

**Regulation 6175: Migrant Education Program**

Status: DRAFT

Original Adopted Date: 06/02/2009 | Last Revised Date: 02/18/2020 | Last Reviewed Date: 02/18/2020

### Eligibility

Students age 3 to 21 years shall be eligible for the district's migrant education program if they, their parents/guardians, or their spouses are migratory agricultural workers or fishers who, in the preceding 36 months, moved into the district due to economic necessity and engaged in new temporary or seasonal employment or personal subsistence in agriculture or fishing. If such employment was not secured soon after the move, students may be considered migrant-students **who are migratory** if they, ~~their~~ **the student, the student's** parents/guardians, or ~~their spouses~~ **the student's spouse** actively sought such new employment and have a recent history of moves for temporary or seasonal agricultural or fishing employment. (20 USC 6399; 34 CFR 200.81)

A student who ceases to be a migrant-student **who is migratory** during a school term shall be eligible for services until the end of the term. If comparable services are not available through other programs, a student who is no longer migratory may continue to receive services for one additional school year. Students who were eligible for services in secondary school may continue to be served through credit accrual programs until graduation. (20 USC 6394)

### Enrollment

A migrant-student **who is migratory** shall be immediately enrolled in the district even if the student: (Education Code 48204.7)

1. Has outstanding fees, fines, textbooks, or other items or monies due to the school last attended
2. Does not have clothing normally required by the school, such as school uniforms
3. Is unable to produce records normally required for enrollment, such as previous academic records, proof of residency, medical records, including, but not limited to, records or other proof of immunization history, or other documentation

If a migrant-student **who is migratory** experiences a change in residence, the student may remain enrolled in the school of origin for the duration of the student's status as a migrant-student **who is migratory**. (Education Code 48204.7)

If a student's status as a migrant-student **who is migratory** changes during a school year, the Superintendent or designee shall allow the student to continue at the school of origin through the duration of that school year or, if the student is enrolled in a high school, through graduation. (Education Code 48204.7)

A migrant-student **who is migratory and** is transitioning between school grade levels shall be allowed to continue in the district of origin in the same attendance area to provide the student the benefit of matriculating with peers in accordance with the established feeder patterns of school districts. A migrant-student **who is migratory and** is transitioning to a middle school or high school designated for matriculation in another school district shall be allowed to enroll in that school. (Education Code 48204.7)

The Superintendent or designee shall inform a migrant-student **who is migratory** and the student's parent/guardian of the impact of remaining in the school of origin on the student's eligibility to receive migrant education services pursuant to Education Code 54440-54445. (Education Code 48204.7)

The Superintendent or designee may, but is not required to, provide transportation to enable a migrant-student **who is migratory** to attend the school of origin, unless otherwise required by federal law, **or provide programs for online instruction as a substitute for physical attendance**. (Education Code 48204.7)

### Student Records

The Superintendent or designee shall maintain records documenting the eligibility of students enrolled in the district's migrant education program. However, the district shall not collect information or documents regarding the citizenship or immigration status of students or their family members for the purpose of determining eligibility for migrant education services.

The Superintendent or designee shall acquire education and health records from ~~migrant students'~~ **the** previous school districts **of a student who is migratory**, as appropriate.

When a ~~migrant student~~ **who is migratory** transfers to another district, the student's records shall be provided to the receiving district upon request at no cost in order to assist that district in meeting the needs of the student. (20 USC 6398)

### **Program Components**

The migrant education program shall include all of the following components: (Education Code 54443.1)

1. A general needs assessment summarizing the needs of the population to be served
2. A comprehensive program to meet the educational, health, and related needs of participating students which supplements the district program and includes, but is not limited to:
  - a. Instructional services, including academic, remedial and compensatory, bilingual-crosscultural, and career technical instruction
  - b. Counseling and career education services
  - c. Preschool services in accordance with Education Code 54443
  - d. Other educational services that are not otherwise available in sufficient quantity or quality to eligible migrant-students **who are migratory**
  - e. The acquisition of instructional materials and equipment necessary to adequately provide the appropriate services
  - f. Other related services to meet the special needs of eligible migrant-students **who are migratory** to enable them to participate effectively in instructional services
  - g. The coordination and teaming of existing resources serving migrant-students **who are migratory**, such as bilingual-crosscultural education, health screening, and compensatory education
3. Individual assessment of the educational and relevant health needs of each participating student, within 30 days of enrollment, including assessments concurrently provided pursuant to compensatory education, bilingual-crosscultural education, school improvement programs, and other programs serving the student
4. A brief individual learning plan listing the services to be provided to each student, which shall be given to the parent/guardian in writing or at a parent/guardian conference, annually and when the student moves to a new district
5. Staffing and staff development plans and practices to meet the needs of students and implement the program
6. Parent/guardian and community involvement as specified in Education Code 54444.2, including, but not necessarily limited to, the establishment of a parent/guardian advisory council to actively involve parents/guardians in planning, operating, and evaluating the district's migrant education program
7. The migrant education program shall provide for the same opportunities for parent/guardian involvement that are provided to parents/guardians for federal Title I programs. (20 USC 6394)
8. Evaluations which include annual student progress and overall program effectiveness and quality control reports

~~Contingent upon funding, the district shall provide home-based and/or school-based family literacy services to migrant families to enhance literacy levels, parenting skills, and English language skills of parents/guardians.~~

### **Summer School and Extended School Year Program**

The district shall conduct summer school program(s) for eligible migrant-students **who are migratory**. The summer school program shall respond to the individual needs of participating students and shall build on and be consistent

with the instructional programs offered to these students during the regular school year. Coursework shall be of the same level of difficulty in each subject as that provided to students enrolled in regular classes of instruction within the district in the preceding year. (Education Code 54444.3)

Teachers in the summer school program shall have cultural training or background and understanding of the special needs of migrant students **who are migratory** and possess the proper credential for the subjects and grade levels to which they are assigned. (Education Code 54444.3)

The program shall comply with the following requirements for instructional time: (Education Code 54444.3)

1. For kindergarten class, a minimum of 180 minutes per day, including recesses, for not less than 20 instructional days
2. For grades 1-8, a minimum of 200 minutes per day, including recesses and passing time but excluding noon intermissions, for not less than 20 instructional days
3. For grades 7-12, a minimum of 240 minutes per day, including passing time but excluding noon intermissions, for not less than 30 instructional days

**The number of instructional days may be less than as described above if, during the summer school program, there is a holiday for which schools are required to be closed. (Education Code 37220, 54444.3).**

When district facilities that are suitable for the summer climate are available, the district shall make facilities available at cost to other agencies that request facilities for the operation of migrant summer school programs, **unless just cause for denial exists.** When approved by the Superintendent of Public Instruction, the district may jointly offer facilities with a neighboring district to meet the needs of the migrant summer school program for the entire area. ~~(Education Code 54444.3)~~

#### **Applicability of Graduation Requirements**

To obtain a high school diploma, migrant students (Education Code 54444.3)

**If the district receives authorization and average daily attendance funding from the California Department of Education to provide an extended school year program to students who are migratory who, due to family movement, enroll in transitional kindergarten, kindergarten, or any of grades 1-6, on or after March 1 of the school year and depart on or before December 1 of the next school year, the Superintendent or designee shall operate the program in accordance with Education Code 41601.6. (Education Code 41601.6)**

#### **Transfer of Coursework and Credits**

**When a student enrolled in a migrant education program transfers into a district school, the district will receive an official transcript from the transferring school or district which reflects full and partial credits and grades earned by the student and includes: (Education Code 51225.2)**

1. **A determination of the days of enrollment and/or seat time, if applicable, for all full and partial credits earned based on any measure of full or partial coursework being satisfactorily completed**  
**Partial coursework satisfactorily completed includes any portion of an individual course, even if the student did not complete the entire course**
2. **Separate listings for credits and grades earned at each school and local educational agency so it is clear where credits and grades were earned**
3. **A complete record of the student's seat time, including both period attendance and days of enrollment**

**The district shall transfer the credits and grades from the transferring school's transcript onto an official district transcript in the same manner as described in Item #2, above. (Education Code 51225.2)**

**If the Principal or designee has knowledge that the transcript from the transferring school may not include certain credits or grades, the Principal or designee shall contact the prior school within two business days to request that the full or partial credits be issued, which shall then be issued and provided by the prior school along with all academic and other records within two business days of the request. (Education Code 51225.2)**

**The district shall accept and issue full credit for any coursework that the student who is migratory has satisfactorily completed while attending another public school, a juvenile court school, a charter school, a school in a country other than the United States, or a nonpublic, nonsectarian school.**

**If the entire course was completed, the district shall not require the student who is migratory to retake the course. (Education Code 51225.2)**

**If the entire course was not completed at the previous school, the student who is migratory shall be issued partial credit for the coursework completed and shall be required to take the uncompleted portion of the course. However, the district may require the student who is migratory to retake the portion of the course completed if, in consultation with the educational rights holder for the student who is migratory, the district finds that the student who is migratory is reasonably able to complete the requirements in time to graduate from high school. Whenever partial credit is issued to a student who is migratory in any particular course, the student who is migratory shall be enrolled in the same or equivalent course, if applicable, to enable the completion of the entire course. (Education Code 51225.2)**

**Partial credits shall be awarded on the basis of 0.5 credits for every seven class periods attended per subject. If the school is on a block schedule, each block schedule class period attended shall be equal to two regular class periods per subject. Partial credits and grades earned by a student shall be included on the student's official transcript within two business days of the district's notification of the student's transfer, as required under Education Code 49069.5.**

**In no event shall the district prevent a student who is migratory from taking or retaking a course to meet the eligibility requirements for admission to the California State University or the University of California. (Education Code 51225.2)**

#### **Applicability of Graduation Requirements**

**To obtain a high school diploma, a student who is migratory shall complete all courses required by Education Code 51225.3 and shall generally fulfill any additional local graduation requirements prescribed by the Board.**

**However, when a migrant student who is migratory has completed the second year of high school and transfers into the district or transfers between high schools within the district school, the student shall be exempted from all district-adopted coursework and other district-established graduation requirements, unless the district makes a finding that the student is reasonably able to complete the additional requirements in time to graduate from high school by the end of the student's fourth year of high school. Within 30 calendar days of the student's transfer, the Superintendent or designee shall notify the student and the student's parent/guardian of the availability of the exemption and whether the student qualifies for it. If the Superintendent or designee fails to provide this notification, the student shall be eligible for the exemption once notified, even if the notification occurs after the termination of the court's jurisdiction over the student no longer meets the definition of a migrant student. (Education Code 51225.1)**

**To determine whether a migrant student is in the third or fourth year of high school, the district shall use either the number of credits the student has earned as of the date of the transfer or the length of school enrollment, whichever qualifies the student for the exemption. (Education Code 51225.1)**

**The Superintendent or designee shall notify any migrant student who is granted an exemption and the student's parent/guardian how any requirements that are waived will affect the student's ability to gain admission to a postsecondary educational institution and shall provide information about transfer opportunities available through the California Community Colleges. (Education Code 51225.1)**

**The district shall not require or request a migrant student to transfer schools in order to qualify for an exemption, and no request for a transfer solely to qualify for an exemption shall be made by a migrant student or parent/guardian. (Education Code 51225.1)**

**If a migrant student is exempted from local graduation requirements, the exemption shall continue to apply after the student no longer meets the definition of a migrant student if the student is still enrolled in school or transfers to another school or district. (Education Code 51225.1)**

**Upon making a finding that a migrant student is reasonably able to complete district graduation requirements within a fifth year of high school, the Superintendent or designee shall: ~~-, the length of school enrollment, or, for a student~~**

with significant gaps in school attendance, the student's age as compared to the average age of students in the third or fourth year of high school, whichever qualifies the student for the exemption. (Education Code 51225.1)

If a student who is migratory was not properly notified of an exemption, declined the exemption, or was not previously exempted, the student or the student's educational rights holder may request the exemption and the Superintendent or designee shall exempt the student within 30 days of the request. A student may request the exemption even if the student is no longer a student who is migratory. (Education Code 51225.1)

When the Superintendent or designee determines that a student who transferred into a district school is reasonably able to complete district-established graduation requirements by the end of the student's fourth year of high school, the student shall not be exempted from those requirements. Within 30 calendar days of the following academic year, the student shall be reevaluated based on the student's course completion status at the time, to determine if the student continues to be reasonably able to complete the district-established graduation requirements in time to graduate by the end of the student's fourth year of high school. Written notice as to whether the student then qualifies for exemption shall be provided to the student, the student's educational rights holder, and if applicable, to the student's social worker or probation officer. (Education Code 51225.1)

If, upon reevaluation, it is determined that the student who is migratory is not reasonably able to complete the district-established graduation requirements in time to graduate from high school by the end of the student's fourth year of high school, the Superintendent or designee shall provide the student with the option to receive an exemption from district-established graduation requirements or stay in school for a fifth year to complete the district-established graduation requirements upon agreement with the student, or if under 18 years of age, the student's educational rights holder, and shall provide notifications in accordance with Education Code 51225.1. (Education Code 51225.1)

When a student who is migratory is exempted from district-established graduation requirements, the Superintendent or designee shall consult with the student and the student's educational rights holder about the following: (Education Code 51225.1)

1. Inform Discussion of how any requirements that are waived may affect the student's postsecondary education or vocation plans, including the ability to gain admission to a postsecondary educational institution
2. Discussion and information about other options available to the student and, including, but not limited to, a fifth year of high school, possible credit recovery, and any transfer opportunities available through the California Community Colleges
3. Consideration of the student's academic data and any other information relevant to making an informed decision on whether to accept the exemption

The district shall not require or request a student who is migratory to transfer schools in order to qualify for an exemption and shall not grant any request made by a student who is migratory or the student's parent/guardian of the student's for a transfer solely to qualify for an exemption. (Education Code 51225.1)

The Superintendent or designee shall not require a student who is migratory who is eligible for an exemption from district-established graduation requirements and would otherwise be entitled to remain in attendance at the school, to accept the exemption or be denied enrollment in, or the ability to complete, courses for which the student is otherwise eligible, including courses necessary to attend an institution of higher education, regardless of whether such courses are required for statewide graduation requirements. (Education Code 51225.1)

If a student who is migratory is exempted from district-established graduation requirements, the exemption shall not be revoked. Additionally, the exemption shall continue to apply after the student no longer meets the definition of a student who is migratory while still enrolled in the school or if the student transfers to another school, including a charter school, or school district. (Education Code 51225.1)

The Superintendent or designee shall not require or request that an eligible student who is exempted from district-established graduation requirements and who completes the statewide coursework requirements before the end of the fourth year of high school, and would otherwise be entitled to remain in school, to graduate before the end of the student's fourth year of high school. (Education Code 51225.1)

Upon making a finding that a student who is migratory is reasonably able to complete district-established graduation requirements within the fifth year of high school, the Superintendent or designee shall: (Education Code 51225.1)

1. **Consult with the student and, if under 18 years of age, the student's educational rights holder, of the option** to remain in school for a fifth year to complete the ~~district's~~**district-established** graduation requirements and how that will affect the student's ability to gain admission to a postsecondary educational institution
2. Provide **Consult with and provide** information to the student about transfer opportunities available through the California Community Colleges
3. Upon agreement with the student or parent/guardian **with the student's educational rights holder if under 18 years of age**, permit the student to stay in school for a fifth year to complete the ~~district's~~**district-established** graduation requirements

**When a student who is migratory has completed the second year of high school transfers into the district or between high schools within the district, and the Superintendent or designee determines that the student is not reasonably able to complete the district-established graduation requirements within the student's fifth year of high school but is reasonably able to complete the statewide coursework requirements within the fifth year of high school, the student shall be exempted from all district-established graduation requirements and be provided with the option to remain in school for a fifth year to complete the statewide requirements. In such situations, the Superintendent or designee shall consult with the student and the student's educational rights holder, regarding the following: (Education Code 51225.1)**

1. **The student's option to remain in school for a fifth year to complete statewide coursework requirements**
2. **The effect of waiving the district-established requirements and remaining in school for a fifth year on the student's postsecondary education or vocation plans, including the ability to gain admission to an institution of higher education**
3. **Other options available to the student, including, but not limited to, possible credit recovery, and any transfer opportunities available through the California Community Colleges**
4. **The student's academic data and any other information relevant to making an informed decision on whether to accept the exemption and option to remain in school for a fifth year to complete the statewide coursework requirements**

#### **Parent Advisory Council**

The parent advisory council shall be comprised of members who are knowledgeable of the needs of migrant students **who are migratory** and shall be elected by the parents/guardians of students enrolled in the district's migrant education program. The composition of the council shall be determined by the parents/guardians at a general meeting to which all parents/guardians of participating students shall be invited. The parents/guardians shall be informed, in a language they understand, that they have the sole authority to decide on the composition of the council. (Education Code 54444.2)

At least two-thirds of the advisory council shall consist of parents/guardians of migrant students **who are migratory**. (Education Code 54444.2)

All parent/guardian candidates for the council shall be nominated by parents/guardians. Nonparent candidates, such as teachers, administrators, other school personnel, or students, shall be nominated by the groups they represent. All other community candidates shall be nominated by the parents/guardians. (Education Code 54444.2)

The parent/guardian advisory council shall meet at least six times during the year and shall: (Education Code 54444.4)

1. Establish program goals, objectives, and priorities
2. Review annual needs assessments, program activities for each school, and individual learning plans
3. Advise on the selection, development, and reassignment of migrant education program staff
4. Participate actively in planning and negotiating program applications and service agreements
5. Perform all other responsibilities required under state and federal laws or regulations

The Superintendent or designee shall establish and implement a training program for advisory council members to

enable them to carry out their responsibilities. The training program shall be developed in consultation with the council and shall include appropriate training materials in a language understandable to each member. (Education Code 54444.2)

The Superintendent or designee shall provide the council, without charge, a copy of all applicable state and federal migrant education statutes, rules, regulations, guidelines, audits, monitoring reports, and evaluations. Upon request, these materials also shall be provided without charge to each member of the council. (Education Code 54444.2)

### Notification and Complaints

Information regarding the educational rights of migrant students **who are migratory**, as specified in Education Code 51225.1 and 51225.2, shall be included in the annual uniform complaint procedures notification distributed to students, parents/guardians, employees, and other interested parties pursuant to 5 CCR 4622. (Education Code 51225.1, 51225.2)

Any complaint that the district has not complied with requirements regarding the education of migrant students **who are migratory**, as specified in Education Code 51225.1 or 51225.2, may be filed in accordance with the district's procedures in **ARAdministrative Regulation 1312.3 Uniform Complaint Procedures**.

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**Policy Reference Disclaimer:** These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

#### State References

5 CCR 3080

#### Description

[Applicability of uniform complaint procedures to complaints regarding students with disabilities](#)

5 CCR 4600-4670

[Uniform complaint procedures](#)

Ed. Code 200

[Equal rights and opportunities in state educational institutions](#)

Ed. Code 220

[Prohibition of discrimination](#)

Ed. Code 234.7

[Student protections relating to immigration and citizenship status](#)

Ed. Code 37220

[School calendar](#)

Ed. Code 41601.6

[Extended school year program for migratory students](#)

Ed. Code 48204.7

[Enrollment](#)

Ed. Code 51225.1

[Exemption from district graduation requirements](#)

Ed. Code 51225.2

[Transfer of coursework and credit](#)

Ed. Code 51225.3

[High school graduation requirements](#)

Ed. Code 54440-54445

[Migrant children](#)

#### Federal References

20 USC 6311

#### Description

[State plan](#)

20 USC 6391-6399

[Education of migratory children](#)

20 USC 7881

[Participation of private school students](#)

34 CFR 200.81-200.89

[Migrant education program](#)

#### Management Resources References

California Child Welfare Council Publication

#### Description

[Partial Credit Model Policy and Practice Recommendations, September 2013](#)

California Department of Education Publication

[2017 State Service Delivery Plan](#)

U.S. Department of Education Publication

[Education of Migratory Children Under Title I, Part C of the Elementary and Secondary Education Act of 1965, Non-Regulatory Guidance, rev. March 2017](#)

Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">California Department of Education, Migrant Education Office</a>
Website	<a href="#">U.S. Department of Education, Office of Migrant Education</a>
Website	<a href="#">West Ed, Migrant Student Information Network</a>
Website	<a href="#">CSBA</a>

**Cross References**

**Description**

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1312.3-E PDF(2)	<a href="#">Uniform Complaint Procedures</a>
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3553	<a href="#">Free And Reduced Price Meals</a>
3553	<a href="#">Free And Reduced Price Meals</a>
4121	<a href="#">Temporary/Substitute Personnel</a>
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5111.1	<a href="#">District Residency</a>
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5113.11	<a href="#">Attendance Supervision</a>
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5141.31	<a href="#">Immunizations</a>
5141.31	<a href="#">Immunizations</a>
5141.32	<a href="#">Health Screening For School Entry</a>
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5145.13	<a href="#">Response To Immigration Enforcement</a>
5145.13	<a href="#">Response To Immigration Enforcement</a>



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