

Section B: Overview of Statutes, Regulations, and Non-Regulatory Guidance Related to the Comprehensive Needs Assessment

| Step 1: Preliminary Work | | |
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| Activity | Recommended Tasks | Highly Recommended |
| Review the requirements for the CNA | <ul style="list-style-type: none"> Review the summary of the laws and related to the CNA Review OME goals and priorities | <ul style="list-style-type: none"> Access the law, guidance, and regulations online and review |

Three main documents inform and guide migrant education programs (MEPs) and their service delivery. It is important to fully read the documentation to ensure complete compliance with program requirements¹. They are the:

- ESEA, Section 1306, *Comprehensive needs assessment and service delivery plan; authorized activities* (<http://www2.ed.gov/policy/elsec/leg/esea02/pg8.html#sec1306>).
- Code of Federal Regulations, Title 34, 200.83, *Responsibilities of SEAs to implement projects through a comprehensive needs assessment and a comprehensive state plan for service delivery* (<http://www.gpo.gov/fdsys/pkg/CFR-2011-title34-vol1/pdf/CFR-2011-title34-vol1.pdf>).
- *Non-Regulatory Guidance: Education of Migrant Children under Title I, Part C of the Elementary and Secondary Education Act of 1965* (specifically Chapter IV – Comprehensive Needs Assessment and Service Delivery Plan) (<http://www.ed.gov/programs/mep/mepguidance2010.doc>).

While a summary of the requirements is provided in this section, it is important to read the relevant sections of the referenced documents fully, especially to clarify questions regarding program requirements.

B.1 Legal Requirements

The Elementary and Secondary Education Act (ESEA), the statute that authorizes the MEP in Title I, Part C, requires states to conduct a Comprehensive Needs Assessment (CNA). The ESEA requires that a state that receives funds to ensure that both the state and “its local operating

agencies address the special educational needs of migratory children in accordance with a plan that”, in part, (ESEA, Section 1306):

- Provides that migratory children will have an opportunity to meet the same challenging state academic content standards and academic achievement standards that all children are expected to meet (a)(1)(C)

State applications for funds will include (ESEA, Section 1304):

- A description the state’s priorities for using funds and how those priorities connect with the needs assessment (b)(4)
- How the state will determine the amounts to be awarded to local operating agencies as subgrants (b)(5)

In addition, program regulations in 34 C.F.R. 200.83 state that a needs assessment (which is to be included in a state comprehensive plan) must:

- Identify and assess “the unique educational needs of migratory children that result from the children’s migratory lifestyle” and other needs that must be met in order for migratory children to participate effectively in school (a)(2)(i, ii)
- Be current (a) (defined in policy guidance as not more than three years old (*Guidance*, p. 60, “IV. Comprehensive Needs Assessment and Service Delivery Plan,” “A. Comprehensive Needs Assessment,” “How often must an SEA and local operating agency conduct a needs assessment?”))

The *Guidance* explains that an assessment plan should:

- Guide the overall design of the MEP on a statewide basis (p. 55, “IV. Comprehensive Needs Assessment and Service Delivery Plan”)
- Help local operating agencies and SEAs prioritize needs of migrant children (p. 55, “IV. Comprehensive Needs Assessment and Service Delivery Plan”)
- Provide the basis for the SEA to subgrant MEP funds (p. 134, “XI. State Administration,” “B. Subgranting,” “B10. How does the SEA take into account the needs of migrant children in determining the amount of the subgrant?”)

B.2 What is a Comprehensive Needs Assessment?

The *Guidance* states that a “needs assessment” is a *systematic* assessment and decision-making process that progresses through a defined series of phases to determine needs, examine their nature and causes, and set priorities for future action. (p. 56, “IV. Comprehensive Needs Assessment and Service Delivery Plan,” “A. Comprehensive Needs Assessment,” “A2. What is a ‘needs assessment’?”)

A needs assessment, according to the *Guidance*:

- Focuses on the ends (e.g., outcomes) to be achieved, rather than the means (e.g., process). For example, reading achievement is an outcome, whereas reading instruction is a means toward that end.
- Gathers data by means of established procedures and methods that are thoughtfully selected to fit the purposes and context of the needs assessment.
- Sets priorities and determines criteria for solutions so that planners and managers can make sound decisions.
- Sets criteria for determining how best to allocate available money, people, facilities, and other resources.
- Leads to action that will improve programs, services, organizational structure and operations, or a combination of these elements (2010, p. 56).

The *Guidance* goes on to state that a needs assessment is “comprehensive” as long as it:

- Includes both needs identification and the assessment of potential solutions
- Addresses all relevant performance targets established for migrant children (e.g., proficiency in reading, proficiency in math, graduation from high school, reduction of the dropout rate, and any other program goals set for migrant children by the state, including school readiness)
- Identifies the needs of migrant children at a level that is useful for program design purposes
- Collects data from appropriate target groups (e.g., students, parents, teachers, etc.)
- Examines data disaggregated by key subgroups
- Is conducted on a statewide basis (2010, pp. 56–57)

B.3 Migrant Education Program Priority and Goal Areas

B.3.1 Goal Areas

Based on work with the migrant education community to identify minimum goals for the MEP, regulations published at 34 C.F.R. 200.83(a)(2) require all SEAs that receive MEP funds to have a state plan (based on its comprehensive needs assessment) that, at a minimum, has performance targets established by the state has established for all children in:

- (1) reading achievement
- (2) math achievement
- (3) high school graduation
- (4) school dropouts
- (5) school readiness, if established by the state

(6) any other performance targets the state has established for migrant children

When implementing their migrant programs, SEAs must pay particular attention to those migrant students who have priority for services. The needs of priority children in these six areas should be paramount.

B.3.2 Government Performance and Results Act Indicators

The Government Performance and Results Act (GPRA) of 1993 requires all Federal agencies to establish goals, measures, and targets. The purpose of GPRA is to enhance the effectiveness, efficiency, and accountability of Federal programs. GPRA directs agencies to focus management efforts on results. Each year, Federal programs ask their grantees for data to establish progress against GPRA indicators.

OME proposes the following four GPRA measures for which MEPs must report data:

- (1) Percentage of MEP students that scored at or above proficient on their state's annual Reading/Language Arts assessments in grades 3-8 and high school
- (2) Percentage of MEP students that scored at or above proficient on their state's annual Mathematics assessments in grades 3-8 and high school
- (3) Percentage of MEP students who were enrolled in grades 7-12, and graduated or were promoted to the next grade level
- (4) Percentage of MEP students who entered 11th grade and received full credit for Algebra I, or who were enrolled in a non-remedial Math course for which Algebra I was a prerequisite

This information reflects critical priorities of the Federal MEP and should be considered when determining gaps in performance of migrant students.

B.3.3 Priority for Service Students

Section 1304(d) of the ESEA established a Priority for Service (PFS) requirement. In accordance with this requirement, MEPs must give Priority for Service (PFS) to migrant children:

- Who are failing or are most at risk of failing to meet the state's content and performance standards
- Whose education has been interrupted during the regular school year

SEAs must define the types of situations that constitute educational interruption as a result of the migrant lifestyle and communicate these to local operating agencies (LOAs). The MEP must

target services for these students and demonstrate that they are improving in their performance. For this reason, the CNA must address the specific needs of PFS students, especially in the six goal areas.

B.4 Serving Preschool Migratory Children

- Section 1304(c)(4) in the ESEA requires that states, in carrying out their programs and projects, address the unmet needs of preschool migratory children.

B.5 Resources and Tools in Appendix B

Appendix B.1 Checklist of Requirements for the Comprehensive Needs Assessment

ⁱ U.S. Department of Education (2010). *Guidance: Education of migratory children under Title I, Part C of the Elementary and Secondary Education Act of 1965*. Office of Elementary and Secondary Education. Retrieved from www2.ed.gov/programs/mep/mepguidance2010.doc.

Appendix B.1 Checklist of Requirements for the Comprehensive Needs Assessment

The following checklist is based on the Elementary and Secondary Education Act (ESEA; Title I, Part C, Section 1306); the Code of Federal Regulations, and the 2010 *Non-Regulatory Guidance: Education of Migrant Children Under Title I, Part C of the Elementary and Secondary Education Act of 1965*. This checklist can serve as a quick reference guide to help determine if your CNA meets the Federal requirements.

The CNA meets legal requirements by:

- Providing migratory children with an opportunity to meet the same challenging state academic content standards and academic achievement standards that all children are expected to meet
- Including a description of the connection of the state's use of funds to the needs assessment
- Identifying and assessing the unique educational needs of migratory children that result from the children's lifestyle and other needs in order for migratory children to participate effectively in school

The CNA:

- Focuses on the ends to be achieved and not the means to achieve them
- Gathers data through established procedures and methods that are thoughtfully selected to fit the purposes and context
- Sets Priorities and determines criteria for outcomes to help planners and managers make sound decisions
- Leads to action that will improve programs, services, organizational structure, and operations
- Is conducted every three years

The CNA is comprehensive because it:

- Identifies needs and assesses potential solutions
- Examines all relevant performance targets established for migratory children
- Identifies the needs of migratory children at a level that is useful for program design
- Collects data from appropriate target groups, such as students, parents, and teachers
- Examines data disaggregated by key subgroups
- Is conducted on a statewide basis

The CNA provides information for the state plan that is based on performance targets for:

- Reading achievement

- Math achievement
- High school graduation
- Dropout prevention
- School readiness (if adopted by the SEA)
- Any other performance target the state has identified for migrant children

The CNA establishes progress on GPRA indicators by including federal MEP measures, including:

- The percent of students eligible for MEP services that scored at or above proficient on the state reading and language arts achievement test
- The percent of students eligible for MEP services that score at or above proficient on the state math achievement test
- The percent of students eligible for MEP services that passed Algebra I or had enrolled in a higher math class before entering 10th grade
- The percent of students enrolled in grades 7-12 and eligible for MEP services who graduated or were promoted to the next grade
- The amount of funding allocated to states per MEP student success
- The percent of consolidated records for migrant students that have been entered into MSIX

The CNA addresses the specific needs of PFS students who:

- Are at risk for failing or are most at-risk for failing to meet the state content and performance standards
- Have experienced interruptions to their education during the regular school year

The CNA addresses:

- The unmet needs of preschool migratory children