



Ohio School Boards Association Capital Conference and Trade Show

November 7 – 10, 2010

Greater Columbus Convention Center
Columbus, Ohio

Migrant students – the responsibility of educators

Student Issues

Tuesday, November 9, 2010

9:00 a.m.

C 114–115

Jose Salinas, director, Ohio Migrant Education Center, Northwest Ohio ESC

Customized Workshops

OSBA works with you to provide customized workshops.

Leadership starts with skilled and well-informed school board members and administrators. OSBA customized workshops are:

- Designed specifically to meet the needs of the district and scheduled at convenient times for the board.
- Focuses on building a stronger management team and resolving conflict.
- Develops board and district goals and effective evaluation procedures.

For more information contact Kathy LaSota at (614) 540-4000 or (800) 589-OSBA

OSBA Mission

OSBA leads the way to educational excellence by serving Ohio's public school board members and the diverse districts they represent through superior service and creative solutions.

Ohio School Boards Association

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Migrant Students – The Responsibilities of Educators

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Title I – Part C, Migrant

- ◆ Funds support high quality education programs for migratory children and help ensure that migratory children who move among the states are not penalized in any manner by disparities among states in curriculum, graduation requirements, or state academic content and student academic achievement standards.

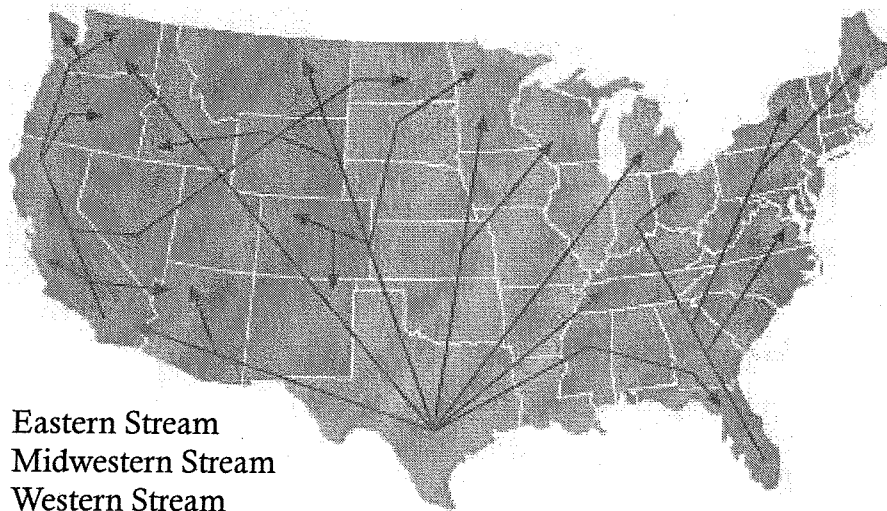
Program Eligibility

- ◆ Ages 3 to 21
- ◆ Must have moved into the school district within the last 36 months.
- ◆ Family must have engaged in qualifying work (or sought qualifying work) within those 36 months.

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The Three Main Streams



Eastern Stream
Midwestern Stream
Western Stream

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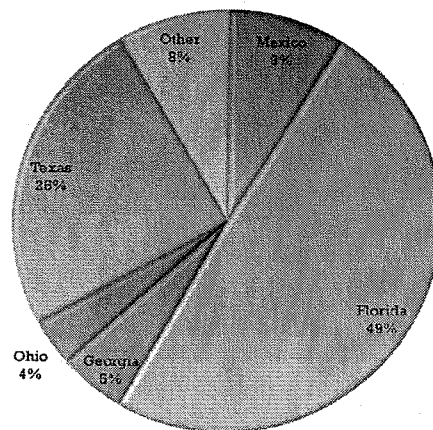
Qualifying Work in Ohio

- ① Harvesting of fruits and vegetables
- ② Nursery work
- ③ Canning
- ④ Some dairy work
- ⑤ Poultry farms
- ⑥ Meat processing plants

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Child's Homebase State/ Country

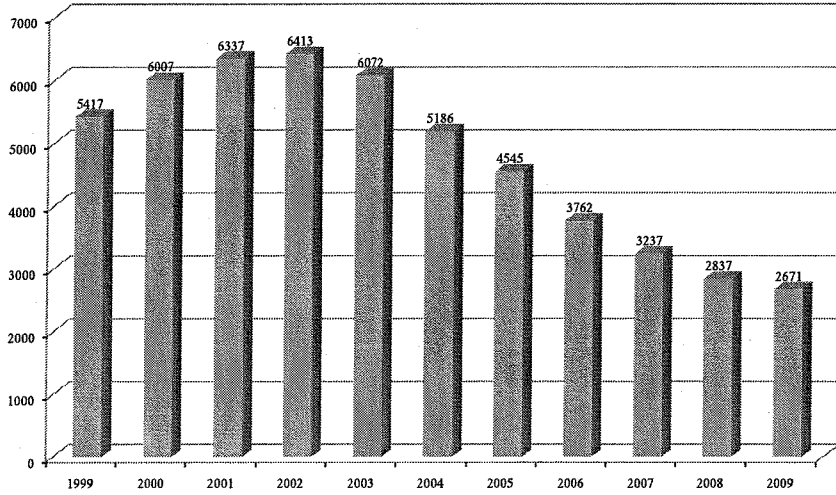


Based on 2009 data

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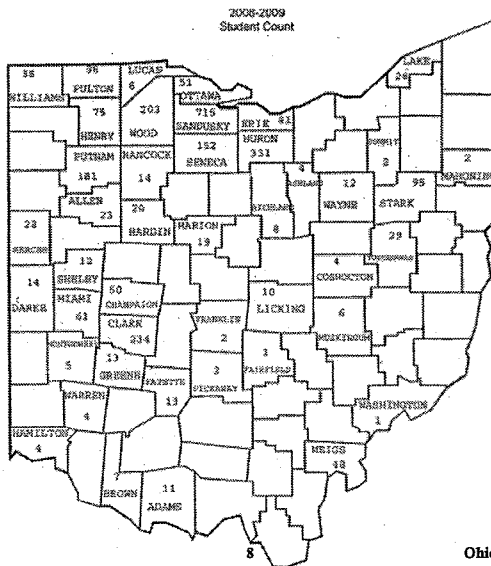
Ohio's Migrant Child Count



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Ohio Migrant Education Center

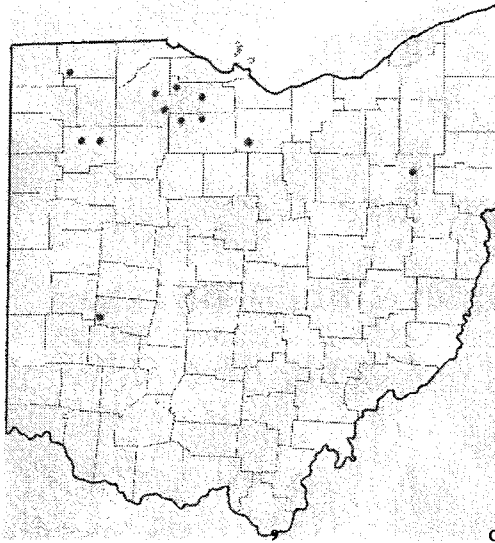
Student Count by County



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Migrant Education Programs



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Summer MEP

- ◆ Summer school set-up
- ◆ Breakfast and lunch served
- ◆ Program operation 9:00 a.m. to 3:30 p.m.
- ◆ Elementary focuses on Math & Reading
- ◆ High School focuses on secondary credit recovery
- ◆ Students can receive tutoring for State Assessments

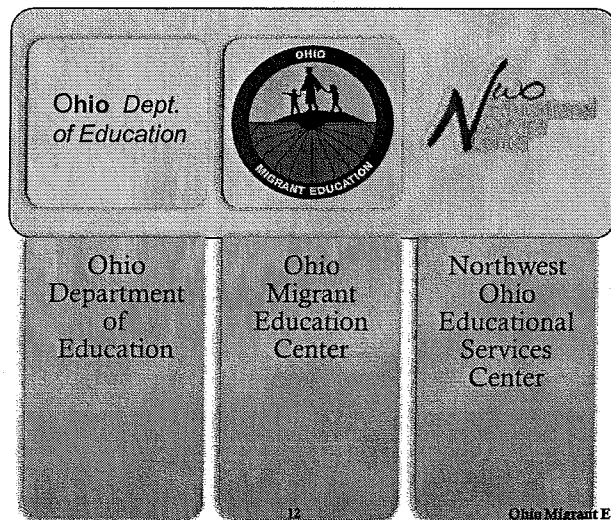
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Fall MEP

- ◆ Pullout program
- ◆ Tutoring
- ◆ Classroom aide
- ◆ Supplement v. Supplant
- ◆ Services usually end by November 1

Ohio Migrant Education Center



OMEC Services Available

- ◆ Migrant Education Program (MEP) guidance to school districts
- ◆ On-site technical assistance
- ◆ Professional development
- ◆ Identification & Recruitment

Identification & Recruitment

- ◆ All migrant children are certified using a Certificate of Eligibility (COE).
- ◆ Only OMEC recruiters are trained to complete Ohio's COE form.
- ◆ Malena Gutierrez, the State ID&R Coord., can schedule a recruitment assessment for your school district to verify your migrant count.

Verification Letters to EMIS Coordinators

- ◆ In January, letters are mailed to all EMIS coordinators in school districts where migrant students were identified.
- ◆ The database system that generates these lists at OMEC also provide the official count of migrant students for the Ohio Department of Education.

OMEC Web Address

WWW.OMEC.TRECA.ORG

Malena Gutierrez

NWO_OMEC_MG@NWOCA.ORG

Homeless Migrant Families

- ◆ Migrant families can sometimes qualify as homeless as well.
- ◆ They might live with another family while they look seek for qualifying work.

Plyler v. Doe

- ◆ 1982 Supreme Court Decision
- ◆ A school can not deny enrollment to a child based on immigrant status.
- ◆ A school can not require a family to provide a social security number.
- ◆ A school can not disclose a child's immigrant status to law enforcement.

"Plyler v. Doe"

IMMIGRANT STUDENTS' RIGHT OF ACCESS

The U.S. Supreme Court has ruled in *Plyler v. Doe* (Italic)¹ that undocumented children and young adults have the same right to attend, public primary and secondary schools as do U.S. citizens and permanent residents.²

Public schools are prohibited from:

- denying undocumented students admission to school on the basis of their undocumented status during initial enrollment or at any other time;
- treating undocumented students disparately on the basis of their undocumented status to determine residency;
- engaging in practices which may "chill" the right of access to public schools as established by *Plyler v. Doe*;

Public schools are prohibited at any time from:

- requiring students or parents to disclose or document their immigration status;
- making inquiries of students or parents which may expose their undocumented status;³
- requiring social security numbers of all students, as it may expose the undocumented status of students or parents.⁴

If a child's school file should contain information exposing the student's undocumented status, the Family Educational Rights and Privacy Act (FERPA) and various state privacy acts prohibit schools from providing any outside agency -- including the Immigration and Naturalization Service -- with such information without first acquiring permission from the student's parents.⁵

1 457 U.S. 202 (1982).

2 In addition to this right, undocumented students have an obligation under state law, as do all other students to attend primary and secondary schools until they reach a mandated age.

3 In *New Voices: Immigrant Students in U.S. Public Schools*, NCAS documented the lack of comprehensive data on immigrant students. Such data is needed to monitor academic development, to plan curriculum and teaching strategies, and to advocate on behalf of immigrant students. See *Immigrant Students: Their Legal Right of Access to Public Schools* (NCAS, 1989) for guidance on data collection procedures and safeguards.

4 Students without social security numbers should be assigned a number generated by the school. Adults without social security numbers who are making application on behalf of a student for a free lunch and/or breakfast program need only indicate on the application that they do not have a social security number.

5 Even the act of requesting permission of undocumented parents may have the affect of "chilling" the student's *Plyler* right of access and, thus, constitute a prohibited practice.

In summary, public schools and their personnel are prohibited under Plyler v. Doe from adopting policies or taking actions which either deny or result in the denial of access by undocumented students to public schools on the basis of their undocumented status. Additionally, school personnel --especially building principals and those involved with student intake activities-- should be informed by the superintendent that they are under no legal obligation to enforce U.S. immigration laws.

Regulations issued by the Chancellor's Office of the New York City public schools state: "...the monitoring of the immigration status of a child or parent is not the proper function of the New York City Board of Education." The regulations direct all school personnel to refer any such questions from outside agencies to the schools system's Office of Legal Affairs.

Title I - Part C
Migrant Education
2008-2009
Student Count

