

FLORIDA MIGRANT EDUCATION PROGRAM (FMEP)

CONTINUATION OF SERVICES *HOW DOES IT WORK?*

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MEP Implementation Strategies Meeting II
September 21, 2011

*Adapted Office of Migrant Education (OME) presentation for Florida MEP.

Big Picture Thinking: Our Vested Interest



From Pre-Kindergarten



To Graduation and Beyond

Continuation of Services (COS)

State educational agencies (SEAs) and local operating/educational agencies (LOAs/LEAs) are permitted to provide MEP-funded services under certain circumstances to migratory children whose eligibility has ended.

Statutory Authority

Title I, Part C of the Elementary and Secondary Education Act (ESEA) of 1965,
Section 1304(e)(1), (e)(2), and (e)(3)

Code of Federal Regulations - None

OME Non-Regulatory Guidance (NRG) October 2010,
pages 65-68 and 117

Continuation of Services (COS)

1304(e)(1) (FL Code A)

A child who ceases to be migratory child during a school term shall be eligible for services until the end of such term

1304(e)(2) (FL Code B)

A child who is no longer a migratory child may continue to receive services for 1 additional school year, but only if comparable services are not available through other programs.

1304(e)(3) (FL Code C)

Secondary school students who were eligible for services in secondary school may continue to be served through credit accrual programs until graduation.

Continuation of Services (COS)

- Is an SEA or LEA **required** to provide continuation of services under any of the three statutory provisions in section 1304(e), including 1304(e)(1) where the child retains eligibility to the end of the term?
 - **No. Provision of COS is permissive. Florida allows COS.**

- An SEA that plans to serve migratory children after their MEP eligibility has ended should include COS in its:
 - **Comprehensive Needs Assessment (CNA), and**
 - **Service Delivery Plan (SDP).**

Continuation of Services (COS)

- **Before continuing services for children whose eligibility has ended, a LEA is required to consider:**

1

- Are the child's unmet special educational needs being addressed by the general school program or other local, State or Federal services?

2

- Has the LEA already served its migratory children who have priority for services (PFS), as well as, other eligible migrant students?

Continuation of Services (COS)

- **COS does not** apply to individuals who are:
 1. **Over age 21; or**
 2. **No longer entitled to a free public education through grade 12.**

- These individuals do not meet the definition of “eligible children” in section 1115(b)(1) of the ESEA and 34 CFR 200.103(a).

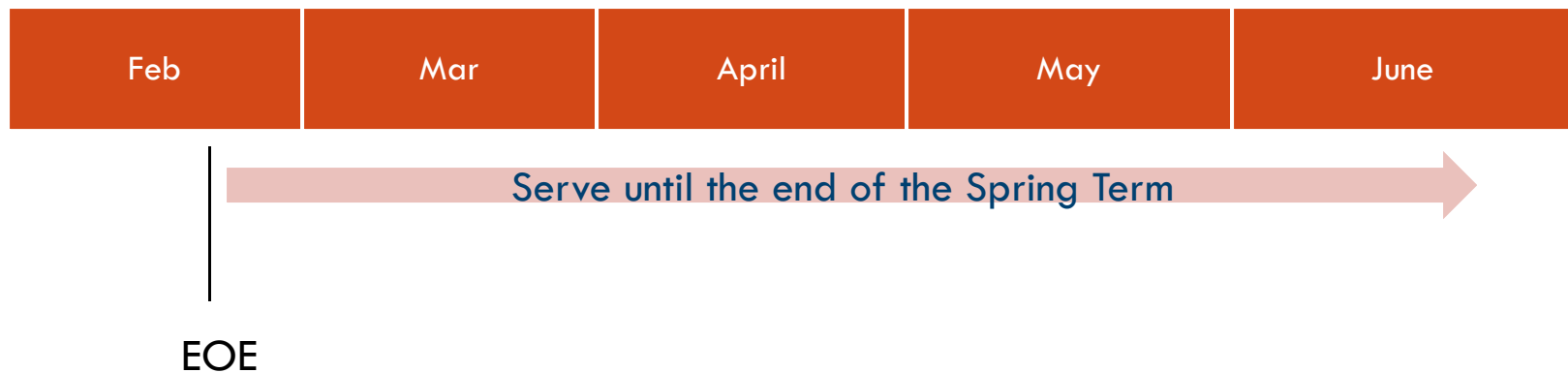
- **NOTE:** LEAs do not receive funds for migrant students identified as COS

Florida: CODE A [Section 1304(e)(1)]

- “A child who ceases to be migratory child during a school term shall be eligible for services until the end of such term.”
 - The LEA may provide services through the end of the school term in which the child ceases to be eligible for the MEP.
 - But not if the individual no longer meets the definition of “children” in section 1115(b)(1).
 - “Term” means one of the following discrete periods of the school year: fall, spring, summer, intersession. See Non-Regulatory Guidance (NRG), Chapter IX, B33.

Florida: CODE A Scenario

- Luisa receives reading support services from the MEP and ceases to be eligible on February 28, 2011. An LEA may continue to provide her with MEP services until the last day of the spring term. However, Luisa may not receive services during the summer term unless another COS provision applies.



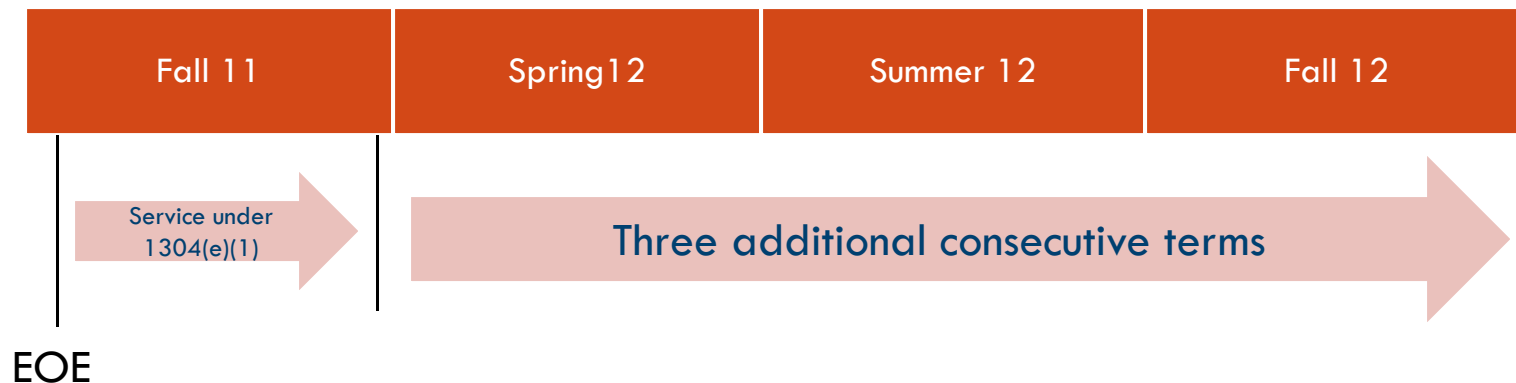
NOTE: EOE = End of Eligibility

Florida: CODE B [Section 1304(e)(2)]

- “A child who is no longer a migratory child may continue to receive services for 1 additional school year, but only if comparable services are not available through other programs.”
- For the purposes of this provision, OME considers “school year” to mean the sum of three additional consecutive terms.
- Only migratory children who received services at some point during their 36-months of eligibility may “continue to receive services” under this provision.
- State/LEA needs to document their efforts to ensure that “comparable services” are not available.

Florida: CODE B Scenario

- David's MEP eligibility expired on November 30, 2011. Under section 1304(e)(1), David is eligible for services until the end of the 2011 fall term. If no *comparable services* are available for this student, then services may be extended for one additional school year, which OME considers to mean three consecutive terms, i.e., to the end of the 2012 fall term in this scenario. David may **not continue to receive services during the 2013 spring term**



What is a “comparable service”?

- One that meets an identified need consistent with the description of “services” in NRG, Chap. V, A1 –
 1. Directly benefits a migrant child;
 2. Is consistent with the State’s CNA and SDP;
 3. Is grounded in scientifically based research or, in the case of support services, is a generally accepted practice; and
 4. Enables the program to meet its measurable outcomes and contribute to the achievement of the State’s performance targets.
- For example –
 - Title I, Part A math instruction
 - In-school vs. in-home services
 - Distance learning vs. campus-based instruction

Documentation for Availability for Comparable Services

- Describe MEP services to be provided under COS;
- Describe efforts made to find comparable services –
e.g.,
 - ❑ Speak/Communicate with social service agencies.
 - ❑ Follow-up with Federal program directors and officials responsible for other district/school programs.
 - ❑ Verify the availability of services against the school's improvement plan.
 - ❑ **Document** the name and title of individuals you spoke with including the date and content of the conversation/communication.
(Documented evidence can include: emails, mail correspondence, call log including information identified above, etc.)

Documentation for Availability for Comparable Services (cont.)

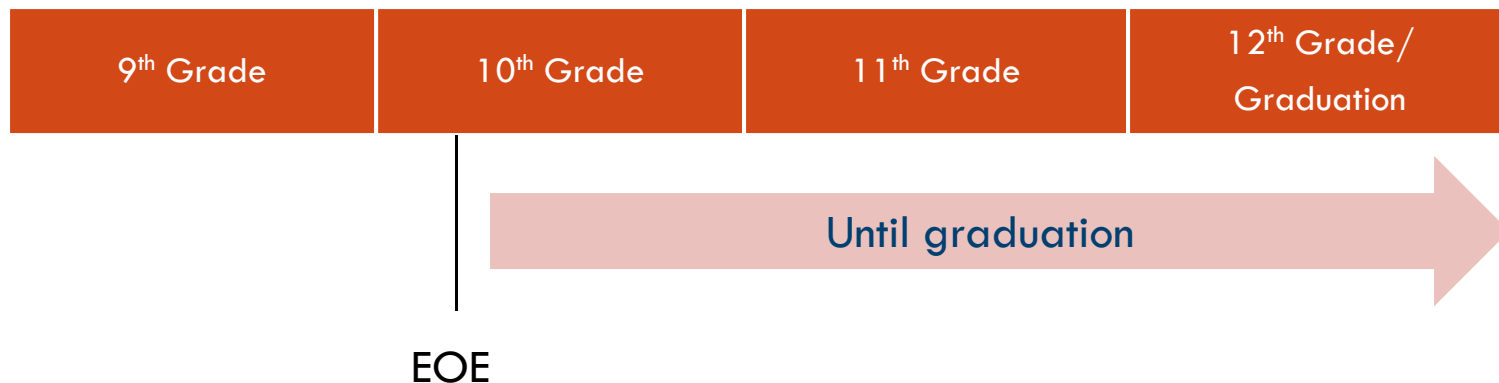
- Attach corresponding documentation.*
 - If other services were found but determined to be not “comparable,” describe the reasoning (particularly if an independent reviewer might question the decision).
- *Documentation is important for quality control. It also serves as evidence of compliance with the statute in case of a State or Federal monitoring or audit.

Florida: CODE C [Section 1304(e)(3)]

- “Secondary school students who were eligible for services in secondary school may continue to be served through credit accrual programs until graduation.”
- 1304(e)(3) services assist secondary school students who are not on track for graduation or who are at-risk of not staying on track for graduation from high school.
- An individual must have been enrolled in secondary school when MEP eligibility ended in order to receive services under this provision;
- Only secondary school students who received MEP services at some point during their 36-months of eligibility may “continue to receive services” under this provision.

Florida: CODE C Scenario

- Marisa receives instructional support services under the MEP because she is behind credits in math and science. Her MEP eligibility ends on February 23, 2011, of her sophomore year. Because she is not on track, or is at risk of not being on track to graduate, she may continue to be supported through *credit accrual programs* until graduation.



Credit Accrual Programs

Academic or instructional supplemental supports that help secondary school students graduate from high school.



Acceptable:

- Tutoring for credit bearing courses
- Tutoring for Florida's state assessments for graduation requirements
- Distance learning courses to accrue lost credits
- Independent study courses to accrue lost credits
- Graduation transcript reviews

Not Acceptable:

- Leadership programs
- Field trips
- Dual-enrollment programs
- Summer programs – unless they are tied to credit accrual opportunities

Pop Quiz...just kidding...
it just a review!



Continuation of Services (COS)

- May an LEA provide COS to a migratory child who was not receiving services when the child's MEP eligibility ended?

Continuation of Services (COS)

- May an LEA provide COS to a migratory child who was not receiving services when the child's MEP eligibility ended?
 - **1304(e)(1):** Yes. Child may receive COS to end of current term even if he/she never received MEP services before.
 - **1304(e)(2) and (e)(3):** Yes, but child must have received MEP services at some point while still eligible.

Continuation of Services (COS)

- May an LEA provide support services to migratory children under COS?

Continuation of Services (COS)

- May an LEA provide support services to migratory children under COS?
 - **1304(e)(1):** Yes.
 - **1304(e)(2):** Yes, if comparable support services are not available.
 - **1304(e)(3):** No.

Scenario One

- Ana is a 4th grader whose MEP eligibility ends on March 22, 2011. When she ended eligibility, Ana was receiving MEP-funded after school math tutoring. Title I, Part A will offer supplemental math tutoring during the coming school year.
 - Is Ana eligible for continuation of services?
 - If yes, which provision under section 1304(e) does she qualify for?
 - When will her services end?

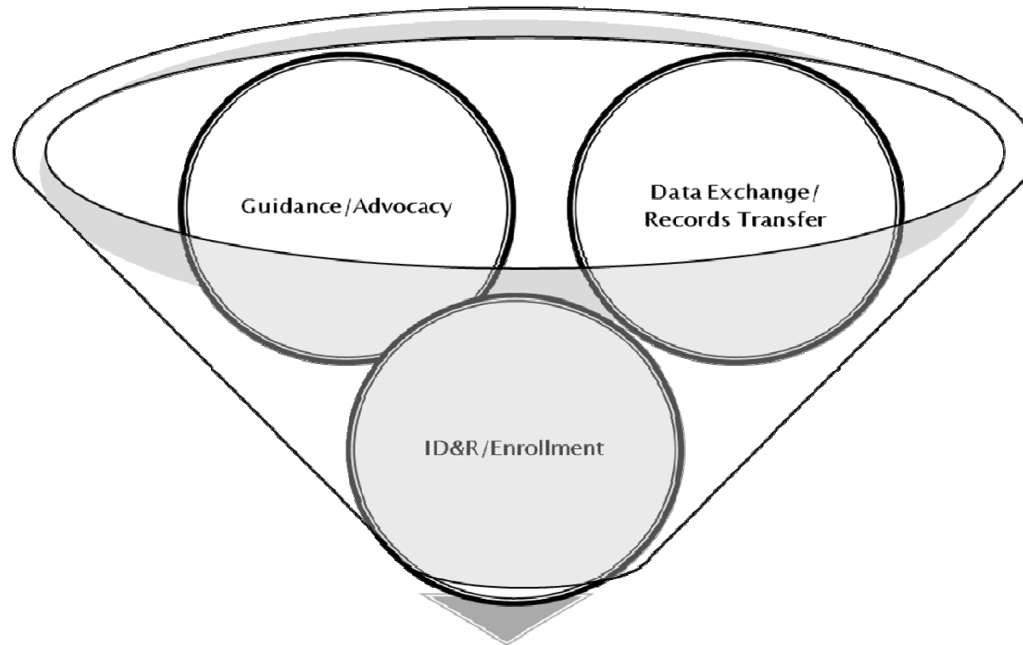
Scenario Two

- Marcos is a high school junior whose MEP eligibility ended in the fall term of his sophomore year. He is behind in credits because of the amount of school he has missed.
 - Is Marcos eligible for continuation of services?
 - If yes, which provision under section 1304(e) does he qualify for?
 - When will his services end?

Scenario Three

- Joel is an 8th grader whose MEP eligibility ended September 29, 2010; he will continue to receive services under (e)(2) during the fall term of his 9th grade year (Fall 2011). May Joel receive assistance from MEP under 1304(e)(3) as a secondary school student?
 - Is this child eligible for continuation of services as a secondary student?
 - If yes, which provision under section 1304(e) does he qualify for?
 - When will services end?

Coming Full Circle: Collaboration Model



Begin With the End in Mind!



Collaboration

Self Advocacy

Parent Involvement

Questions/Comments/Wrap-up



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