

Handout 2

Definitions that Pertain to Binational Migrant Students and Programs

(Adapted from Oregon's New Coordinator Training Manual)

Adequate Yearly Progress • Under the provisions of the No Child Let Behind Act states must establish a definition of adequate yearly progress (AYP) that each district and school is expected to meet. States must specify annual objectives to measure progress of schools and districts to ensure that all groups of students (including low-income students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency) reach proficiency within 12 years. States must set intermediate goals that provide for annual adequate yearly progress targets, with the first increase to occur no later than 2004-05. In order to make adequate yearly progress, schools must test at least 95 percent of their students in each of the above groups.

Agricultural Activity • (1) Any activity directly related to the production or processing of crops, dairy products, poultry or livestock for initial commercial sale or as a principal means of personal subsistence; (2) any activity directly related to the cultivation or harvesting of trees; or (3) any activity directly related to fish farms.

All Students • The term “all students” is often used. By “all students,” USED and states mean every child in a school or educational program without regard to cultural or ethnic background, level of English proficiency, gender, economic status, disabilities, or *family mobility in the case of students who remain in a given school for only a short period of time*.

Allocation • Amount of funds provided by state to an eligible agency after the agency's project proposal has been approved.

Annual Measurable Achievement Objectives • An NCLB requirement that States measure and report the progress of English language proficiency statewide each year.

Apostille • A form of authentication issued to documents for use in countries that participate in the Hague Convention of 1961. Binational students often need to get an apostille for coursework done in the U.S. for grades 10th-12th.

Application Review Process • A system used by states to evaluate applications for allocation of ESEA Title I-C funds.

Appropriation • A legal authorization granted by a legislative body to make expenditures and to incur obligations for specific purposes. An appropriation is usually limited in amount and as to the time when it may be expended.

Area/Regional Project • Refers to all Title I-C activities in an area/region under the supervision of the area/regional director. The area/regional director is a staff member of

the agency that has been granted an allocation to administer a migrant education project in that area/region.

Attendance Area • In relation to a particular public school, the geographical area in which the children who are normally served by that school reside. However, if a child's school attendance area cannot be determined on a geographical basis, the child is considered to be in the school attendance area of the school to which the child is assigned or would be assigned if the child were not attending a private school or another public school on a voluntary basis.

Average Daily Attendance (ADA) • Total days of attendance of all students divided by the official number of days taught during the project term.

Average Daily Membership (ADM) • Total days of all students who were enrolled during the project session divided by the official number of days taught during the session.

Certificate of Eligibility (COE) • A form adopted by the state MEP for use in identifying all eligible migrant children in the state. This form must be completed for the child to be officially entered on state data system.

Comprehensive Needs Assessment (CNA) • Provides an opportunity to review data on migrant students and review the progress toward program goals included in the MEP program evaluation. This information is utilized to identify further needs and to propose research-based strategies to meet those needs. The CNA, in turn, informs the Service Delivery Plan (SDP). In the process to develop a plan for providing services to migrant students, a planning team reviews the strategies, prioritizes them, and develops a statewide plan for implementing the strategies.

Consolidated LEA Plan • While providing the same essential information as the State Plan, the LEA Plan must show how these programs will be successfully consolidated within the district so all children will benefit by achieving the same high performance and content standards.

Consolidated State Plan • Provides essential information on the management of federally-funded programs so that children who benefit from these programs will achieve to the same high performance and content standards established for all children in the state.

Continuation of Services • (1) A child who ceases to be a migratory child during a school term shall be eligible for services until the end of such term; (2) A child who is no longer a migratory child may continue to receive services for one additional school year, but only if comparable services are not available through other programs; and (3) Secondary school students who were eligible for services in secondary school may continue to be served through credit accrual programs until graduation or until they are twenty-one years of age.

Credible Source • The identified migrant education representative (principal or designated other) who will sign the COE as a credible source in the space provided for verification of enrollment of a student moving alone and under age 14. Students, ages 14 through 17 may sign for themselves on the authorized signature line. In addition, the signature of a credible source must be included on the credible source line.

Date of Enrollment • The date a child is enrolled into the local school district.

Days Enrolled • The official number of school days that transpire between the date the student enrolls and the date of his/her withdrawal or the date of project termination.

Dental Care • As used in this handbook, only emergency dental care services are paid for with Title I-C funds. Such services would include diagnosis, referral, treatment and follow-up of critical dental problems.

Desegregation Assistance Center • Assist SEAs and LEAs in preparing and implementing desegregation plans, identify and promote awareness of biased and discriminatory actions, eliminate use of biased textbooks and materials, and develop procedures for nondiscriminatory student placement.

Education of Homeless Children and Youth • The former McKinney-Vento Homeless Education Assistance Improvements Act of 2001 became Subtitle B – Education for Homeless Children and Youth under Title X of the No Child Left Behind Act of 2001.

Eligibility • Refers to criteria regarding the determination that the child met/did not meet the requirements as a migratory child.

English Learners (AKA English Language Learners) • Students whose first language is not English and who are in the process of learning English.

Equipment • Any instrument, machine, apparatus or set of articles which a) retains its original shape and appearance with use and b) is nonexpendable, i.e., if the article is damaged or some of its parts are lost or worn out, it is usually more feasible to repair it than to replace it with an entirely new unit.

Family Education Rights and Privacy Act of 1974 (FERPA) • A federal law designed to protect the privacy of students' education records. All LEAs are subject to FERPA which gives certain rights to parents regarding their children's education records. These rights transfer to the student or former student who has reached the age of 18 or is attending any school beyond the high school level. These students are called "eligible students." Parents and eligible students have the following three basic rights under FERPA:

1. The right to have access to their education records;
2. The right to seek to have the records amended; and

3. The right to have some control over the disclosure of information from the records.

FERPA also requires that LEAs adopt a policy regarding how the requirements of FERPA will be met and to notify parents and eligible students annually of the above rights under the law. Assistance in drafting an appropriate FERPA policy is available from the MESC.

FERPA also permits the nonconsensual disclosure of education records of migratory children, or personally identifiable information from these records, to authorized local and state education officials. This permits the MEP to comply with federal legal requirements to promote interstate and intrastate coordination of services, including the transfer of pertinent school records for migratory children.

Disclosure of such information to persons other than LEA or SEA officials (i.e. to health officials) may be necessary for SEA or LEA officials to carry out their interstate or intrastate coordination responsibilities under the MEP. Such disclosures can be made **only after** obtaining prior written consent from the parent or eligible student.

Federal Assurances • These are forms which must be signed by an authorized official before a project application can be considered for approval by State; they provide assurances that the local project will abide by pertinent federal rules and regulations.

Financial Report • This form indicates the amount budgeted and the amount expended by each program. A form must be completed and mailed to the person designated at State by November for the regular school year programs for the previous school year.

Fiscal Year • The state's fiscal year is from July 1 to the following June 30. The federal fiscal year is from October 1 to the following September 30.

Fishing Activity • Any activity directly related to the catching or processing of fish or shellfish for initial commercial sale or as a principal means of personal subsistence. A "fishing activity" could include the catching, digging, trolling, or otherwise capturing or processing of clams, crab, halibut, herring, oysters, salmon, shrimp, trout, or other types of fish or shellfish.

FTE (Full-Time Equivalency) Count • A component of the formula used to determine the amount of national I-C education annual funding and the individual state entitlement; the determining factor is the number of days an eligible student is enrolled in the project(s) compared to the maximum possible days of enrollment.

General Educational Development Certificate (GED) • A certificate which may be issued to persons who demonstrate satisfactory performance in tests prescribed under subsection or meet the requirements of any prescribed evaluation procedure.

Historically Underserved Students • Students are underserved or under-represented if they do not enjoy a full day of learning time with culturally, linguistically, and developmentally relevant curriculum strategies delivered by qualified staff in adequate structures. The result of being underserved is that these students do not perform at appropriate levels on Statewide Assessments and do not participate in supplementary extracurricular activities provided by schools or communities.

Definitions directly related to identification of historically underserved and under-represented students include the following which are taken from current interpretations of federal and state laws and regulations related to specific services for which students may be eligible. Users of these definitions are advised that a student may belong to, and be identified under, more than one group, e.g. racial, gender, linguistic and/or disability. Resources may thus be drawn from more than one source to fully address the needs of the student.

Race

A student may be included in the group to which he or she appears to belong, identifies with, or is regarded in the community as belonging to.

White (not of Hispanic origin) - a student having origins in any of the original peoples of Europe, North Africa, or the Middle East.

Black (not of Hispanic origin) - a student having origins in any of the black racial groups of Africa.

Hispanic Origin - a student of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

Asian/Pacific Islander - a student having origins in any of the original peoples of the Far East, Southeast Asia, the Pacific Islands, or the Indian subcontinent.

American Indian/Alaska Native - a student having origins in any of the original peoples of North America. Regulations from the US Department of Education also provide the following definition: “the term “Indian” means an individual who is

- (A) a member of an Indian tribe or band, as membership is defined by the tribe or band, including -
 - “(i) any tribe or band terminated since 1940; and
 - “(ii) any tribe or band recognized by the State in which the tribe or band resides;
- (B) a descendant, in the first or second degree, of an individual described in subparagraph (A);
- (C) considered by the Secretary of the Interior to be an Indian for any purpose;
- (D) an Eskimo, Aleut, or other Alaska Native; or

- (E) a member of an organized Indian group that received a grant under the Indian Education Act of 1988 as it was in effect the day preceding the date of enactment of the Act entitled the 'Improving America's Schools Act of 1994'. (Subpart 6, Sec. 9161, PL 103-382)"

Gender

This category is included to ensure sex equity.

Talented and Gifted Children

Talented and Gifted children means those children who require special educational programs or services, or both, beyond those normally provided by the regular school program in order to realize their contribution to self and society and who demonstrate outstanding ability or potential in one or more of the following areas:

- a) General intellectual ability as commonly measured by measures of intelligence and aptitude.
- b) Unusual academic ability in one or more academic areas.
- c) Creative ability in using original or nontraditional methods in thinking and producing.
- d) Leadership ability in motivating the performance of others either in educational or non-educational settings.
- e) Ability in the visual or performing arts, such as dance, music or art.

Disability

The term "individual with a disability" means any person who has a physical or mental impairment which substantially limits one or more of such person's major life activities, has a record of such impairment, or is regarded as having such impairment. This definition includes, but is not limited to, students who are eligible under the Individuals with Disabilities Education Act (IDEA). Under the IDEA, children with disabilities means children who require special education because of mental, physical, emotional or learning problems, including the following categories: mental retardation; hearing impairments, including hard of hearing and deafness; deaf/blind; communication disorders; visual impairments; serious emotional disturbances; orthopedic or other health impairments; autism; traumatic brain injury; and specific learning disabilities.

National Origin (Minority Language)

The term "National Origin" appears in Equal Education Opportunity languages to indicate students whose home, native, or indigenous language is other than English.

Migrant/Migratory Child/Homeless/Mobile

A "migratory child" is a child who is, or whose parent, spouse, or guardian is, a migratory agricultural worker, including a migratory dairy worker, or fisher, and who in the preceding 36 months, in order to obtain, or accompany such parent, spouse, or guardian in order to obtain temporary or seasonal employment in

agricultural or fishing work: (1) has moved from one school district to another, (2) in a State that is comprised of a single school district, has moved from one administrative area to another within such district; or (3) who resides in a school district of more than 15,000 square miles, and migrates a distance of 20 miles or more to engage in a fishing activity.

A “homeless child” is one who lacks a fixed, regular and adequate residence, including sharing a residence with one or more other families, or who has a primary nighttime residence in a public or privately operated shelter or a public or private place not designed for, or ordinarily used for, a regular sleeping accommodation for human beings. Migrant children and youth who fit this homeless definition are eligible for services under the McKinney-Vento Act.

A “mobile child” may be included in either of the definitions listed above or may be a member of a family with one or more adults enrolled in the US military or working in a construction-related occupation or other similar employment that requires frequent moves. Students may also become mobile when their families are impacted by economic dislocation and parents must relocate to seek employment or occupational retraining.

(ED and State recognize that the term “child” is awkward when used to describe a teenager or young adult. However, the term “migratory child” is used in this document when referring to program eligibility to maintain consistency with the language of the authorizing statute, which defines “migratory child” to mean all eligible individuals ages 3 through 21. The terms *migrant children and migrant students* are also used throughout the handbook. These are the terms most often used in documents generated at the state and local level.)

Poverty/Low Income

The annual indicators for poverty are published by the federal government each spring and are based on a federal formula adjusted for several factors. Indicators for low income are based on poverty level plus an additional percentage, depending on the federal or state guideline for eligibility for one or more specific services, e.g. below 100% of poverty, at 100% of poverty, 125% of poverty, or 150% of poverty, etc.

Sparsity

To determine “sparsity,” geographic distance (formerly ‘isolation’) and average daily membership within the school or district are considered.

Individual Education Plan • The legal document which describes the services to be provided to an individual with disabilities under the IDEA.

Individuals with Disabilities Education Act (IDEA) • The federal law under which individuals with certain disabilities receive education services.

Instructional Services • For purposes of this program, any direct supplementary services provided to eligible children by a local/regional agency.

Kindergarten Child • Usually a child five years of age or whose fifth birthday occurs on or before September 1 or who has been admitted by the district school board.

Limited English Proficient (LEP) • ED and State recognize that practitioners are reconsidering the use of this term to refer to linguistically diverse student populations, including in some cases substituting the term “English Language Learners (ELL)” for LEP students. The term “limited English proficient” or “LEP” is used throughout this document to maintain consistency among the authorizing statutes, regulations, and non-regulatory guidance. An operational definition of LEP is “until children are able to profit from classes conducted in English”

Local Education Agency (LEA) • A public board or other public authority legally constituted within a state for either administrative control or direction of, or performance of a service function for public elementary or secondary schools in a city, county, township, school district or other political subdivisions of a state. Also, any combination of school districts or counties as are recognized in a state as an administrative agency for its public elementary or secondary schools.

Local Operating Agency (LOA) • A local educational agency to which a state educational agency makes a subgrant under Title I-C.

Medical Care • Family consultation, referrals, follow-ups, recordkeeping, screening and emergency services related to medical and dental services; preventive medical care is also covered by this term.

Migratory Agricultural Worker • A person who, in the preceding 36 months, has moved from one school district to another, or from one administrative area to another within a state that is comprised of a single school district, in order to obtain temporary or seasonal employment in agricultural activities (including dairy work) as a principal means of livelihood.

Monitoring • A data collection process used by State to assemble and provide information to the local/regional agencies, State, and USDE regarding project strengths and weaknesses throughout the state.

Most in Need • Priority for services (PFS) must be given to migrant children:

- Who are failing, or most at risk of failing, to meet the state’s content and performance standards; **AND**
- Whose education has been interrupted during the regular school year.

National Association of Bilingual Educators (NABE) • Professional Association of teachers, administrators, parents, policy makers and others concerned with securing educational equity for language minority students.

No Child Left Behind • The 2001 Federal statute that reauthorizes the Elementary and Secondary Education Act of 1965. Part C of Title I of the Act authorizes migrant education programs.

Non-licensed Staff • Persons hired by a local agency to accomplish the goals set forth in the project application who are not required by law to be credentialed, such as bilingual aides, OMSIS clerks and home-school consultants.

Office of Civil Rights • Has responsibility for enforcing Title IV of the Civil Rights Act of 1964. Investigates allegations of civil rights violations and initiates investigations of compliance with federal civil rights laws in schools that serve special student populations, including language minority students.

Ongoing Evaluation • A process employed by project staff to determine the strengths and weaknesses of the project activities in order to make the necessary modifications.

Parent Advisory Committee (PAC) • A required component of a local MEP to provide a means for community and parent input during the design and operation of a project.

Performance Indicator • Projected outcome of an activity incorporated in the project. To be meaningful, the performance indicator must be realistic, observable and measurable.

Performance Report • States' receiving funding for a Migrant Education Program must submit a performance report to USED each year. A new performance report format is currently being designed in two Parts with Part I due in November and Part II due in April. In addition to the child counts to be used for funding, the new Performance Report requires:

- Counts of students residing in the state and counts of students participating in the program, by sex, ethnicity, school term, grade level, and services received;
- Counts of project sites, including break-outs for schoolwide projects and projects that use extended-time strategies; and
- Counts of staff by various categories.

Preschool Program • Any formal instruction program designed for pre-kindergarten children sufficiently mature to benefit from such a program.

Project Proposal • An application for a I-C subgrant by an eligible agency which provides evidence of the need to conduct a needs assessment or to plan and implement a project after a needs assessment has established the advisability of implementing a project and has provided information as to what activities should be incorporated in the project. To be approved, a project proposal must comply with relevant state and federal laws and guidelines and with policies established by STATE and/or the state's coordinator of MEP.

Public Law 107-110 • Part C of Title I of the ESEA as reauthorized by NCLB, enacted January 8, 2002 which supersedes previous acts for migrant education services.

School-to-Work Opportunities Act • A new approach to learning that links students, schools and workplaces. School-to-Work helps to bring relevance to students' courses and provide exposure to career opportunities by linking school-based learning, secondary and postsecondary learning and integrating academic and occupational learning.

Section 504 • An amendment to the Rehabilitation Act which extends the civil rights prohibition on discrimination to individuals with disabilities.

Service Delivery Plan (SDP) • A process in which the state director enlists the input of a planning team and/or stakeholders to select research-based strategies connected to the identified needs of migrant children and youth and develop plan to help these children achieve state performance goals and targets.

Service Learning • An instructional method that combines community service with a structured school-based opportunity for reflection about that service.

Staffing Report • This form indicates the number and FTE of staff employed with MEP funds. It must be completed and submitted to State for each Title I-C subgrant within 45 days of the end of their funding cycle and by January 15 for mid-year.

State Advisory Committee • A group of persons recommended by the projects throughout the state and appointed by the State Superintendent of Public Instruction to advise the state coordinator of Title I-C. The committee also reviews and recommends approval of the annual state plan and all project proposals.

State Coordinator of Migrant Education • The administrator of the MEP within the Office of Education at the state level. The person held responsible by the SEA for development, operation, and evaluation of NCLB Title I-C projects.

State Education Agency (SEA) • The governmental agency responsible for statewide education program supervision and administration. The legal entity in each state recognized by USED as being the governing agency eligible to receive Title I-C funds and administer the state's MEP.

State Entitlement • The total amount of Title I-C funds to be made available to the state for the fiscal year. Congress has delegated the responsibility for determining the amount to the Secretary, subject to authorized appropriations and allocations.

State Plan • The overall plan for services, activities, personnel and materials set forth as the state's application for funds to provide services to migratory children. Oregon's State Plan is integrated as a part of the State Consolidated Plan for NCLB.

Supplies • Consumable materials used in the operation of a MEP by a local/regional agency including freight and cartage.

Support Services • Includes any service which aids the child in benefiting from the instructional services that may be properly listed under the support service cost category on the budget sheet.

Teacher Exchange Program • An initiative between the U.S. and Mexico where teachers from Mexico come to the United States to reinforce knowledge about the history, culture, values, and national traditions of Mexican-origin students who live in the U.S., strengthening their identity and improving their education. U.S. educators go to Mexico to learn first-hand about the Mexican educational system, history, culture, traditions, and values.

Telesecundaria • A system of distance education created by the Mexican government for secondary and high school students. It is intended to serve students living in rural or isolated areas.

Term of Project • The period of time between the project's beginning date and the date of the last services provided by the project.

Title I, NCLB of 2001 • Improving the Academic Achievement of the Disadvantaged.

Title II, NCLB of 2001 • Preparing, Training, and Recruiting High Quality Teachers and Principals.

Title III, NCLB of 2001 • Language Instruction for Limited English Proficient and Immigrant Students.

Title IV, NCLB of 2001 • 21st Century Schools

Title V, NCLB of 2001 • Promoting Informed Parental Choice and Innovative Programs

Title VI, NCLB of 2001 • Flexibility and Accountability

Title VII, NCLB of 2001 • Indian, Native Hawaiian, and Alaska Native Education

Title VIII, NCLB of 2001 • Impact Aid Program

Title IX, NCLB of 2001 • General Provisions

Title X, NCLB of 2001 • Repeals, Resignations, and Amendments to Other Statute

Transfer Document • A "binational report card" that contains academic information on Binational migrant students.

