

EMBRACING CHANGE

INSPIRING SOLUTIONS

Every Student Succeeds Act: Education of Migratory Children

NEBRASKA MIGRANT EDUCATION PROGRAM
Spring Professional Development Conference
May 22, 2017



Today's Discussion



Review of the Migrant Education Program

ESSA 101 and MEP Provisions

Next Steps

Q & A

Objective

Participants will expand their understanding of key priorities under the Elementary and Secondary Education (ESEA), as reauthorized under ESSA, to inform their work in supporting children served under the Migrant Education Basic State Formula Grants (Title I, Part C) Program.





Legalities

Statute

- Elementary and Secondary Education Act (ESEA), Title I, Part C, Section 1301-1309, as amended

Code of Federal Regulations

- 34 CFR §§ 200.81-200.89

Guidance

- MEP Non-Regulatory Guidance
- Oct. 3, 2010
- Chapter 2 Revision 03/2017

Government Performance and Results Act (GPRAs)



- The GPRAs of 1993 was enacted by Congress to provide for the establishment of strategic planning and performance measurement in the Federal Government (made up of an annual performance plan and an annual performance report).
- In December 2010, the Office of Migrant Education initiated a collaborative process, in order to develop a focused set of new Migrant Education Program GPRAs that align closely with the program goal.
- The office consulted with the Data Quality Initiative, the Migrant Education Program Coordination Workgroup, the Interstate Migrant Education Council, and the National Association of State Directors of Migrant Education during this collaborative process, which concluded with four Migrant Education Program GPRAs in December 2012.

Migrant Education Program GPRAs for 2013:



1. The percentage of MEP students that scored at or above proficient on their state's annual Reading/Language Arts assessments in grades 3-8

2. The percentage of MEP students that scored at or above proficient on their state's annual Mathematics assessments in grades 3-8

3. The percentage of MEP students who were enrolled in grades 7-12, and graduated or were promoted to the next grade level

4. The percentage of MEP students who entered 11th grade that had received full credit for Algebra I



Goals of the Migrant Education Program

- ▶ To assist States in supporting high-quality and comprehensive educational programs and services during the school year and, as applicable, during summer or intersession periods, that address the unique educational needs of migratory children
- ▶ To ensure that migratory children who move among the States are not penalized in any manner by disparities among the States in curriculum, graduation requirements, and challenging State academic standards



Goals of the Migrant Education Program

- ▶ 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
- ▶ To help migratory children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit the ability of such children to succeed in school
- ▶ To help migratory children benefit from State and local systemic reforms

The Key Components of MEP



• Identification,
Recruitment, and
Eligibility

State Migrant
Education Program
Funding Allocation
and Use of Funds

Program Planning

- Comprehensive Needs Assessment
- Service Delivery Plan

Provision of Services

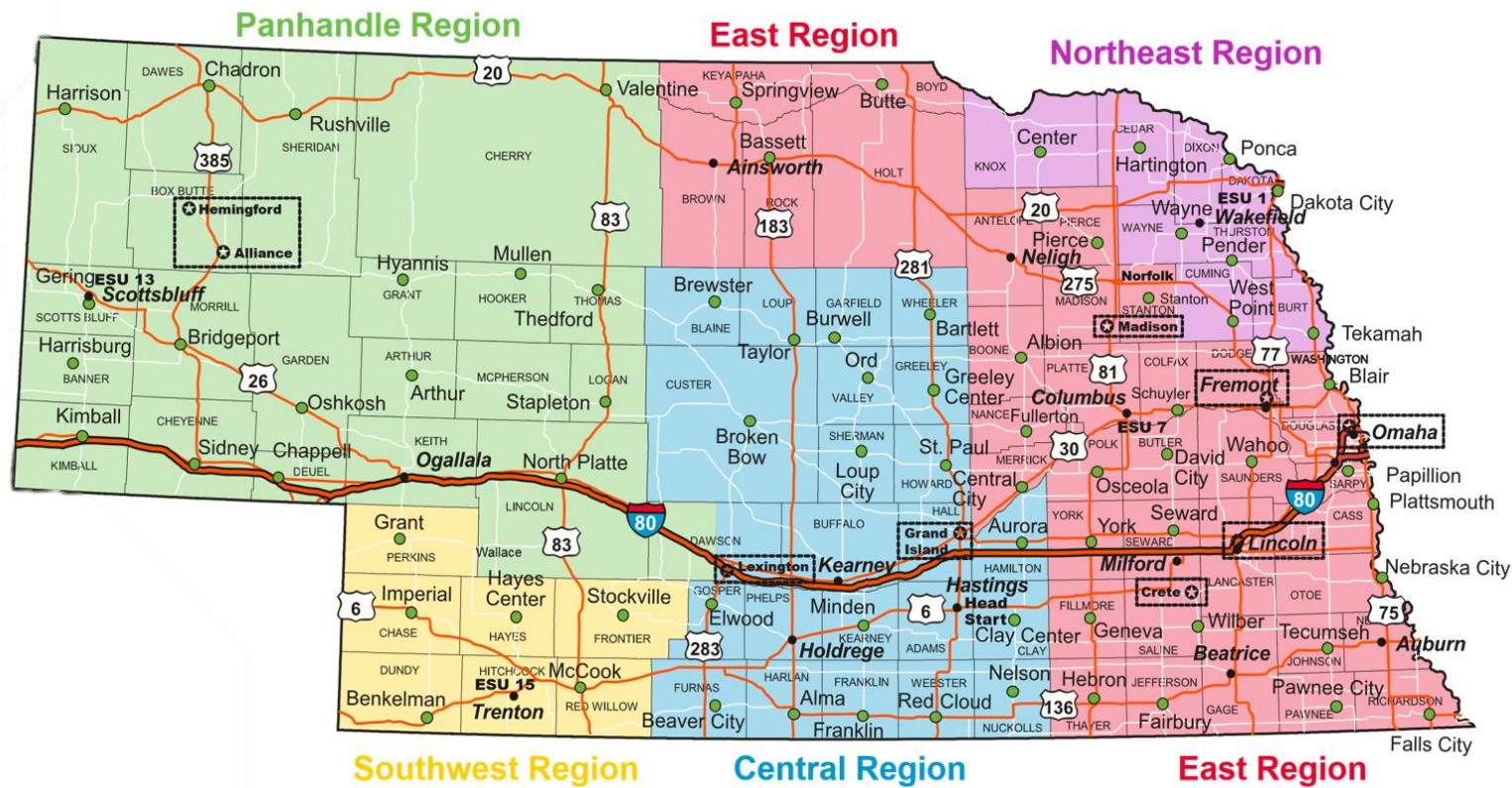
Parental
Involvement

Program
Coordination

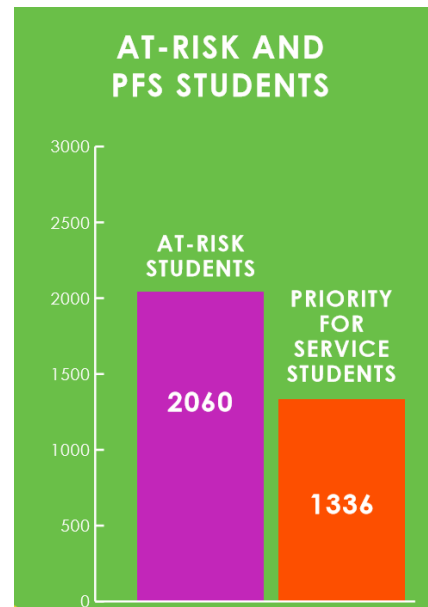
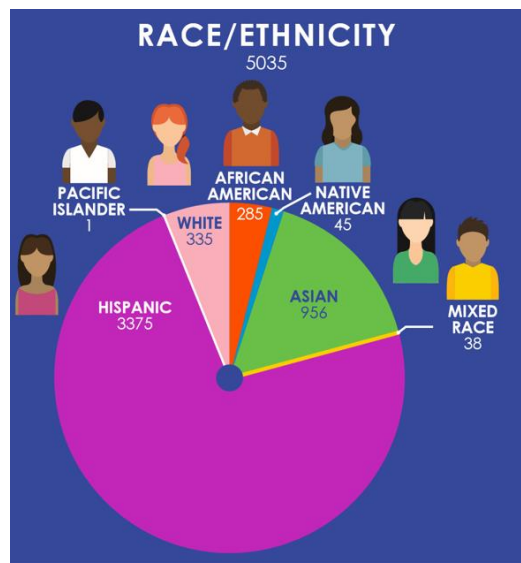
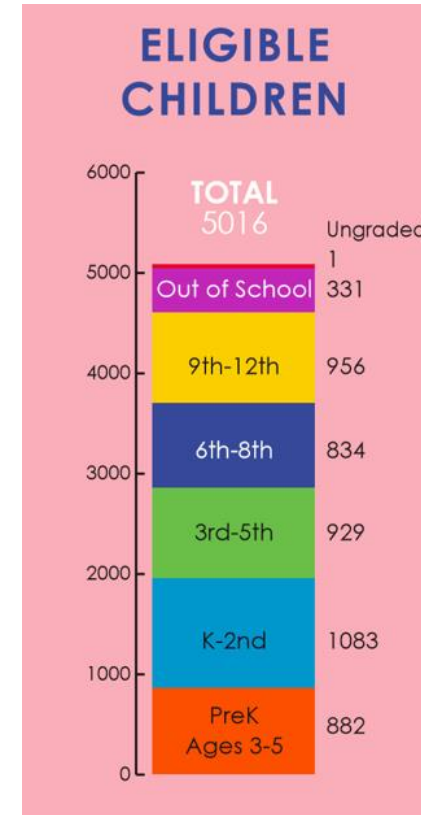
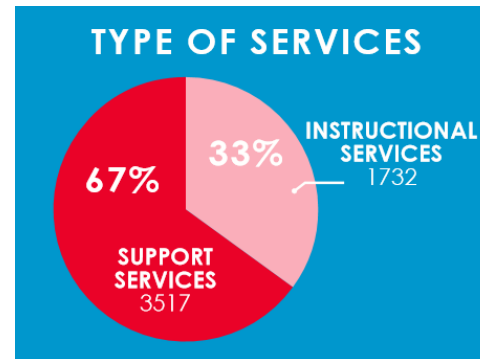
Program Evaluation

Program
Performance
Reporting

Nebraska Migrant Education Program Structure



Nebraska Migrant Statistics 2015-16



ESSA Background and History



The Every Student Succeeds Act (ESSA) was signed into law in December 2015. Full implementation commences on July 1, 2017.

- It reauthorized the Elementary and Secondary Education Act (ESEA), which was first enacted in 1965 (P.L. 89-10).
- The Migrant Education Program (MEP) was established through 1966 amendments (P.L. 89-750) to ESEA. The provision (Title I, Sec. 103) was titled: "Payments to State Educational Agencies for Assistance in Educating Migratory children of Migratory Agricultural Workers."

Selected Changes to MEP Under ESSA



State Allocations –
section 1303 (a)

Priority for
Services –
section 1304 (d)



Program
Definitions –
section 1309



State Allocations – Section 1303 (a)



(a) STATE ALLOCATIONS.—Except as provided in subsection (c), each State (other than the Commonwealth of Puerto Rico) is entitled to receive under this part an amount equal to the product of—

(1) the sum of—

(A) the average number of identified eligible migratory children aged 3 through 21 residing in the State, based on data for the preceding 3 years; and

(B) the number of identified eligible migratory children, aged 3 through 21, who received services under this part in summer or intersession programs provided by the State during the previous year; multiplied by

(2) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this paragraph shall not be less than 32 percent, nor more than 48 percent, of the average per-pupil expenditure in the United States.

(b) HOLD HARMLESS — Notwithstanding subsection (a), for each of fiscal years 2017 through 2019, no State shall receive less than 90 percent of the State's allocation under this section for the preceding fiscal year.



Priority for Services (PFS) - Section 1304 (d)



(d) PRIORITY FOR SERVICES.—In providing services with funds received under this part, each recipient of such funds shall give priority to migratory children who have made a qualifying move within the previous 1-year period and who—

(1) are failing, or most at risk of failing, to meet the challenging State academic standards; or

(2) have dropped out of school, (it only applies to USA schools)



Changes to Program Definitions Regarding Eligibility- Section 1309



2) **MIGRATORY AGRICULTURAL WORKER.**— The term ‘migratory agricultural worker’ means an individual who made a qualifying move in the preceding 36 months and, after doing so, engaged in new temporary or seasonal employment or personal subsistence in agriculture, which may be dairy work or the initial processing of raw agricultural products. If an individual did not engage in such new employment soon after a qualifying move, such individual may be considered a migratory agricultural worker if the individual actively sought such new employment and has a recent history of moves for temporary or seasonal agricultural employment.

(3) **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.



Changes to Program Definitions Regarding Eligibility- Section 1309 Continued



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

(5) **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.

What Remained the Same



- ❑ Children ages birth – age 21, who are entitled to a free public education through grade 12 in the State (or are not yet at a grade level at which the local educational agency (LEA) provides a free public education- e.g., preschool children)
- ❑ Children who moved: a) As a migratory agricultural worker or migratory fisher, OR b) With or to join a parent/guardian or spouse who is a migratory agricultural worker or migratory fisher
- ❑ Migratory children are eligible for the MEP for 36 months from their most recent qualifying arrival date (QAD)

“Qualifying Work”

- ❑ We use the abbreviated term “qualifying work” to mean temporary or seasonal employment (or personal subsistence) in agriculture or fishing.
- ❑ “Temporary employment,” “seasonal employment,” and “personal subsistence”: program regulations definitions
- ❑ Employment in agriculture: program regulations definition of “agricultural work” + dairy work or the initial processing of raw agricultural products
- ❑ Employment in fishing = program regulations definition of “fishing work”



“Qualifying Move”

- Due to economic necessity; and
- One residence to another; and
- From one school district to another school district, with specific exceptions:
 - For single-district States, must be from one administrative area to another
 - For districts of 15K+ square miles, must be a move of 20+ miles to a temporary residence



“Qualifying Arrival Date QAD”

- Date that begins a migratory child's 36 months of eligibility
- The date that the child moves as a migratory agricultural worker/fisher or, (if the child is not the worker) the date that the child moves with, or to join, the worker.
- If the child and worker moved together, QAD = date they arrived in the district
- To join moves:
 - If the child moved before the worker, QAD = date that the worker arrived
 - If the child moved after the worker, QAD = date the child arrived



What Has Changed

Definitions of “migratory agricultural worker” and “migratory fisher”:

1. It is no longer necessary to determine whether the worker moved “in order to obtain” qualifying work, or any employment
2. “Engaged” in qualifying work soon after the move instead of “obtained”
3. Modified criteria for individuals who did not engage in new qualifying work soon after their qualifying move



Who is a Migratory Agricultural Worker or Migratory Fisher?



1. Engaged in new qualifying work soon after a qualifying move.

2. If the individual does not meet the criteria above, he or she made a qualifying move and:
 - (a) Actively sought new qualifying work; AND

 - (b) Has a recent history of moves for qualifying work

Individuals Who Did Not Engage in New Qualifying Work Soon After a Qualifying Move



NCLB and 34 CFR 200.81(d)

- Must have moved in order to obtain qualifying work specifically AND
 - Have a *prior* history of moves to obtain qualifying work; OR
 - There must be *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

ESSA

- Must have:
 - Actively sought qualifying work; AND
 - Have a *recent* history of moves for qualifying work

What Has Changed



- **“Soon After”:**
 - Within 60 days after the qualifying move
- **“Actively Sought”:**
 - May occur before or after the qualifying move (e.g., applied for qualifying work at a particular agricultural or fishing job site, applied for such employment before moving, or moved reasonably believing that, based on newspaper ads or word of mouth, such work would be available after the move)
 - Should occur within 60 days of the qualifying move
- **“Recent History of Moves for...”:**
 - Moves that resulted in engagement in qualifying work
 - At least two moves;
 - Within 36 months of the recruiter’s interview

Group Discussion



Supporting Needs of Migratory Children (ESEA Section 1304(b)(1))

1. What services are available for migratory children to address their unique needs from appropriate local, State, and Federal educational programs?

1. What types of joint planning among local, State, and Federal educational programs serving migratory children, including language instruction educational programs under Title III, Part A, are there or could be created?

1. How can we successfully integrate the services available under Title I, Part C (MEP) with services provided by other programs?

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