

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 agency¹ 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) (A) That summer school programs meet the following time requirements:

(i) 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.

(ii) 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.

(iii) 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.

(B) Exemptions from the requirements of this paragraph may be made by the Superintendent upon petition submitted to the Superintendent by the school 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.

(C) For purposes of this paragraph, holidays designated in Section 37220 other than Saturday and Sunday may be deducted from the required number of teaching days.

(*EC* 54444.3[a][1])

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.

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.

Summer Waiver Request Form

Year: Summer 2025

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

Address: _____

Contact Person: _____ Title: _____ Telephone: _____

1) Will the OA offer a MEP summer school program for kindergarten migratory students? Yes No

- a) Will kindergarten migratory students receive 180 minutes of instruction per day², for not less than 20 teaching days in the MEP summer school? 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 MEP summer school program for migratory students in grades 1-8? Yes No

- a) Will migratory students in grades 1-8 receive 200 minutes of instruction per day², for not less than 20 teaching days in the MEP summer school? Yes No
- b) If "No" was selected for question 2 **or** 2a, what is the basis for requesting the exemption from *EC Section 54444.3* (e.g., agricultural factors, climatic conditions, specialized education programs, or other conditions)?

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

3) Will the OA offer a MEP summer school program for migratory students in grades 7-12? Yes No

a) Will migratory students in grades 7-12 receive 240 minutes of instruction per day², for not less than 30 teaching days in the MEP summer school? Yes No

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

4) Will the OA offer summer school for all (migratory and non-migratory) students?

Yes No

Summer Waiver Signature

Printed Name of OA contact: _____

Telephone Number: _____ Date: _____

OA contact 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* Section 54444.3.

Obtain Form:

Los Angeles County of Education Resource website

<https://lacoed.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).

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* Section 54444.3. If you cannot meet this requirement, you must request an exemption by completing the waiver. Every DFD, Region, DSA, must meet the requirements.
- DSAs 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). Regions are required to review and approve of DSA waivers before uploading them. By submitting this waiver, the Region is indicating their approval. By not submitting a waiver for a DSA, the Region indicates that the DSA is meeting the requirement for summer school.
- For summer minutes required by *EC* Section 54444.3, minutes are determined for the summer period, per the school calendar. For example, if the summer period is June through August, CDE looks at programming 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.
- Holidays designated in *EC* Section 37220 other than Saturday and Sunday may be deducted from the required number of teaching days. For example, if the Fourth of July holiday falls on a Tuesday during the OA's kindergarten MEP summer program, the total requirement would be adjusted to 19 days instead of 20 days.
- For question 4, subgrantees must indicate if their district is providing other summer programs with non-MEP funds.

- The authorized OA contact should sign the waiver indicating that the information in this waiver is correct and complete.

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