritious meals and snacks each day as part of the day care they receive.
<b>National School Lunch Program</b>
<a href="http://www.fns.usda.gov/cnd/lunch/">http://www.fns.usda.gov/cnd/lunch/</a>
The National School Lunch Program (NSLP) is a federally assisted meal program operating in public and nonprofit private schools and residential child care institutions. It provides nutritionally balanced, low-cost or free lunches to children each school day. The program was established under the National School Lunch Act, signed by President Harry Truman in 1946.

The Office of Migrant Education awards coordination grants and contracts to help ensure that SEAs are able to address needs of migratory children. Coordination funds are used to provide grants and contracts to improve the interstate and intrastate coordination of migrant education programs.

**Migrant Education Program (MEP) Consortium Incentive Grants**

<http://www2.ed.gov/programs/mepconsortium/index.html>

The purpose of the MEP Consortium Incentive Grants program is to provide incentive grants to state educational agencies (SEAs) that participate in consortia with one or more entities to improve the delivery of services to migrant children whose education is interrupted. Through this program, the Department of Education provides financial incentives to SEAs to participate in consortia to improve the intrastate and interstate coordination of MEPs by addressing key needs of migratory children who have their education interrupted.

The Department has established absolute priorities for the program under which SEAs address needs of migratory youth whose education has been interrupted. Applicants are required to address one or more within their submitted proposals. These include services designed to:

1. Improve proper and timely identification and recruitment.
2. Improve the school readiness of preschool-aged migratory children.
3. Improve the reading proficiency of the target population.
4. Improve the mathematics proficiency of the target population.
5. Decrease the dropout rate.
6. Strengthen the involvement of migratory parents in their child's education.
7. Expand access to innovative educational technologies intended to increase academic achievement.
8. Improve the educational attainment of out-of-school migratory youth whose education is interrupted.

**Migrant Student Information (MSIX) Exchange State Data Quality Grants**

<http://www2.ed.gov/admins/lead/account/recordstransfer.html>

The state data quality grants provide additional resources to SEAs in order to assist them and their local operating agencies (LOAs) in implementing the interstate exchange of migrant children's records electronically through the MSIX.

**Coordinating to Achieve RESULTS**

<http://results.ed.gov>

OME has established the RESULTS Web site that provides state migrant education programs with expert technical assistance and support for migrant child identification and recruitment activities, facilitates a peer-to-peer network to improve the knowledge and skills of migrant educators on MEP-specific requirements, and maintains a Web-enabled library to allow state and local migrant educators to electronically share MEP documents and products.