

## Maine Rule for Determining Immigrant Children and Youth Subgrant from Title III Funds

### **Definition of Immigrant Children and Youth**

The term “immigrant children and youth” as defined in section 3301(6) of the Elementary and Secondary Education Act (ESEA), means individuals who:

- are aged 3 through 21;
- were not born in any state; and
- have not been attending one or more schools in any one or more states for more than 3 full academic years cumulatively.

The ESEA also contains a definition of *state*. Under section 3101(14) of the ESEA, the term “state” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico. For this reason, American children born overseas, because they were not born in a State, can fall within the ESEA definition of “immigrant child and youth” if they meet all of the other criteria of that definition.

### **Definition – Significant Increase in Number of Immigrant Children** *Sec. 3114(d)(1) and (2)*

“Significant increase” is determined by computing the average immigrant enrollment of the two preceding years and comparing that average to the current immigrant enrollment for each school administrative unit (SAU). SAUs in the top 10% for both percentage and student increase and had an average of at least 10 students in the previous two years would be eligible.

More than one subgrant may be made, including to SAUs with limited or no experience in serving immigrant children and youth, given that a sufficient service plan is in place.

### **Determination Method**

- The immigrant children and youth subgrant amount will not exceed 15% of the total Title III allocation to the Maine DOE. The final percent/amount of the immigrant subgrant will vary annually.

*[Sec.3114(d)(1)]*

- October immigrant counts are to be used in this determination. For example, the average immigrant enrollment from October 2018 and October 2019 (*two prior years*) is compared to immigrant enrollment from October 2020 (*current year*) in order to determine the recipient(s) of the current year’s subgrant. Given that October enrollment counts are not finalized until November, the SAU(s) awarded this subgrant will be notified by December 1<sup>st</sup>.

I. Create a table annually, using the October immigrant counts from two prior years and the current year. *For each Title III SAU with a reported immigrant count:*

- 1) Calculate the average of the two prior years (*two-year average*).
- 2) Subtract the average from the previous year’s total count – this is the *number increase*.
- 3) Divide the *number increase* by the *two-year average* – this is the *percent increase* (from prior two-year average to previous year).
- 4) Rank SAUs by a combination of the greatest number and greatest percent of increase.

II. Award amount process (Title III and Immigrant Children and Youth):

- 1) State receives Title III allocation (~July 1)
- 2) From total award, subtract \$175K for administration of Title III program. *[Sec.3111(b)(3)]*
- 3) Not more than 15% of the remainder must be reserved for the immigrant children and youth subgrant.
- 4) The remainder less the immigrant children and youth subgrant set-aside is allocated to eligible Title III SAUs.