

Responses to comments received for 1810-0662, Docket number ED-2020-SCC-008 during the 60-day public comment period.

Comment 1 from Murray, Vaughn:

In a previous update to this information collection, child birth city, state and country were removed. This had an impact on also removing them as minimum data elements of the MSIX system. Colleagues from various states have indicated that the loss of these fields makes it more difficult to uniquely match and un-duplicate students to which I agree with this concern. These colleagues also indicated that these are data elements they are still collecting for local purposes, so likely for most or all states, returning these fields would NOT be an additional burden. Given these pieces of information, I request that these data elements be returned. While I have extensive experience working with Migrant Data and MSIX, my comments are individual and do not necessarily represent any official opinion of my employer or my state agency. Thank you.

OME Response:

Thank you for your comments regarding the collection of birth city, birth State, and birth country for migratory children. These data elements were not previously required for this information collection (the national Certificate of Eligibility (COE)), and therefore, were not removed. Several States previously chose to collect those elements on their State COEs because those elements were previously required for the Migrant Student Information Exchange (MSIX) —a separate information collection (OMB No. 1810-0683). Information collection number 1810-0683 was last open for public comment in 2019. During the 60 and 30-day public comment period, the Department only received one comment related to the three data elements in question. That comment expressed support for the Department's decision to no longer require data submissions for those elements to MSIX.

We do acknowledge that the three data elements previously required in MSIX (birth city, birth State, and birth country) may have facilitated the process of matching migratory student records and resolving issues with duplicated records. Currently, we do not agree that re-instating these as required data elements for MSIX is the only solution to resolving potential duplicate student records in the system. OME will continue to work with States to identify viable solutions to this issue.

Comment 2 from Anonymous (Stright, Bonnie):

Dear PRA Coordinator Kate Mullan,

I am an undergraduate student at University of Miami, studying elementary and exceptional education and psychology, and I am writing in opposition of this initiative to collect additional information from migrant students looking to pursue education. As an education student in Miami, I have an immense passion to fight for the rights of every student in the county. In such a diverse community with a heavy Latin American influence, there are a great deal of students from migrant families here. Florida is even listed as one of the top states in the U.S. serving the most migrant students (Lundy-Ponce). Through my degree certification in Florida, as well as my endorsement in English for Speakers of Other Languages, I learn how to support students of all backgrounds, especially migrant students. I care greatly about the needs of all children, but this specific population experiences so many disruptions and hardships in their pursuit of an

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education that they especially deserve someone to advocate for their needs and a department working for their best interest.

In response to the issues surrounding this proposal that the department states they are especially interested in the public addressing:

I do not think this collection of information is necessary to the proper functions of the department. I think the department's mission is to provide quality education to all children, and should stick to that goal. Every child in the United States deserves the right to access a free and appropriate education, no matter their family's occupation or living situation. These migrant students already face so many barriers to their education, that I believe it unnecessary for the department to add to that list. Migrant students already experience socioeconomic disadvantages, language barriers, decreased graduation rates, increased isolation and dropout rates, family separation, etc. There is a lack of access to qualified teachers, rigorous coursework, quality instructional resources, and time to adjust to schools (Lundy-Ponce). With circumstances such as these the department should be doing everything in their power to support these students.

I do not think this information will be processed and used in a timely manner. The government takes a long time to work, as there are many hoops to go through and people approving various measures. These families are moving quickly, often with each new farming season, and the proper information will not be able to be processed quickly enough to have a beneficial effect for them or the department. By the time the information reaches the department, it will most likely no longer be accurate or relevant.

I do not think the estimate of the burden is accurate. I believe that the department is greatly underestimating the amount of burden this additional information would have on families. By asking them such personal information, such as their birth city and familial home country, those that are undocumented will feel they have a greater chance of being deported. Especially with the current state of our government in regard to strict enforcement of immigration laws, migrant families may live in fear that registering their child for school would leave them susceptible to deportation to the country they intentionally escaped. Families are rightfully apprehensive to share personal information, as if in the wrong hands they may lose everything they have built for their families in the U.S. Requiring additional information from them may push them away from formal education entirely, leaving a wide variety of children left uneducated and cared for.

If the department would like to enhance the quality, utility, and clarity of the information to be collected, they should utilize quality, trusted community workers. The use of technical strategies such as paper forms, stranger phone calls, or online databases may result in inaccurate data or a lack of data at all. The information should be collected through trusted members of the community, who can also relay the intended purpose back to the families. This would allow migrant families to feel more comfortable submitting their information, as well as having someone to help them with questions or translate when needed. Their reported information will be more accurate, as they believe they can rely on that individual to keep it confidential and use

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it for beneficial purposes. Although this method may be harder on the department's end, it would truly enhance the quality, utility, and clarity of the information gathered.

If passed, I believe that the burden of this information collection on the respondents needs to be minimized in the greatest way possible. Primarily, familial citizenship status, birthplace, or country of origin should not be asked. Information must be kept completely confidential to avoid malicious use by any departments or organizations other than the Department of Education. As a great deal of migrant workers may not have access to a post office or the proper technology to complete a form such as this one, completing it in person with a trusted community contact would be the least arduous for these families. These community contacts would often know the families best and most likely speak the same dialect or understand their culture and concerns. The Department should put the burden of completing and sending in the form on government workers, not the migrant families. The information gathering should be as simple as possible for these families.

In all, I believe there are more negatives outweighing possible benefits to the passing of the Migrant Education Program Regulations and Certificate of Eligibility. For the sake of these families futures and their children's education, the measure should not be passed without serious reconsideration and revisal by the Department. I believe all children deserve an equal opportunity to achieve a valuable education, and think this measure would work to hinder that achievement by migrant children.

Sincerely,

Bonnie Stright
University of Miami
South Miami, FL, 33143

Citations

Lundy-Ponce, Giselle. "Migrant Students: What We Need to Know to Help Them Succeed." *Colorín Colorado*, WETA, 19 Feb. 2020, www.colorincolorado.org/article/migrant-students-what-we-need-know-help-them-succeed.

OME Response:

Thank you for your comments and concerns regarding the education and welfare of our nation's migratory children. The Department shares your interest in ensuring that migratory children receive a free and appropriate public education, and are accurately identified and receive services under the Migrant Education Program (MEP), authorized under Title I, Part C of the Elementary and Secondary Education Act of 1965 (ESEA), as amended.

As a first point of clarification, the program regulations that contain these information collection requirements have already been issued in final form, most recently in 2008. We believe you may be most concerned with the collection of information on individual migratory children, which is the national Certificate of Eligibility (COE). Each State recipient of Title I, Part C funds is required, under 34 CFR §200.89(c), to document the MEP eligibility of individual children on the

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COE, a standardized form that includes the minimum information necessary to show that the child meets the program eligibility criteria established in sections 1309(2)-(5) of the ESEA. The standardization of this information collection is integral to State-reported migratory child counts, which are used to calculate each State's annual program allocation.

As a second point of clarification, information such as the child's familial citizenship status, birthplace, or country of origin is not required for this information collection. That type of information is not necessary for determining program eligibility, nor is it relevant to the child's right to a free and appropriate public education. Regarding the family's occupation or living situation, while we agree that this information does not impact the child's right to a free and appropriate public education, some information regarding employment and change of residence is necessary to determine and document whether the child meets the MEP eligibility criteria (e.g., whether the child or his or her parent/guardian or spouse engaged in temporary or seasonal employment in agriculture or fishing).

As a third point of clarification, we think it may be helpful to provide an explanation of how the COE information is collected. U.S. Department of Education staff do not collect this information directly from migratory families, nor do we collect or maintain each COE at the Federal level. Each State employs MEP identification and recruitment staff, also known as recruiters, who are often members of the local community and are trained in the requirements for accurately determining and documenting child eligibility under the MEP. The recruiters complete the form based on an interview with each migratory family, which is conducted in a format and language the parent or interviewee can understand. The interviewee is then asked to sign the form.

Again, we appreciate your comments and hope these clarifications address your concerns.