

Applicable Statutory Requirements

Relevant Sections From Title I, Part C of ESEA (P.L. 107-110)

SEC. 1304. STATE APPLICATIONS; SERVICES.

(a) APPLICATION REQUIRED- Any State desiring to receive a grant under this part for any fiscal year shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

(b) PROGRAM INFORMATION- Each such application shall include—

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(3) a description of how the State will use funds received under this part to promote interstate and intrastate coordination of services for migratory children, including how, consistent with procedures the Secretary may require, the State will provide for educational continuity through the timely transfer of pertinent school records, including information on health, when children move from one school to another, whether or not such move occurs during the regular school year;

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SEC. 1308. COORDINATION OF MIGRANT EDUCATION ACTIVITIES.

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(b) STUDENT RECORDS-

(1) ASSISTANCE- The Secretary shall assist States in developing effective methods for the electronic transfer of student records and in determining the number of migratory children in each State.

(2) INFORMATION SYSTEM-

(A) IN GENERAL- 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, the date of enactment of the No Child Left Behind Act of 2001, and shall determine the minimum data elements that each State receiving funds under this part shall collect and maintain. Such elements may include —

(i) immunization records and other health information;

(ii) elementary and secondary academic history (including partial credit), credit accrual, and results from State assessments required under section 1111(b);

(iii) other academic information essential to ensuring that migratory children achieve to high standards; and

(iv) eligibility for services under the Individuals with Disabilities Education Act.

(B) NOTICE AND COMMENT- After consulting with the States under subparagraph (A), the Secretary shall publish a notice in the Federal Register seeking public comment on the proposed data elements that each State receiving funds under this part shall be required to collect for purposes of electronic transfer of migratory student information and the requirements that States shall meet for immediate electronic access to such information. Such publication shall occur not later than 120 days after the date of enactment of the No Child Left Behind Act of 2001

(3) NO COST FOR CERTAIN TRANSFERS- A State educational agency or local educational agency receiving assistance under this part shall make student records available to another

State educational agency or local educational agency that requests the records at no cost to the requesting agency, if the request is made in order to meet the needs of a migratory child.

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SEC. 1309. DEFINITIONS.

As used in this part:

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(2) **MIGRATORY CHILD**- 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.