

have made a qualifying move within the previous 1-year period and who—

- (1) are failing, or most at risk of failing, to meet the challenging State academic standards; or
- (2) have dropped out of school.

**(e) Continuation of services**

Notwithstanding any other provision of this part—

- (1) a child who ceases to be a migratory child during a school term shall be eligible for services until the end of such term;
- (2) a child who is no longer a migratory child may continue to receive services for 1 additional school year, but only if comparable services are not available through other programs; and
- (3) students who were eligible for services in secondary school may continue to be served through credit accrual programs until graduation.

(Pub. L. 89-10, title I, §1304, as added Pub. L. 107-110, title I, §101, Jan. 8, 2002, 115 Stat. 1574; amended Pub. L. 114-95, title I, §1301(c), Dec. 10, 2015, 129 Stat. 1896.)

**PRIOR PROVISIONS**

A prior section 6394, Pub. L. 89-10, title I, §1304, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3587; amended Pub. L. 106-554, §1(a)(4) [div. B, title XVI, §1605], Dec. 21, 2000, 114 Stat. 2763, 2763A-334, related to State applications and services, prior to the general amendment of this subchapter by Pub. L. 107-110.

**AMENDMENTS**

2015—Subsec. (b)(1). Pub. L. 114-95, §1301(c)(1)(A)(i), in introductory provisions substituted “unique educational needs” for “special educational needs” and inserted “and migratory children who have dropped out of school” after “preschool migratory children”.

Subsec. (b)(1)(B). Pub. L. 114-95, §1301(c)(1)(A)(ii), substituted “migratory children” for “migrant children” and “part A of subchapter III” for “part A or B of subchapter III”.

Subsec. (b)(1)(D). Pub. L. 114-95, §1301(c)(1)(A)(iii), added subpar. (D) and struck out former subpar. (D) which read as follows: “measurable program goals and outcomes;”.

Subsec. (b)(2). Pub. L. 114-95, §1301(c)(1)(B), substituted “challenging State academic standards” for “challenging State academic content standards and challenging State student academic achievement standards”.

Subsec. (b)(3). Pub. L. 114-95, §1301(c)(1)(C), struck out “, consistent with procedures the Secretary may require,” after “including how”.

Subsec. (b)(5). Pub. L. 114-95, §1301(c)(1)(D), inserted “and” after semicolon at end.

Subsec. (b)(6), (7). Pub. L. 114-95, §1301(c)(1)(E)–(G), redesignated par. (7) as (6), substituted “migratory children whose parents do not have a high school diploma” for “migratory children who have parents who do not have a high school diploma”, and struck out former par. (6) which read as follows: “such budgetary and other information as the Secretary may require; and”.

Subsec. (c). Pub. L. 114-95, §1301(c)(2)(A), struck out “, satisfactory to the Secretary,” after “assurances” in introductory provisions.

Subsec. (c)(2). Pub. L. 114-95, §1301(c)(2)(B), made technical amendment to reference in original act which appears in text as reference to subsections (b) and (c) of section 6321 of this title and substituted “part F” for “part I”.

Subsec. (c)(3). Pub. L. 114-95, §1301(c)(2)(C)(i), in introductory provisions substituted “parents of migratory

children, including parent advisory councils,” for “parent advisory councils” and “not less than 1 school year in duration” for “of 1 school year in duration”.

Subsec. (c)(3)(A). Pub. L. 114-95, §1301(c)(2)(C)(ii), made technical amendment to reference in original act which appears in text as reference to section 6318 of this title.

Subsec. (c)(4). Pub. L. 114-95, §1301(c)(2)(D), inserted “and migratory children who have dropped out of school” after “preschool migratory children”.

Subsec. (c)(6) to (8). Pub. L. 114-95, §1301(c)(2)(E)–(G), added pars. (6) and (7), redesignated former par. (7) as (8), in par. (8) substituted “section 6393(a)(1) of this title” for “paragraphs (1)(A) and (2)(B)(i) of section 6393(a) of this title, through such procedures as the Secretary may require”, and struck out former par. (6) which related to assurances that, to the extent feasible, programs would provide for advocacy and outreach activities, professional development programs, family literacy programs, the integration of information technology into programs, and programs to facilitate the transition to postsecondary education or employment.

Subsec. (d). Pub. L. 114-95, §1301(c)(3), added subsec. (d) and struck out former subsec. (d). Prior to amendment, text read as follows: “In providing services with funds received under this part, each recipient of such funds shall give priority to migratory children who are failing, or most at risk of failing, to meet the State’s challenging State academic content standards and challenging State student academic achievement standards, and whose education has been interrupted during the regular school year.”

Subsec. (e)(3). Pub. L. 114-95, §1301(c)(4), substituted “students” for “secondary school students”.

**EFFECTIVE DATE OF 2015 AMENDMENT**

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of this title.

**§ 6395. Secretarial approval; peer review**

The Secretary shall approve each State application that meets the requirements of this part, and may review any such application with the assistance and advice of State officials and other officials with relevant expertise.

(Pub. L. 89-10, title I, §1305, as added Pub. L. 107-110, title I, §101, Jan. 8, 2002, 115 Stat. 1576; amended Pub. L. 114-95, title I, §1301(d), Dec. 10, 2015, 129 Stat. 1897.)

**PRIOR PROVISIONS**

A prior section 6395, Pub. L. 89-10, title I, §1305, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3588, related to Secretarial approval and peer review, prior to the general amendment of this subchapter by Pub. L. 107-110.

**AMENDMENTS**

2015—Pub. L. 114-95 amended section generally. Prior to amendment, section consisted of subssecs. (a) and (b) relating to Secretarial approval and peer review, respectively.

**EFFECTIVE DATE OF 2015 AMENDMENT**

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of this title.

**§ 6396. Comprehensive needs assessment and service-delivery plan; authorized activities**

**(a) Comprehensive plan**

**(1) In general**

Each State that receives assistance under this part shall ensure that the State and its local operating agencies identify and address the unique educational needs of migratory children in accordance with a comprehensive State plan that—

(A) is integrated with other programs under this chapter or other Acts, as appropriate;

(B) may be submitted as a part of a consolidated application under section 7842 of this title, if—

(i) the unique needs of migratory children are specifically addressed in the comprehensive State plan;

(ii) the comprehensive State plan is developed in collaboration with parents of migratory children; and

(iii) the comprehensive State plan is not used to supplant State efforts regarding, or administrative funding for, this part;

(C) provides that migratory children will have an opportunity to meet the same challenging State academic standards that all children are expected to meet;

(D) specifies measurable program goals and outcomes;

(E) encompasses the full range of services that are available for migratory children from appropriate local, State, and Federal educational programs;

(F) is the product of joint planning among such local, State, and Federal programs, including programs under part A, early childhood programs, and language instruction educational programs under part A of subchapter III; and

(G) provides for the integration of services available under this part with services provided by such other programs.

**(2) Duration of the plan**

Each such comprehensive State plan shall—

(A) remain in effect for the duration of the State's participation under this part; and

(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this part.

**(b) Authorized activities**

**(1) Flexibility**

In implementing the comprehensive plan described in subsection (a), each State educational agency, where applicable through its local educational agencies, retains the flexibility to determine the activities to be provided with funds made available under this part, except that such funds first shall be used to meet the identified needs of migratory children that result from their migratory life-style, and to permit these children to participate effectively in school.

**(2) Unaddressed needs**

Funds provided under this part shall be used to address the needs of migratory children

that are not addressed by services available from other Federal or non-Federal programs, except that migratory children who are eligible to receive services under part A may receive those services through funds provided under that part, or through funds under this part that remain after the agency addresses the needs described in paragraph (1).

**(3) Construction**

Nothing in this part shall be construed to prohibit a local educational agency from serving migratory children simultaneously with students with similar educational needs in the same educational settings, where appropriate.

**(4) Special rule**

Notwithstanding section 6314 of this title, a school that receives funds under this part shall continue to address the identified needs described in paragraph (1), and shall meet the unique educational needs of migratory children before using funds under this part for schoolwide programs under section 6314 of this title.

(Pub. L. 89-10, title I, §1306, as added Pub. L. 107-110, title I, §101, Jan. 8, 2002, 115 Stat. 1576; amended Pub. L. 114-95, title I, §1301(e), Dec. 10, 2015, 129 Stat. 1897.)

PRIOR PROVISIONS

A prior section 6396, Pub. L. 89-10, title I, §1306, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3589, related to comprehensive needs assessments and service-delivery plans, prior to the general amendment of this subchapter by Pub. L. 107-110.

AMENDMENTS

2015—Subsec. (a)(1). Pub. L. 114-95, §1301(e)(1)(A), substituted “unique” for “special” in introductory provisions.

Subsec. (a)(1)(B). Pub. L. 114-95, §1301(e)(1)(B)(i), made technical amendment to reference in original act which appears in introductory provisions as reference to section 7842 of this title.

Subsec. (a)(1)(B)(i). Pub. L. 114-95, §1301(e)(1)(B)(ii), substituted “unique” for “special”.

Subsec. (a)(1)(C). Pub. L. 114-95, §1301(e)(1)(C), substituted “challenging State academic standards” for “challenging State academic content standards and challenging State student academic achievement standards”.

Subsec. (a)(1)(F). Pub. L. 114-95, §1301(e)(1)(D), substituted “part A of subchapter III” for “part A or B of subchapter III”.

Subsec. (b)(1). Pub. L. 114-95, §1301(e)(2)(A), substituted “retains the flexibility to” for “shall have the flexibility to”.

Subsec. (b)(4). Pub. L. 114-95, §1301(e)(2)(B), substituted “unique educational needs” for “special educational needs”.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of this title.

**§ 6397. Bypass**

The Secretary may use all or part of any State's allocation under this part to make arrangements with any public or private agency to carry out the purpose of this part in such State if the Secretary determines that—