California Department of Education
Migrant Education Office
February 2024

Migrant Education Program Summer Waiver Request Form

The Summer Waiver Request Form for the Migrant Education Program (MEP) is to be completed by the MEP operating agency[1] that is requesting an exemption from the minute requirements as established by California *Education Code* (*EC*) Section 54444.3 which states that:

> Each operating agency receiving Title I Migrant Education funding shall conduct summer school programs for eligible migratory children in kindergarten and grades 1 to 12, inclusive. The summer school programs shall respond to the individual needs of participating pupils and shall build on and be consistent with the instructional programs offered to these pupils during the regular school year. Each summer school program shall be funded, to the extent that funds are available, by federal funds earmarked for migrant education programs, and shall meet the following criteria:
>
> (1) That summer school programs meet the following time requirements:
>
> (A) For kindergarten classes, not less than 180 minutes per day, based upon the full apportionment day of 240 minutes, including recesses, for not less than 20 teaching days.
>
> (B) For grades 1 to 8, not less than 200 minutes per day, based upon the full apportionment day of 240 minutes, including recesses and passing time but excluding noon intermissions, for not less than 20 teaching days.
>
> (C) For grades 7 to 12, not less than 240 minutes per day, including passing time but excluding noon intermissions, for not less than 30 teaching days.
>
> (*EC* 54444.3[a] [1])

EC 54444.3(a) (1) further provides:

> Exemptions from the requirements of this paragraph may be made by the Superintendent of Public Instruction upon petition submitted to him by the district. The basis for the exemption shall be agricultural labor factors, climatic conditions, specialized educational programs, and other conditions appearing to the superintendent to warrant exemption.

To request an exemption from this requirement, the local educational agency must complete the Summer Waiver Request Form (Page 2) and a direct petition to the State Superintendent of Public Instruction.

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[1] Per *Education Code* Section 54441 (e), "Operating agency" means a local educational agency operating under a subgrant of state migrant education funding, or a public or private nonprofit agency under a special arrangement with the department to carry our migrant education programs.

Summer Waiver Request Form

Year: **Summer 2024**

Operating Agency (OA) Name (District or County): _____

Address: _____

Contact Person: _____ Title: _____ Telephone: _____

1) Will the OA offer a summer school program for kindergarten migratory students? If yes, please complete the table below.   Yes   No

Grade	Minutes Per Day[2]	Number of Days	Dates	Start – End Times	Total Minutes

    a) Will kindergarten migratory students receive 180 minutes of instruction per day[2], for not less than 20 teaching days?   Yes   No

    b) If "No" was selected for question 1 or 1a, what is the basis for requesting the exemption from *EC* 54444.3 (e.g., agricultural factors, climatic conditions, specialized education programs, or other conditions)?

2) Will the OA offer a summer school program for migratory students in grades 1-8? If yes, please complete the table below.   Yes   No

Grade Span	Minutes Per Day[2]	Number of Days	Dates	Start – End Times	Total Minutes

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[2] For grades K-8, include recess and passing time. For grades 7-12, include passing time but exclude noon intermission.

a) Will migratory students in grades 1-8 receive 200 minutes of instruction per day[2], for not less than 20 teaching days?   Yes   No

b) If "No" was selected for question 2 or 2a, what is the basis for requesting the exemption from *EC* 54444.3 (e.g., agricultural factors, climatic conditions, specialized education programs, or other conditions)?

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3) Will the OA offer a summer school program for migratory students in grades 7-12? If yes, please complete the table below.   Yes   No

Grade Span	Minutes Per Day[2]	Number of Days	Dates	Start – End Times	Total Minutes

a) Will migratory students in grades 7-12 receive 240 minutes of instruction per day[2], for not less than 30 teaching days?   Yes   No

b) If "No" was selected for question 3 or 3a, what is the basis for requesting the exemption from *EC* 54444.3 (e.g., agricultural factors, climatic conditions, specialized education programs, or other conditions)?

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4) Will the OA offer summer school for all (migratory & non-migratory) students?
        Yes   No

5) If "Yes" was selected for question 4, specify the following:

Summer School for All Students

Grade Span	Minutes Per Day	Number of Days	Dates	Start – End Times	Total Minutes

Summer Waiver Signature Page

Printed Name of OA contact: _____

Telephone Number: _____ Date: _____

OA contact Signature: _____

Printed Name of Superintendent or Designee: _____

Telephone Number: _____ Date: _____

Superintendent or Designee Signature: _____

MEP Summer Waiver Request Form Instructions

Purpose of Form:
To allow MEP subgrantees to request a waiver on the summer services requirements delineated in *EC* 54444.3.

Obtain Form:
Los Angeles County of Education Resource website
https://lacoe.edu/services/accountability/migrant-education/online-systems.

Due Dates:
A complete and approved summer waiver must be uploaded to the eMEP system by the application deadline (April 5th for Direct Funded Districts [DFD] and May 3rd for Regions, District Service Agreements [DSA], and Memorandum of Understanding [MOU]).

Approval Requirements:
Waivers will be reviewed by the Migrant Education Office (MEO). Incomplete forms or forms that do not provide an exemption based on the conditions listed on page one, might not be approved. The MEO will notify the subgrantees if the waiver has been approved.

Additional Instructions

- Each subgrantee must have a summer program that meets the requirements established by the *EC* 54444.3. If you cannot meet this requirement, you must request an exemption by completing the waiver.

- Every DFD, Region, DSA, or MOU must meet the requirements.

- DSAs or MOUs that do not meet the requirements must submit a waiver to their Region and the Region must upload the waivers to the regional application (section 14).

- For summer minutes required by *EC* 54444.3, minutes are determined for the summer period, per the school calendar. For example, if the summer period is June through August, the CDE looks at programing in June, July, and August. This may cover two applications such as June from one fiscal year, and July and August from the next fiscal year.

- Questions 1–4 must be answered with as much detail as possible. If additional space is needed, please attach a word document with the waiver. Word documents must also be signed by the appropriate entities.

- For question 4, subgrantees must complete the table if their district is providing other summer programs with non-MEP funds.

- Please ensure all the correct signatures are included.

Contact: For questions, contact Emily Smith, Education Programs Assistanct, by phone at 916-319-0227 or by email at emsmith@cde.ca.gov.