

Procedures for collecting Minimum Data Elements (MDEs) from Private Schools

Introduction:

Sections 9501 of the statute and 299.6 of the regulations require SEAs that receive MEP funds to provide special educational services or other benefits on an equitable basis to eligible children who are enrolled in private schools, and to their teachers and other educational personnel. This must be done after timely and meaningful consultation with appropriate private school officials.

Meeting the needs of Migrant Education Program (MEP) students:

The agency that operates the local MEP project must comply with this requirement.

Consultation Requirements:

To meet this requirement, the agency must consult with private school officials before making any decision that affects the opportunities of eligible private school children to participate in a MEP project. Consultation must cover all phases of the design and development of the MEP project, including:

- How the agency will identify the children's needs;
- What services the agency will offer;
- How and where the agency will provide those services;
- Who will provide the services;
- How the agency will assess the services and how it will use results of the assessment to improve those services;
- Amount of funds available for services;
- Size and scope of the services to be provided; and
- How and when the agency will make decisions about the delivery of services.

Private School Eligible Children:

Children who attend private school are eligible to receive MEP services if they: 1) meet the statutory and regulatory definition of a migrant child; 2) meet the priority for services criteria in section 1304(d); and 3) have special educational needs identified through the State's comprehensive needs assessment and service delivery plan.

Collection of Minimum Data Elements (MDEs):

The same student information collected for MEP program students must also be collected for students attending private school. These include Certificate of Eligibility (COE) information, student state assessment scores, language arts courses for secondary students, math courses for secondary students,

etc. These students are private school attendees who meet the student's eligibility as seen under the section Private School Eligible Children.

This data will be entered into the Utah Migrant Assessment Performance system (MAPS) within 10 days of identifying the student as migrant.

Assessing MEP Eligible Children from Private Schools:

Through the consultation process with private school officials, the local operating agency may assess the needs of eligible migrant children enrolled in private schools in its service area. These children would then be included in the statewide needs assessment.

Equitable Services:

Although the statute and regulations require State Education Agencies (SEAs) to provide services on an equitable basis, the services do not have to be the same in order to be equitable. If the needs assessment reveals that private school children have different special educational needs than public school migrant children, the services offered should address those needs. (See 34 CFR 299.7(c).)

Determining Equitable Services:

Section 299.7(b)(2) of the regulations provides that services are equitable if the agency:

1. Addresses and assesses the specific needs and educational progress of private school children on a comparable basis as public school children;
2. Determines the number of students to be served on an equitable basis;
3. Meets the equal expenditure requirements; and
4. Provides private school children with an opportunity to participate that –
 - Is equitable to the opportunity and benefits provided to public school children; and
 - Provides reasonable promise that participating private school children will meet the challenging academic standards called for by the State's student performance standards (or equivalent standards applicable to private school children and agreed upon during consultation between public and private school officials).

Refusal of Services:

If, after consultation with private school officials, the officials do not wish to have their students participate in the MEP, neither the SEA nor the local operating agency are required to serve these children. However, in its consultation, the local operating agency should explain the various ways in which the agency can help provide services to children attending private schools.

For further questions, please contact: Jeff Ojeda, Utah Migrant Education Program (MEP) Director. Jeff.ojeda@schools.utah.gov. (801) 538-7945