



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

OCT 13 2016

Dear Colleague:

On May 10, 2016, the U.S. Department of Education (ED) published a notice of final regulations in the *Federal Register*, to implement the Migrant Student Information Exchange (MSIX). MSIX is an electronic records exchange mechanism ED has developed to implement a requirement in section 1308 of Title I, Part C of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by both the No Child Left Behind Act and the Every Student Succeeds Act. The ESEA requires States to collect and submit to the system basic educational and health information (the established "minimum data elements, or "MDEs") on all migrant students. As a condition of receiving Migrant Education Program (MEP) funds, these regulations require each State educational agency (SEA) to collect, maintain, and submit this minimum information to MSIX within time frames specified in the regulations. The regulations became effective on June 9, 2016.

We understand that adapting to the new regulatory requirements may entail changes to your State's existing practices and procedures for data collection and submission. ED is committed to supporting States in the implementation of these new requirements, and we have been in frequent communication with State MEP Directors throughout the development of the regulations. While your State's MEP Director has been, and will continue to be, our primary point of contact regarding these program requirements, we recognize that successful implementation is also dependent upon cooperation and coordination among MEP and other program staff. For your reference, we are including an attachment explaining to you the unique needs of migratory children and how the MSIX requirements address them, and providing an overview of the regulations, as well as a description of resources ED is committing to provide to assist you in your implementation efforts.

I understand that you or members of your staff may have additional questions about MSIX and these regulations, how the new requirements impact existing practices and procedures at the State and local levels, and how ED may be able to help your State implement these requirements. You can find the latest information about MSIX, including the list of MDEs, file specifications, training manuals, and other technical assistance materials, on the MSIX website at msix.ed.gov. For individualized support, please contact the MSIX Help Desk at MSIXSupport@deloitte.com or 1-866-878-9525. You may also email questions to msix@ed.gov, or OME's MSIX Project Manager, Patricia Meyertholen, at patricia.meyertholen@ed.gov.

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

Thank you for your ongoing commitment to improving educational outcomes for all students, including migratory children with unique educational needs. I look forward to our continued partnership in meeting the needs of our nation's migratory children.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ann Whalen', with a stylized, cursive script.

Ann Whalen
Delegated the Authority to Perform the Functions
and Duties of Assistant Secretary for
Elementary and Secondary Education

cc: State Title I Directors
State MEP Directors

Other than statutory and regulatory requirements included in the document, the contents of this guidance do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

Attachment A: Additional Information on MSIX

Background

The educational needs of migratory children present unique challenges for educators and our nation's schools. Given the nature of their employment, migratory workers and their families often settle in a single community for a short period of time. One consequence of this mobile lifestyle is that migratory children frequently enroll in new schools and school districts without adequate, and in many cases any, documentation of their educational and health history. Because migratory children may move at any time, including during the summer term when many schools are closed, it is imperative to have a reliable system with which SEA, local educational agency (LEA), and local operating agency (LOA) staff may access up-to-date educational and health information for migratory children in a timely manner. MEPs operate throughout the year, including during the summer; having timely access to a migratory child's educational and health information will help ensure that MEPs can provide migratory children with services that appropriately address their unique needs.

MSIX helps meet the needs of migratory children by making current educational and health information on those children immediately available to school and program staff where migratory children enroll after they move. MSIX allows SEAs to upload the required MDEs from their own existing State student record systems into a single data repository where information on each migratory child is maintained, organized, and compiled. As a Web-based platform, MSIX allows authorized users to access a migratory child's MSIX record via a Web browser. MSIX compiles the data submitted by each State, and generates a single "Consolidated Student Record" for each migratory child. This Consolidated Student Record contains educational and health-related MDEs from the various schools and migrant education programs in which a migratory child has enrolled, within and across States.

Instantaneous access to records of children who have previously been identified as MEP-eligible will reduce the time it takes school personnel to enroll those children in new schools and place them in appropriate classes. Prompt placement is necessary not only to ensure continuity of education, but also to ensure that migratory children receive the maximum benefits from the school's regular program as well as MEP services, as the MEP limits the amount of time that migratory children may receive services. In addition, prompt access to records reduces the likelihood of duplication of services and helps ensure that migratory children are placed in the right classes, which reduces the likelihood that a child will repeat classes or be placed in an inappropriate class. For secondary school students, having a record documenting credit accrual increases the likelihood that a migratory child will graduate from high school on time.

Overview of Requirements and Timelines

In order to maximize the system's potential to address the unique needs of migratory children, the Department established, through regulations, specific requirements for the usage of MSIX. An SEA that receives a grant of MEP funds must submit electronically to MSIX the MDEs applicable to the child's age and grade level (*i.e.*, "applicable MDEs"), according to certain schedules described below. An SEA must collect and submit the applicable MDEs for all migratory children, regardless of whether a child is enrolled in school.

For purposes of start-up submissions, by September 7, 2016, an SEA must submit all applicable MDEs, for all migratory children who are eligible to receive MEP services in the State on the effective date of the regulations, June 9, 2016 (other than through continuation of services provided under section 1304(e) of the ESEA). In addition, being now after June 9, 2016, each SEA must meet the specific timeframes to collect and submit to MSIX the applicable MDEs for: migratory children for whom an SEA has approved a new Certificate of Eligibility (COE), end of term submissions, and change of residence submissions. The timelines required for these subsequent data submissions range from four working days to 30 calendar days. An SEA must work with LEAs and LOAs in the State so that the timelines for subsequent data submissions throughout the entire calendar year are met whether or not LOAs or LEAs in the State are closed for summer or intersession periods.

The regulations also require that SEAs establish procedures, develop and disseminate guidance, and provide training in the use of MSIX Consolidated Student Records. SEAs must also use, and require their LOAs to use, reasonable methods to ensure data quality and data protection. Finally, the regulations contain specific requirements for responding to MSIX record correction requests from parents, guardians, and migratory children. Consistent with the MEP requirements for parental involvement as described in section 1304(c)(3) of the ESEA, we strongly encourage States to establish procedures for MSIX data correction requests in a format and language understandable to requestors.

Supporting States' Implementation of MSIX

To help ensure that all States have the information and necessary tools to successfully implement these new requirements, ED's Office of Migrant Education (OME) has developed and launched an MSIX Regulations Implementation Plan. This Plan includes a variety of activities that build upon the guidance, technical assistance and financial support OME has been providing to States since the MSIX system become operational in September 2007, and the Notice of Proposed Rulemaking (NPRM) was published in December 2013. We have informed State MEP Directors of the new and updated activities, which include:

1. A series of three MSIX Regulations webinars- presentations and recordings are currently available on the MEP coordination website, RESULTS (www.results.ed.gov);

2. A Special Edition of MEP Policy Questions and Answers (Q&As) to explain the regulatory requirements (forthcoming);
3. Continuation of the Data Quality Initiative (DQI), a multi-year effort which began in Fiscal Year (FY) 2014. The purpose of the DQI is to support States by providing assistance in: analyzing and assessing the quality and completeness of data in MSIX, identifying common issues causing data inaccuracies; identifying and assessing the root causes of data issues; providing more accurate and complete data on migratory children; and increasing the overall quality of MEP data; and
4. FY 2016 MSIX State Data Quality Grants, non-competitive formula grants to provide additional resources to SEAs in order to assist them and their LOAs in implementing the interstate electronic exchange of migrant children's records through MSIX. Interested SEAs submitted an application letter by May 31, 2016. These grants will be awarded to SEAs no later than September 30, 2016, and will be available for SEAs to obligate by September 30, 2017.