

## **704 KAR 3:292. Education of migratory children.**

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

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

NECESSITY, FUNCTION, AND CONFORMITY: Section 1306 of the Elementary and Secondary Education Act of 1965 (ESEA) as amended by the Every Student Succeeds Act requires migratory education programs receiving funding under Title I, Part C to ensure the unique educational needs of migratory children are identified and addressed. This administrative regulation establishes, in accordance with Kentucky's consolidated State plan under ESEA, how the Kentucky Department of Education (department) and its local operating agencies comply with ESEA Section 1306.

### **Section 1. Definitions.**

- (1) "Comprehensive needs assessment" means a systematic set of procedures that are used to determine needs, examine their nature and causes, and set priorities for future action.
- (2) "Migrant staff" means any individual that is fully or partially paid using migrant funds.
- (3) "Migratory child" or "migratory student" is defined in 20 U.S.C. 6399(3).
- (4) "Out-of-school youth" means an individual who:
  - (a) Has not attained the age of twenty-one (21) years old;
  - (b) Has not completed high school or the equivalent thereof; and
  - (c) Is not currently enrolled in an elementary or secondary school.
- (5) "Qualifying move" is defined in 20 U.S.C. 6399(5).
- (6) "Service delivery plan" means a set of principles, standards, policies, and constraints to be used to guide the designs, development, deployment, operation, and retirement of services.

### **Section 2. Program Development and Implementation.**

- (1) The department shall implement services to migratory children in accordance with Kentucky's consolidated State plan under ESEA using a service delivery plan responsive to a comprehensive needs assessment.
- (2) In the planning and operation of migratory education programs not less than one (1) school year in duration, the department and its local operating agencies shall consult with parents of migratory children and shall ensure such programs:
  - (a) Comply with the parental involvement requirements in 20 U.S.C. 6318, unless doing so would be impractical; and
  - (b) Are understandable, in both format and language, to parents.
- (3) The department shall work closely with programs at the state, regional, and local levels to identify and meet the needs of all migratory children, including preschool migratory students and migratory children that have dropped out of school. Pursuant to 20 U.S.C. 6394(d), priority shall be given to migratory children who have made a qualifying move within the previous one (1) year period and who are failing, or most at risk of failing, or have dropped out of school.
- (4) The department shall identify and recruit migratory children and may do so using:
  - (a) Statewide recruitment and training;
  - (b) Regionally-based recruitment and training; or
  - (c) Locally-based recruitment and training.
- (5) After a child is identified as migratory, the child shall be enrolled in all applicable programs and provided access to other resources that address the child's specific educational needs. The department may directly provide services to the child if the child's needs are not being met by other available programs and resources.
- (6) Migrant staff shall attend annual training as approved by the department.

### Section 3. Program Evaluation.

(1) The department and its local operating agencies shall establish objectives and evaluate outcomes for migratory education programs in the following areas:

- (a) Reading and writing;
- (b) Math;
- (c) High school dropout and prevention;
- (d) School readiness; and
- (e) Out-of-school youth.

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

- (a) Data on student eligibility and enrollment as well as provided services;
- (b) Assessment data which may include the record of state performance targets and outcomes for statewide assessments, kindergarten readiness screener results, end of course results, graduation rates, or local assessment results;
- (c) Information on attendance, grades, and teachers of records;
- (d) Parent surveys;
- (e) Data from regionally-based recruitment and training programs; or
- (f) Annual program monitoring results.

### Section 4. Coordination of Services.

(1) Pursuant to 20 U.S.C. 6394(c)(1)(B), the department and its local operating agencies shall jointly plan migratory education programs with similar programs within the state and in other states as well as with other federal programs as appropriate.

(2) Pursuant to 20 U.S.C. 6394(b)(3), the department and its local operating agencies shall facilitate educational continuity through the timely transfer of student records when children move from one school to another.

(5 Ky.R. 832; eff. 6-6-1979; Am. 6 Ky.R. 546; eff. 6-4-1980; 7 Ky.R. 784; eff. 5-6-1981; 8 Ky.R. 1162; eff. 6-2-1982; 9 Ky.R. 1164; eff. 5-4-1983; 10 Ky.R. 1097; eff. 5-1-1984; 11 Ky.R. 1473; eff. 5-14-1985; 12 Ky.R. 1637; eff. 5-6-1986; 13 Ky.R. 1733; eff. 5-14-1987; 14 Ky.R. 2216; eff. 7-21-1988; 16 Ky.R. 203; eff. 10-8-1989; 17 Ky.R. 2047; eff. 2-7-1991; 20 Ky.R. 3313; eff. 8-4-1994; 45 Ky.R. 1410, 2341; eff. 3-8-2019.)