

What you need to know about new school funding for K-6 migrant students...



TO: CABE Members and Partners

FROM: CABE and CALSA

RE: A new law provides a full day of school funding for K-6 migrant students, continuously from P-2 through June 30th and through all summer months.

DATE: August 30, 2023

The California Association for Bilingual Education (CABE) and the California Association of Latino Superintendents and Administrators (CALSA) strongly endorsed and successfully helped pass this new law, now **Education Code Section 41601.6**. This law provides full average daily attendance (ADA) funding to any two school districts/county offices of education that continuously operate—for TK-6 migrant students—a full-day school/program from attendance period two (P-2) through June 30 and through all summer months. As you know, normal ADA funding is not now provided for students who enroll in a school district after P-2.

There is no limit on the number of migrant students who can be enrolled.

The law explicitly allows a LEA to enroll migrant students from other LEAs. Funding is available for the 2024 calendar year as the first year of several years. EC 41601.6 does not list an expiration year for this funding.

This law only provides funding. Intentionally, the law leaves entirely up to each LEA what program/school the LEA decides would be best to develop.

See below for a one-page set of excerpts from that law. Those excerpts provide an easy-to-read set of highlights about EC 41601.

Highlights from Education Code Section 41601.1

- Therefore, it is the intent of the Legislature in enacting this act to provide funding for a full-time school program, offered during the months when migrant pupils reside in a community that would address the schedule and unique needs of migrant children.
- “Migratory pupil” has the same meaning as “currently migratory child” as defined in subdivision (a) of Section 54441.
- Average daily attendance shall also be available from P-2 through June 30 for qualifying migratory pupils.
- Commencing on January 1, 2024, to mitigate lost instruction time due to family movement related to migratory agricultural employment, up to two local educational agencies may request authorization from the department to provide an extended school year program to migratory pupils who, due to that family movement, enroll in kindergarten, including transitional kindergarten, or any of grades 1 to 6, inclusive, on or after March 1 of the school year and depart on or before December 1 of the next school year.
- “Extended school year” means the period of time between the end of one school year and the beginning of the next school year.
 - The days of attendance for the extended school year program are the same length of time as the schoolday for pupils of the same grade level attending summer school in the local educational agency in which the extended school year program is provided, but not less than the minimum schoolday for that grade level.
 - The extended school year program is comparable in standards, scope, and quality to the school year program offered during the regular school year.
 - Instruction for the extended school year program is conducted in-person and is not independent study.
- “School year” means that portion of the school year during which the regular school year is maintained, which must include not less than the number of days required to entitle the school district or county office of education to apportionments of state funds.
- Local educational agencies may enter into memoranda of understanding for the purpose of transferring funds generated by the attendance of migratory pupils in multiple school districts to a local educational agency.

- A local educational agency operating a program described in paragraph (1) of subdivision (b) shall annually report to the department, in a form and manner specified by the department, all of the following:
 - (1) The characteristics of pupils enrolled in the program.
 - (2) Academic and other support services provided through the program.
 - (3) Academic and other outcomes for pupils enrolled in the program.
 - (4) The financing for the program, including any other local, state, federal, or nongovernmental funding sources used.

If more than two local educational agencies request authorization pursuant to paragraph (1), the department shall establish a process to determine the two local educational agencies that will be authorized based on the ability of each local educational agency to provide a high-quality extended school year program consistent with this section.