

1 EDUCATION AND WORKFORCE DEVELOPMENT CABINET

2 Kentucky Board of Education

3 Department of Education

4 (Amendment)

5 704 KAR 3:292. **Education of migratory children.** [~~Chapter 1, ESSIA migrant education~~
6 ~~requirements.]~~

7 RELATES TO: KRS 156.010, **KRS 156.035, KRS 156.070, 20 U.S.C. 6391-6399**

8 STATUTORY AUTHORITY: KRS 156.070, **KRS 156.035, 20 U.S.C. 6391-6399**

9 NECESSITY, FUNCTION, AND CONFORMITY: **Section 1306 of the Elementary and**

10 **Secondary Education Act of 1965 (ESEA) as amended by the Every Student Succeeds Act**

11 **requires migratory education programs receiving funding under Title I, Part C to ensure the**

12 **unique educational needs of migratory children are identified and addressed. This**

13 **administrative regulation establishes, in accordance with Kentucky’s consolidated State plan**

14 **under ESEA, how the Kentucky Department of Education (department) and its local**

15 **operating agencies comply with ESEA Section 1306.** [~~In accordance with Section 435 of the~~

16 ~~General Education Provisions Act and sections 1201, 1202, and 1203 of the Augustus F. Hawkins–~~

17 ~~Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, the~~

18 ~~Department of Education, when applying to the U.S. Department of Education for participation in~~

19 ~~programs for migrant children under Chapter 1 of the Education Consolidation and Improvement~~

20 ~~Act of 1981, must submit an approvable plan and satisfactory assurances that all requirements of~~

21 ~~the law will be met. This administrative regulation implements the State Board for Elementary and~~

22 ~~Secondary Education's duties to develop education policy, to implement acts of Congress~~

1 appropriating and apportioning funds to the state and to provide for the proper apportionment and
2 disbursement of federal migratory children funds in accordance with the state's current plan.]

3 **Section 1. Definitions. (1) “Comprehensive needs assessment” means a systematic set of**
4 **procedures that are used to determine needs, examine their nature and causes, and set**
5 **priorities for future action.**

6 **(2) “Migratory child” or “migratory student” is defined in 20 U.S.C. 6399(3).**

7 **(3) “Migrant staff” means any individual that is fully or partially paid using migrant funds.**

8 **(4) “Out-of-school youth” means an individual who:**

9 **(a) Has not attained the age of twenty-one (21) years old;**

10 **(b) Has not completed high school or the equivalent thereof; and,**

11 **(c) Is not currently enrolled in an elementary or secondary school.**

12 **(5) “Qualifying move” is defined in 20 U.S.C. 6399(5).**

13 **(6) “Service delivery plan” means a set of principles, standards, polices, and constraints to be**
14 **used to guide the designs, development, deployment, operation, and retirement of services.**

15 Section 2 [4]. **Program development and implementation.** (1) The **department** [Department of
16 ~~Education~~] shall implement services to **migratory** children **in accordance with Kentucky’s**
17 **consolidated State plan under ESEA using a service delivery plan responsive to a**
18 **comprehensive needs assessment** [by making grants to local school districts which have
19 concentrations of eligible migrant children].

20 **(2) In the planning and operation of migratory education programs not less than one (1)**
21 **school year in duration, the department and its local operating agencies shall consult with**
22 **parents of migratory children and shall ensure such programs:**

- 1 **(a) Comply with the parental involvement requirements in 20 U.S.C. 6318, unless doing so**
2 **would be impractical; and**
- 3 **(b) Are understandable, in both format and language, to parents.** [~~Participating school districts~~
4 ~~shall submit an annual application for funds to provide services to eligible children].~~
- 5 **(3) The department shall work closely with programs at the state, regional, and local levels to**
6 **identify and meet the needs of all migratory children, including preschool migratory students**
7 **and migratory children that have dropped out of school. Pursuant to 20 U.S.C. 6394(d),**
8 **priority shall be given to migratory children who have made a qualifying move within the**
9 **previous one (1) year period and who are failing, or most at risk of failing, or have dropped**
10 **out of school** [~~The application shall be authorized by the local board of education and be approved~~
11 ~~by the Department of Education].~~
- 12 **(4) The department shall identify and recruit migratory children and may do so using:**
- 13 **(a) Statewide recruitment and training;**
- 14 **(b) Regionally-based recruitment and training; or**
- 15 **(c) Locally-based recruitment and training** [~~Participating school districts shall perform an~~
16 ~~annual assessment of the needs of eligible migrant children.]~~
- 17 **(5) After a child is identified as migratory, the child shall be enrolled in all applicable**
18 **programs and provided access to other resources that address the child’s specific educational**
19 **needs. The department may directly provide services to the child if the child’s needs are not**
20 **being met by other available programs and resources** [~~Participating school districts shall~~
21 ~~coordinate the migrant program with other federal, state and local programs and agencies as~~
22 ~~appropriate].~~
- 23 **(6) Migrant staff shall attend annual training as approved by the department.**

1 Section 3 [2]. **Program evaluation.** (1) **The department and its local operating agencies shall**
2 **establish objectives and evaluate outcomes for migratory education programs in the**
3 **following areas:**

4 **(a) Reading and writing;**

5 **(b) Math;**

6 **(c) High school dropout and prevention;**

7 **(d) School readiness; and**

8 **(e) Out-of-school youth** [~~Persons coordinating the provision of services for eligible migrant~~
9 ~~children shall be required to hold certification as a teacher, counselor or social worker~~].

10 (2) **Information to be used by the department and its local operating agencies in evaluating**
11 **migratory education program outcomes may include:**

12 **(a) Data on student eligibility and enrollment as well as provided services;**

13 **(b) Assessment data which may include the record of state performance targets and**
14 **outcomes for statewide assessments, kindergarten readiness screener results, end of course**
15 **results, graduation rates, or local assessment results;**

16 **(c) Information on attendance, grades, and teachers of records;**

17 **(d) Parent surveys;**

18 **(e) Data from regionally-based recruitment and training programs; or**

19 **(f) Annual program monitoring results** [~~Summer extended academic services shall be required~~
20 ~~of all local migrant projects for a duration of four (4) to six (6) weeks and no less than three (3)~~
21 ~~times per week for eligible students who are the most academically in need~~].

22 Section 4 [3]. **Coordination of Services.** (1) **Pursuant to 20 U.S.C. 6394(c)(1)(B), the**
23 **department and its local operating agencies shall jointly plan migratory education programs**

1 **with similar programs within the state and in other states as well as with other federal**
2 **programs as appropriate** [~~Participating school districts shall involve migrant parents in the~~
3 ~~education of their children~~].

4 (2) **Pursuant to 20 U.S.C. 6394(b)(3), the department and its local operating agencies shall**
5 **facilitate educational continuity through the timely transfer of student records when children**
6 **move from one school to another.** [~~Each participating school district shall be required to form a~~
7 ~~local migrant parent advisory council and to convene the council a minimum of three (3) times per~~
8 ~~year.(5 Ky.R. 832; eff. 6-6-79; Am. 6 Ky.R. 546; eff. 6-4-80; 7 Ky.R. 784; eff. 5-6-81; 8 Ky.R.~~
9 ~~1162; eff. 6-2-82; 9 Ky.R. 1164; eff. 5-4-83; 10 Ky.R. 1097; eff. 5-1-84; 11 Ky.R. 1473; eff. 5-14-~~
10 ~~85; 12 Ky.R. 1637; eff. 5-6-86; 13 Ky.R. 1733; eff. 5-14-87; 14 Ky.R. 2216; eff. 7-21-88; 16~~
11 ~~Ky.R. 203; eff. 10-8-89; 17 Ky.R. 2047; eff. 2-7-91; 20 Ky.R. 3313; eff. 8-4-94.)]~~