

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2769

To improve education for migrant children in elementary and secondary schools.

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IN THE HOUSE OF REPRESENTATIVES

JULY 28, 1993

Mr. FORD of Michigan (for himself and Mr. GOODLING) introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To improve education for migrant children in elementary and secondary schools.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. PROGRAMS FOR MIGRANT CHILDREN.**

4 Subpart 1 of part D of chapter 1 of the Elementary  
5 and Secondary Education Act of 1965 is amended to read  
6 as follows:

7 **“Subpart 1—Programs for Migrant Children**

8 **“SEC. 1201. STATEMENT OF PURPOSE.**

9 “The purpose of this subpart is—

1           “(1) to support high quality and comprehensive  
2 educational programs for migrant children to help  
3 reduce the multiple needs that result from repeated  
4 moves;

5           “(2) to ensure that migrant children are pro-  
6 vided with appropriate educational and supportive  
7 services addressing their special needs in a coordi-  
8 nated and efficient manner; and

9           “(3) to design programs to help migrant chil-  
10 dren overcome educational disruption, cultural and  
11 language barriers, social isolation, various health-re-  
12 lated problems, and other noninstructional factors  
13 which inhibit their ability to do well in school and  
14 to prepare such children to make a successful transi-  
15 tion to postsecondary education or employment.

16 **“SEC. 1202. GRANTS—ENTITLEMENT AND AMOUNT.**

17           “(a) ENTITLEMENT.—(1) A State educational agency  
18 or a combination of such agencies shall, upon application,  
19 be entitled to receive a grant for any fiscal year under  
20 this subpart to establish or improve, either directly or  
21 through local educational agencies, programs of education  
22 which meet the requirements of section 1203 for migrant  
23 children.

24           “(2) In the case of any State which receives an alloca-  
25 tion of \$1,000,000 or less, the Secretary shall consult with

1 the State educational agency regarding consortium ar-  
2 rangements with another State, an institution of higher  
3 education, or with a regional education laboratory to de-  
4 liver services in a more effective and efficient manner.

5 “(3) A State, irrespective of allocation amounts, may  
6 propose a consortium agreement.

7 “(4) The Secretary shall approve a consortium agree-  
8 ment under paragraphs (2) or (3) if the proposal dem-  
9 onstrates that the agreement may reduce administrative  
10 overhead costs or program function costs for State pro-  
11 grams and make more funds available for direct services  
12 to add substantially to the welfare or educational attain-  
13 ment of children to be served under this subpart.

14 “(b) AMOUNT OF GRANT TO STATES.—(1) Except as  
15 provided in paragraphs (2) and (3), the amount of each  
16 State’s grant will be an amount equal to 40 percent of  
17 the average per pupil expenditure in the State multiplied  
18 by—

19 “(A) the estimated number of migrant children  
20 who reside in the State full time; and

21 “(B) the full-time equivalent of the estimated  
22 number of migrant children who reside in the State  
23 part time, as determined by the Secretary in accord-  
24 ance with regulations.

1       “(2) If the average per pupil expenditure in the State  
2 is less than 80 percent of the average per pupil expendi-  
3 ture in the United States, the amount of a grant under  
4 paragraph (1) shall be 32 percent of the average per pupil  
5 expenditure in the United States for such fiscal year mul-  
6 tiplied by—

7           “(A) the estimated number of migrant children  
8 who reside in the State full time; and

9           “(B) the full-time equivalent of the estimated  
10 number of migrant children who reside in the State  
11 part time, as determined by the Secretary in accord-  
12 ance with regulations.

13       “(3) If the average per pupil expenditure in the State  
14 is more than 120 percent of the average per pupil expendi-  
15 ture in the United States, the amount of the grant under  
16 paragraph (1) shall be 48 percent of the average per pupil  
17 expenditure in the United States multiplied by—

18           “(A) the estimated number of migrant children  
19 who reside in the State full time; and

20           “(B) the full-time equivalent of the estimated  
21 number of migrant children who reside in the State  
22 part time, as determined by the Secretary in accord-  
23 ance with regulations.

24       “(4) The Secretary shall develop a formula for ad-  
25 justing the estimated number of children who reside in a

1 State in order to reflect the number of migrant children  
2 who are served in summer programs (which may include  
3 intersession programs) in the State and the additional  
4 costs of operating such programs. The formula shall in-  
5 clude an equitable cost factor related to the differences  
6 in costs for different program designs.

7 “(c) AMOUNT OF GRANT TO PUERTO RICO.—(1) For  
8 each fiscal year, the Secretary shall determine—

9 “(A) the average per pupil expenditure of the  
10 State which has the lowest such average;

11 “(B) the average per pupil expenditure of the  
12 Commonwealth of Puerto Rico; and

13 “(C) the percentage that, when multiplied by  
14 the amount described in subparagraph (A), yields  
15 the amount described in subparagraph (B).

16 “(2) The grant which the Commonwealth of Puerto  
17 Rico shall be eligible to receive under this section for a  
18 fiscal year shall be the amount arrived at by multiplying  
19 the number of such migrant children in the Common-  
20 wealth of Puerto Rico by the product of—

21 “(A) the percentage determined under para-  
22 graph (1)(C); and

23 “(B) 32 percent of the average per pupil ex-  
24 penditure in the United States.

1       “(d) ERROR RATE.—States may make up to a 5 per-  
2 cent standard error rate when determining the number of  
3 eligible migrants residing within a State.

4       “(e) BYPASS PROVISION.—If the Secretary deter-  
5 mines that a State is unable or unwilling to conduct edu-  
6 cational programs for migrant children, that it would re-  
7 sult in more efficient and economic administration, or that  
8 it would add substantially to the welfare or educational  
9 attainment of such children, the Secretary may make spe-  
10 cial arrangements with other public or nonprofit private  
11 agencies to carry out the purposes of this section in 1 or  
12 more States, and for this purpose the Secretary may use  
13 all or part of the total of grants available for any such  
14 State under this subpart.

15 **“SEC. 1203. PROGRAM REQUIREMENTS.**

16       “The Secretary shall approve an application submit-  
17 ted under section 1202(a) which—

18               “(1) provides the opportunity for migrant chil-  
19 dren to meet challenging content standards and per-  
20 formance standards if such standards have been  
21 adopted;

22               “(2) provides for educational continuity through  
23 the timely transfer of pertinent school records, in-  
24 cluding information on health, when children move  
25 from one school to another;

1           “(3) contains an agreement to record the mi-  
2           grant status of such children and their average daily  
3           attendance on State student collection data;

4           “(4) specifies goals and measurable outcomes in  
5           a comprehensive plan which, at a minimum, de-  
6           scribes—

7                   “(A)(i) advocacy and outreach activities for  
8                   migrant children and their families, including a  
9                   description of education, health, nutrition, and  
10                  other supportive social services to be provided  
11                  directly or through cooperative agreements with  
12                  other service providers;

13                   “(ii) coordination efforts with other Fed-  
14                   eral instructional and supportive programs, in-  
15                   cluding early childhood programs, the basic  
16                   grant program under this chapter, the bilingual  
17                   education programs established under title VII,  
18                   and regular local school programs;

19                   “(B) ongoing professional development  
20                   programs, including mentoring programs for  
21                   teachers and other program personnel;

22                   “(C) parent involvement programs (as de-  
23                   fined under section 1016), and when feasible,  
24                   the establishment of instructional programs  
25                   such as use of the model developed under the

1 Even Start Family Literacy Programs that pro-  
2 mote adult literacy and train parents to support  
3 the educational growth of their children;

4 “(D) the integration of information tech-  
5 nology into educational programs; and

6 “(E) programs to manage the transition  
7 from school to work or to a postsecondary edu-  
8 cation for high school students;

9 “(5) includes assurances that programs will be  
10 administered and carried out in a manner consistent  
11 with the basic objectives of section 1011 (other than  
12 subsection (b)), sections 1012, 1014, and 1018, and  
13 subpart 2 of part F; and

14 “(6) gives priority to migrant children whose  
15 educational needs are greatest and whose education  
16 has been interrupted during the regular school year.

17 **“SEC. 1204. COORDINATION OF MIGRANT EDUCATION AC-**  
18 **TIVITIES.**

19 “(a) ACTIVITIES AUTHORIZED.—(1) After consulta-  
20 tion with the States, the Secretary is authorized to make  
21 grants to, and enter into contracts with, State educational  
22 agencies for activities to improve the interstate and intra-  
23 state coordination (including the use of technology) among  
24 State and local educational agencies of the educational  
25 programs available for migrant children. No State edu-

1 cational agency may receive a grant under this subpart  
2 for more than 5 years.

3 “(2) Grants or contracts shall also be made under  
4 this subpart to State educational agencies to develop and  
5 establish a national program of credit exchange and ac-  
6 cidental for migrant children so that such children will be  
7 better able to meet graduation requirements and receive  
8 high school diplomas.

9 “(b) COMPETITIVE GRANTS.—From the amounts  
10 made available for this subpart, the Secretary shall reserve  
11 not more than \$1,500,000 to award, on a competitive  
12 basis, not more than 15 grants in the amount of \$100,000  
13 each to State educational agencies with approved consor-  
14 tium agreements described under section 1202(a)(4). Not  
15 less than 10 of such grants shall be awarded to States  
16 which receive allocations of less than \$1,000,000 if such  
17 States have approved agreements.

18 “(c) CONTINUATION OF SERVICES.—(1) Subject to  
19 paragraph (2), a child who is no longer a migrant child  
20 may continue to receive services for one additional school  
21 year only if comparable services are not available through  
22 other programs.

23 “(2) Notwithstanding paragraph (1)—

1           “(A) a child who ceases to be a migrant child  
2 during a school term shall be eligible for services  
3 until the end of such term; and

4           “(B) secondary school students who were eligi-  
5 ble for services in secondary school may continue to  
6 be served through credit accrual programs until  
7 graduation.

8           “(d) ASSISTANCE AND REPORTING.—(1) Not later  
9 than October 1, 1994, the Secretary shall begin to work  
10 with States to provide model information forms or other  
11 assistance to help ensure the timely transfer of students’  
12 educational and health records.

13           “(2) Not later than October 1, 1995, the Secretary  
14 shall submit a report to the Congress regarding the effec-  
15 tiveness of methods used by States to transfer records.

16           “(e) DEFINITION.—For purposes of this subpart, the  
17 term ‘migrant child’ means a child, aged 3 to 21, inclusive,  
18 who is or whose parent or guardian is a migrant agricul-  
19 tural worker, migrant fisherman, or migrant dairy worker  
20 and who has moved within the past 24 months—

21           “(1) from one school district to another to ob-  
22 tain temporary or seasonal employment in agri-  
23 culture, fishing, or dairy work; or

24           “(2) has moved from one administrative area to  
25 another, in a State that is comprised of a single

1 school district, to enable the child, the child's guard-  
2 ian, or a member of the child's immediate family to  
3 obtain temporary or seasonal employment in agri-  
4 culture, fishing, or dairy work.

5 Paragraph (2) includes children of migrant fishermen if  
6 such children reside in a school district of more than  
7 18,000 square miles and migrate a distance of 20 miles  
8 or more to temporary residences to engage in fishing  
9 activity.

10 “(f) AVAILABILITY OF FUNDS.—The Secretary may,  
11 from the funds appropriated for carrying out this subpart,  
12 reserve up to \$5,000,000 for the purposes of this section  
13 for any fiscal year.”.

14 **SEC. 2. EFFECTIVE DATE FOR DISCONTINUATION OF MI-**  
15 **GRANT STUDENT RECORD SYSTEM.**

16 The contract for the Migrant Student Record System  
17 in existence on the day before the date of the enactment  
18 of this Act may not continue beyond June 30, 1995. Pend-  
19 ing the discontinuation of such system, the Secretary may  
20 not award a contract for a new Migrant Student Record  
21 Transfer System or any comparable such system, but may  
22 continue the existing contract for such system until June  
23 30, 1995.

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