

amended Pub. L. 114-95, title I, §1301(g), Dec. 10, 2015, 129 Stat. 1898.)

REFERENCES IN TEXT

The Individuals with Disabilities Education Act, referred to in subsec. (b)(2)(A)(iv), is title VI of Pub. L. 91-230, Apr. 13, 1970, 84 Stat. 175, as amended, which is classified generally to chapter 33 (§1400 et seq.) of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

PRIOR PROVISIONS

A prior section 6398, Pub. L. 89-10, title I, §1308, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3590, related to coordination of migrant education activities, prior to the general amendment of this subchapter by Pub. L. 107-110.

AMENDMENTS

2015—Subsec. (a)(1). Pub. L. 114-95, §1301(g)(1), struck out “nonprofit” before “entities”, inserted “through” after “including”, and substituted “children” for “students”.

Subsec. (b)(1). Pub. L. 114-95, §1301(g)(2)(A), struck out “developing effective methods for” before “the electronic transfer”.

Subsec. (b)(2)(A). Pub. L. 114-95, §1301(g)(2)(B)(i)(I), added introductory provisions and struck out former introductory provisions which read as follows: “The Secretary, in consultation with the States, shall ensure the linkage of migrant student record systems for the purpose of electronically exchanging, among the States, health and educational information regarding all migratory students. The Secretary shall ensure such linkage occurs in a cost-effective manner, utilizing systems used by the States prior to, or developed after, January 8, 2002, and shall determine the minimum data elements that each State receiving funds under this part shall collect and maintain. Such elements may include—”.

Subsec. (b)(2)(A)(ii). Pub. L. 114-95, §1301(g)(2)(B)(i)(II), substituted “assessments under section 6311(b)(2)” for “assessments required under section 6311(b)”.

Subsec. (b)(2)(A)(iii). Pub. L. 114-95, §1301(g)(2)(B)(i)(III), substituted “the challenging State academic standards” for “high standards”.

Subsec. (b)(2)(B), (C). Pub. L. 114-95, §1301(g)(2)(B)(ii)-(iv), added subpar. (B), redesignated former subpar. (B) as (C), and in subpar. (C) substituted “any new proposed data elements” for “the proposed data elements” and struck out at end “Such publication shall occur not later than 120 days after January 8, 2002.”

Subsec. (b)(4). Pub. L. 114-95, §1301(g)(2)(C), struck out par. (4) which related to report to Congress not later than Apr. 30, 2003, on the Secretary’s findings and recommendations regarding the maintenance and transfer of health and educational information for migratory students by the States.

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.

§ 6399. Definitions

As used in this part:

(1) Local operating agency

The term “local operating agency” means—

(A) a local educational agency to which a State educational agency makes a subgrant under this part;

(B) a public or private agency with which a State educational agency or the Secretary

makes an arrangement to carry out a project under this part; or

(C) a State educational agency, if the State educational agency operates the State’s migrant education program or projects directly.

(2) Migratory agricultural worker

The term “migratory agricultural worker” means an individual who made a qualifying move in the preceding 36 months and, after doing so, engaged in new temporary or seasonal employment or personal subsistence in agriculture, which may be dairy work or the initial processing of raw agricultural products. If an individual did not engage in such new employment soon after a qualifying move, such individual may be considered a migratory agricultural worker if the individual actively sought such new employment and has a recent history of moves for temporary or seasonal agricultural employment.

(3) Migratory child

The term “migratory child” means a child or youth who made a qualifying move in the preceding 36 months—

(A) as a migratory agricultural worker or a migratory fisher; or

(B) with, or to join, a parent or spouse who is a migratory agricultural worker or a migratory fisher.

(4) Migratory fisher

The term “migratory fisher” means an individual who made a qualifying move in the preceding 36 months and, after doing so, engaged in new temporary or seasonal employment or personal subsistence in fishing. If the individual did not engage in such new employment soon after the move, the individual may be considered a migratory fisher if the individual actively sought such new employment and has a recent history of moves for temporary or seasonal fishing employment.

(5) Qualifying move

The term “qualifying move” means a move due to economic necessity—

(A) from one residence to another residence; and

(B) from one school district to another school district, except—

(i) in the case of a State that is comprised of a single school district, wherein a qualifying move is from one administrative area to another within such district; or

(ii) in the case of a school district of more than 15,000 square miles, wherein a qualifying move is a distance of 20 miles or more to a temporary residence.

(Pub. L. 89-10, title I, §1309, as added Pub. L. 107-110, title I, §101, Jan. 8, 2002, 115 Stat. 1579; amended Pub. L. 114-95, title I, §1301(h), Dec. 10, 2015, 129 Stat. 1899.)

PRIOR PROVISIONS

A prior section 6399, Pub. L. 89-10, title I, §1309, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3591, defined terms for this part, prior to the general amendment of this subchapter by Pub. L. 107-110.

AMENDMENTS

2015—Par. (1)(B). Pub. L. 114-95, §1301(h)(1), struck out “nonprofit” before “private agency”.

Pars. (2) to (5). Pub. L. 114-95, §1301(h)(2), added pars. (2) to (5) and struck out former par. (2). Prior to amendment, text of par. (2) read as follows: “The term ‘migratory child’ means a child who is, or whose parent or spouse is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who, in the preceding 36 months, in order to obtain, or accompany such parent or spouse, in order to obtain, temporary or seasonal employment in agricultural or fishing work—

“(A) has moved from one school district to another;

“(B) in a State that is comprised of a single school district, has moved from one administrative area to another within such district; or

“(C) resides in a school district of more than 15,000 square miles, and migrates a distance of 20 miles or more to a temporary residence to engage in a fishing activity.”

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.

PART D—PREVENTION AND INTERVENTION PROGRAMS FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT-RISK

§ 6421. Purpose and program authorization

(a) Purpose

It is the purpose of this part—

(1) to improve educational services for children and youth in local, tribal, and State institutions for neglected or delinquent children and youth so that such children and youth have the opportunity to meet the same challenging State academic standards that all children in the State are expected to meet;

(2) to provide such children and youth with the services needed to make a successful transition from institutionalization to further schooling or employment; and

(3) to prevent at-risk youth from dropping out of school, and to provide dropouts, and children and youth returning from correctional facilities or institutions for neglected or delinquent children and youth, with a support system to ensure their continued education and the involvement of their families and communities.

(b) Program authorized

In order to carry out the purpose of this part and from amounts appropriated under section 6302(d) of this title, the Secretary shall make grants to State educational agencies to enable such agencies to award subgrants to State agencies and local educational agencies to establish or improve programs of education for neglected, delinquent, or at-risk children and youth.

(Pub. L. 89-10, title I, §1401, as added Pub. L. 107-110, title I, §101, Jan. 8, 2002, 115 Stat. 1580; amended Pub. L. 114-95, title I, §1401(1), Dec. 10, 2015, 129 Stat. 1900.)

PRIOR PROVISIONS

A prior section 6421, Pub. L. 89-10, title I, §1401, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat.

3591, set out findings and purpose and authorized program, prior to the general amendment of this subchapter by Pub. L. 107-110.

A prior section 1401 of Pub. L. 89-10 was classified to section 2821 of this title, prior to the general amendment of Pub. L. 89-10 by Pub. L. 103-382.

AMENDMENTS

2015—Subsec. (a)(1). Pub. L. 114-95, §1401(1)(A), inserted “, tribal,” after “youth in local” and substituted “challenging State academic standards” for “challenging State academic content standards and challenging State student academic achievement standards”.

Subsec. (a)(3). Pub. L. 114-95, §1401(1)(B), inserted “and the involvement of their families and communities” after “to ensure their continued education”.

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.

§ 6422. Payments for programs under this part

(a) Agency subgrants

Based on the allocation amount computed under section 6432 of this title, the Secretary shall allocate to each State educational agency an amount necessary to make subgrants to State agencies under subpart 1 of this part.

(b) Local subgrants

Each State shall retain, for the purpose of carrying out subpart 2 of this part, funds generated throughout the State under part A of this subchapter based on children and youth residing in local correctional facilities, or attending community day programs for delinquent children and youth.

(Pub. L. 89-10, title I, §1402, as added Pub. L. 107-110, title I, §101, Jan. 8, 2002, 115 Stat. 1580.)

PRIOR PROVISIONS

A prior section 6422, Pub. L. 89-10, title I, §1402, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3592, related to payments for programs, prior to the general amendment of this subchapter by Pub. L. 107-110.

A prior section 1402 of Pub. L. 89-10 was classified to section 2822 of this title, prior to the general amendment of Pub. L. 89-10 by Pub. L. 103-382.

SUBPART 1—STATE AGENCY PROGRAMS

§ 6431. Eligibility

A State agency is eligible for assistance under this subpart if such State agency is responsible for providing free public education for children and youth—

(1) in institutions for neglected or delinquent children and youth;

(2) attending community day programs for neglected or delinquent children and youth; or

(3) in adult correctional institutions.

(Pub. L. 89-10, title I, §1411, as added Pub. L. 107-110, title I, §101, Jan. 8, 2002, 115 Stat. 1581.)

PRIOR PROVISIONS

A prior section 6431, Pub. L. 89-10, title I, §1411, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3592, related to eligibility, prior to the general amendment of this subchapter by Pub. L. 107-110.