

AMENDED IN ASSEMBLY APRIL 25, 2013

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 275

Introduced by Assembly Member Alejo

February 11, 2013

An act to amend ~~Section~~ *Sections 54440, 54441.5, 54442, 54443.1, 54444.1, 54444.2, 54444.3, and 54444.4* of, and to add *Sections 54442.1, 54442.2, 54442.3, 54442.4, 54442.5, and 54444.6* to, the Education Code, relating to migrant education.

LEGISLATIVE COUNSEL'S DIGEST

AB 275, as amended, Alejo. Migrant education.

Existing

(1) Existing law requires the State Board of Education to adopt a state master plan for services to children identified as migrant children. Existing law also requires the Superintendent of Public Instruction to take the steps necessary to ensure effective parental involvement throughout the state migrant education program, which include establishing a statewide parent advisory council, as specified, to participate in the planning, operation, and evaluation of the state migrant education program. Existing law further requires the council to meet a minimum of 6 times per calendar year to provide input on issues relating to the operation of the program.

This bill would instead require the council to meet 9 times per calendar year to provide input on issues relating to the operation of the program. change references from "migrant child" to "migratory child," and would require the state master plan to be developed and revised as

necessary by the Superintendent of Public Instruction in consultation with the State Parent Advisory Council. The bill would specify additional services and elements that would be required as part of the plan, and would require the Superintendent to develop a monitoring instrument and procedure to annually monitor each local educational agency and region receiving funds for the provision of services to migratory children. The bill would set forth the primary objectives of the state's monitoring activities, including, among others, improving educational results and outcomes for migratory children. The Superintendent would be required to periodically sponsor or conduct workshops or seminars for the education of regional personnel responsible for evaluation of migrant education programs, and would require the Superintendent to submit to the State Board of Education, the Legislature, and the Governor a triennial performance report of the migrant education programs. The bill would require the Superintendent to develop a process to ensure that all migratory youth enrolled in juvenile court schools and other alternative education placements are properly identified and receive services for which they are eligible.

(2) Existing law requires migrant education programs to include certain components and services, including, among others, an assessment of the educational and health needs of each participating pupil.

This bill would require the collection and accessibility of individual and aggregate data with specified information relating to migratory pupils.

(3) Existing law requires the Superintendent to establish the service regional system as the primary method for delivery of services to migrant children, and requires the Superintendent to review and approve plans based on specified criteria.

This bill would include among that criteria a written evaluation plan that describes how an operating agency will measure annual pupil progress and overall success of its program. The bill would authorize the Superintendent to establish a regional directors' council comprised of project administrators from each of the operating agencies or directly funded school districts responsible for administering the migrant education program at the regional or district level.

(4) Existing law requires the Superintendent to establish a State Parent Advisory Council and requires the council to prepare and submit an annual report to the Legislature, the State Board of Education, and the Governor regarding the status of the migrant education program.

This bill would require the State Department of Education to provide necessary technical assistance and support in preparing the report and would require certain additional information to be included in the report. The bill would also require the Superintendent, upon request and when practicable, to provide certain documents that the Superintendent is required to provide under existing law in a language understandable to each member of the council.

(5) Existing law requires each operating agency receiving certain federal migrant education funding to conduct summer school programs for eligible migrant children in accordance with specified requirements.

This bill would delete numerous requirements specified under those provisions.

(6) Existing law sets forth responsibilities of parent advisory councils at the district, regional, and state levels.

This bill would also include, as an additional responsibility, a review of aggregate data collected for migratory pupils, as specified. The bill would require a local educational agency and region receiving funds for the provision of services to migratory children to include an evaluation of the overall program effectiveness for the prior year. The bill would revise various findings and declarations relating to migrant education programs, and would make other conforming changes.

*Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.*

The people of the State of California do enact as follows:

1 **SECTION 1.** *Section 54440 of the Education Code is amended*
2 *to read:*

3 54440. The Legislature finds and declares all of the following:

4 (a) A significant number of children under 18 years of age whose
5 parents are migratory agricultural workers or migratory fishermen
6 reside in California for at least a part of each year. These children,
7 from among the least affluent segments of American society, tend
8 to move frequently, attend school irregularly, and suffer health
9 problems and language barriers. This results in many becoming
10 early school dropouts, poorly prepared to enter the workforce or
11 for academic success and upward social mobility.

12 (b) The problems of children of migratory agricultural parents
13 and of migratory fisherman parents are of such magnitude and
14 severity that local school districts have been unable to solve them

1 with the resources normally available. It is, therefore, necessary
 2 for the state to aid local school districts through regional
 3 coordinating offices and the provision of special programs of
 4 educational and related services for these children.

5 (c) A recent audit completed by the State Auditor identified
 6 deficiencies in the evaluation and oversight by the State
 7 Department of Education of the implementation of programs for
 8 migratory children and identified the need for more comprehensive
 9 data regarding pupil achievement and success measures for those
 10 programs.

11 SEC. 2. Section 54441.5 of the Education Code is amended to
 12 read:

13 54441.5. With the concurrence of the child’s parent, a child
 14 who has been identified as a ~~“migrant”~~ “migratory child” may be
 15 deemed a ~~migrant~~ migratory child for a period, not in excess of
 16 three years, during which the child resides in an area where
 17 programs are provided for ~~migrant~~ migratory children. Priority for
 18 the provision of services shall be consistent with federal statutes
 19 and regulations governing migrant education programs.

20 SEC. 3. Section 54442 of the Education Code is amended to
 21 read:

22 54442. (a) The state board shall adopt a state master plan for
 23 services to ~~migrant~~ migratory children. *The plan shall be developed*
 24 *and revised as necessary by the Superintendent, in consultation*
 25 *with the State Parent Advisory Council established pursuant to*
 26 *Section 54444.2.* The plan shall include all of the following:

27 (a)

28 (1) Instructional activities on a regular and extended year basis.
 29 These activities shall be designed to identify, assess, and provide
 30 treatment for academic deficiencies of ~~migrant~~ migratory children.
 31 Special emphasis shall be given to oral and written
 32 ~~communications~~, *communication*, reading, and mathematics. Small
 33 group or individual instruction and tutorial services shall be
 34 provided to assist ~~migrant~~ migratory children to ~~attain normal~~
 35 ~~progress rates~~ *meet the same academic content and achievement*
 36 *standards that all children are expected to meet* in all subject areas.
 37 All instructional services shall be provided as supplements to
 38 regular programs of instruction provided by the public schools for
 39 all children.

40 (b)

1 (2) Health and welfare services. These services shall be designed
2 to identify, assess, and provide treatment for conditions that
3 interfere with the education and learning of ~~migrant~~ *migratory*
4 children, including dental, emotional, or environmental conditions.
5 To the extent possible, existing community resources ~~will~~ *shall*
6 be utilized to provide these services.

7 (e)

8 (3) Preservice and in-service education of professional and
9 nonprofessional personnel. This education shall be planned to
10 prepare school administrators, teachers, aides, and other personnel
11 to meet the special needs of ~~migrant~~ *migratory* children.

12 (d)

13 (4) Supportive services including transportation, family liaison,
14 and other services necessary to the success of the programs.

15 (e)

16 (5) Child development activities including, but not limited to,
17 social, sensorimotor, conceptual and language development, and
18 perceptual discrimination activities for ~~migrant~~ *migratory* infants
19 and prekindergarten children who are too young to participate in
20 instructional services normally provided by the public schools.

21 (f)

22 (6) The active involvement of *migratory* parents, teachers,
23 *schools*, and community representatives in the local *planning*,
24 *implementation*, and *improvement* of migrant education programs,
25 *including, but not limited to, review of the data collected for*
26 *migratory pupils pursuant to paragraph (8) to monitor and*
27 *evaluate pupil progress and program effectiveness.*

28 (7) *Support services and technical assistance for members of*
29 *the State Parent Advisory Council. The department shall ensure*
30 *that members are provided with sufficient resources and supports*
31 *to enable the State Parent Advisory Council to fulfill its statutory*
32 *purpose and responsibilities.*

33 (8) *An evaluation and monitoring component that specifically*
34 *provides for oversight and evaluation of the operating agencies,*
35 *school districts, and schools on a biannual basis by the department*
36 *to ensure that migrant education programs are effective and*
37 *operating in a manner consistent with federal statutes and*
38 *regulations. The department shall evaluate migrant education*
39 *programs using systematic, methodical, and sound evaluation*

1 *instruments designed to measure program implementation and*
2 *program results.*

3 (9) *Collection of individual and aggregate data for migratory*
4 *pupils to increase accountability for migratory pupil achievement*
5 *and facilitate program evaluation. The department shall collect*
6 *and make accessible to migrant regional directors data for*
7 *migratory pupils regarding:*

8 (A) *Identification and recruitment.*

9 (B) *Preschool participation.*

10 (C) *Enrollment in kindergarten and grades 1 to 12, inclusive.*

11 (D) *Enrollment in alternative education programs by type of*
12 *program, including, but not limited to, community schools,*
13 *community day schools, continuation high schools, and juvenile*
14 *court schools.*

15 (E) *Participation in independent study and credit accrual*
16 *programs.*

17 (F) *Designation and redesignation of English learners.*

18 (G) *Course enrollment, including, but not limited to, courses*
19 *fulfilling A-G subject area requirements.*

20 (H) *Suspension and expulsion.*

21 (I) *Truancy and chronic absenteeism.*

22 (J) *Referral to a school attendance review board.*

23 (K) *Disciplinary transfer.*

24 (L) *Retention.*

25 (M) *Dropout.*

26 (N) *California high school exit examination results.*

27 (O) *Graduation.*

28 (P) *Postsecondary education enrollment.*

29 (Q) *Vocational program enrollment.*

30 (R) *Other information deemed necessary by the Superintendent*
31 *in consultation with the State Parent Advisory Council.*

32 (b) *The department shall present the data in a format that is*
33 *readily accessible to migratory parents, teachers, community*
34 *representatives, and the regional director's council.*

35 SEC. 4. *Section 54442.1 is added to the Education Code, to*
36 *read:*

37 54442.1. *The Superintendent shall develop a monitoring*
38 *instrument and monitoring procedure that provides for annual*
39 *monitoring of each local educational agency and region receiving*
40 *funds for the provision of services to migratory children, and that*

1 *addresses each component identified in Section 54444.6 and all*
2 *federal requirements set forth under Section 6391 of Title 20 of*
3 *the United States Code and its corresponding regulatory*
4 *provisions. The monitoring procedure shall include onsite*
5 *monitoring of each operating agency receiving migrant education*
6 *funds at least every three years.*

7 *SEC. 5. Section 54442.2 is added to the Education Code, to*
8 *read:*

9 *54442.2. The primary objectives of the state's monitoring*
10 *activities shall be the following:*

11 *(a) Improving educational results and outcomes for all*
12 *migratory children.*

13 *(b) Ensuring that regional operating agencies, school districts,*
14 *and schools provide appropriate educational services to migratory*
15 *children in a manner that addresses their special needs, including*
16 *language access needs, in a coordinated and efficient manner.*

17 *(c) Ensuring that regional operating agencies, school districts,*
18 *and schools afford migratory pupils full and appropriate*
19 *opportunities to effectively participate in the general education*
20 *program and have access to courses needed to graduate.*

21 *(d) Identifying and addressing disproportionate discipline of*
22 *migratory pupils, migratory pupil enrollment in alternative*
23 *education programs, and migratory pupil participation in*
24 *independent study.*

25 *SEC. 6. Section 54442.3 is added to the Education Code, to*
26 *read:*

27 *54442.3. The Superintendent shall periodically sponsor or*
28 *conduct workshops and seminars for the education of regional*
29 *operating agency personnel assigned to, and responsible for, the*
30 *evaluation of migrant education programs.*

31 *SEC. 7. Section 54442.4 is added to the Education Code, to*
32 *read:*

33 *54442.4. The Superintendent shall submit to the state board,*
34 *the Legislature, in accordance with Section 9795 of the*
35 *Government Code, and the Governor, a triennial performance*
36 *report of the migrant education programs.*

37 *SEC. 8. Section 54442.5 is added to the Education Code, to*
38 *read:*

39 *54442.5. The Superintendent shall develop a process to ensure*
40 *that all migratory youth enrolled in juvenile court schools and*

1 *other alternative education placements under the department are*
2 *properly identified and receive all the services to which they are*
3 *eligible. The department shall work with regions and local*
4 *educational agencies to develop policies and procedures to ensure*
5 *that at the time of transfer and enrollment in these schools,*
6 *migratory youth who are not already identified are properly*
7 *assessed to determine if they are eligible for migratory services*
8 *and programs.*

9 *SEC. 9. Section 54443.1 of the Education Code is amended to*
10 *read:*

11 54443.1. Migrant education programs shall include all of the
12 following:

13 (a) An individual assessment of the educational and relevant
14 health needs of each participating pupil within 30 days of
15 enrollment. This assessment shall include assessments concurrently
16 provided pursuant to compensatory education,
17 bilingual-crosscultural education, school improvement programs,
18 and other programs serving the pupil.

19 (b) A general needs assessment developed in compliance with
20 federal requirements summarizing the needs of the population to
21 be served.

22 (c) A comprehensive program to meet the educational, health,
23 and related needs of participating pupils ~~which~~ *that* is supplemental
24 to the program *that* the operating agency is otherwise required to
25 provide. The program shall include, but need not be limited to, the
26 following:

27 (1) Academic instruction.

28 (2) Remedial and compensatory instruction.

29 (3) Bilingual and crosscultural instruction, *which may include*
30 *supplemental language support services and programs specially*
31 *designed to meet the unique needs of indigenous migratory*
32 *children.*

33 (4) Career technical instruction.

34 (5) Counseling and career education services.

35 (6) Preschool services in accordance with Section 54443.

36 (7) Other educational services that are not available in sufficient
37 quantity or quality to eligible migratory children.

38 (8) The acquisition of instructional materials and equipment
39 necessary to adequately provide the appropriate services.

1 (9) Other related services to meet the special *identified* needs
2 of eligible migratory children that are necessary to enable these
3 children to effectively participate in instructional services.

4 (10) The coordination and teaming of existing resources serving
5 ~~migrant~~ *migratory* pupils, such as bilingual-crosscultural education,
6 health screening, and compensatory education.

7 (d) A brief individual learning plan listing the services to be
8 provided to each pupil shall be provided in writing or at a parent
9 conference to the parent or guardian of each participating pupil,
10 annually and each time the pupil moves to a new district *or*
11 *experiences a change in school placement or educational program.*

12 (e) Staffing and staff development plans and practices to meet
13 the needs of *migratory* pupils and implement the program.

14 (f) Parent and community involvement as specified in Section
15 54444.2.

16 (g) Evaluations that shall include annual pupil progress and
17 overall program effectiveness and quality control reports *in*
18 *accordance with Section 54444.6.*

19 (h) (1) *Collection and accessibility of individual and aggregate*
20 *data for migratory pupils regarding all of the following:*

21 (A) *Identification and recruitment.*

22 (B) *Preschool participation.*

23 (C) *Enrollment in kindergarten and grades 1 to 12, inclusive.*

24 (D) *Enrollment in alternative education programs by type of*
25 *program, including, but not limited to, community schools,*
26 *community day schools, continuation high schools, and juvenile*
27 *court schools.*

28 (E) *Participation in independent study and credit accrual*
29 *programs.*

30 (F) *Designation and redesignation of English learners.*

31 (G) *Course enrollment, including, but not limited to, courses*
32 *fulfilling A-G subject area requirements.*

33 (H) *Suspension and expulsion.*

34 (I) *Truancy and chronic absenteeism.*

35 (J) *Referral to a school attendance review board.*

36 (K) *Disciplinary transfer.*

37 (L) *Retention.*

38 (M) *Dropout.*

39 (N) *California high school exit examination results.*

40 (O) *Graduation.*

- 1 (P) *Postsecondary education enrollment.*
- 2 (Q) *Vocational program enrollment.*
- 3 (R) *Other information deemed necessary by the Superintendent*
- 4 *in consultation with the State Parent Advisory Council.*

5 (2) *Migrant education programs shall present the data in a*
 6 *format that is readily accessible to migratory parents, teachers,*
 7 *and community representatives.*

8 ~~(h)~~

9 (i) School districts and other education agencies shall be eligible
 10 to apply for funding to serve ~~migrant~~ migratory pupils upon
 11 application to their respective region, or, if they meet the criteria
 12 established in subdivision (b) of Section 54444.1, to the
 13 department. Operating agencies shall include in their application
 14 a description of how the entities will coordinate the planning,
 15 budgeting, and operation of the migrant education programs with
 16 the planning, budgeting, and operation of other federal and state
 17 education programs addressing the needs of the same or similar
 18 pupils of the operating agency. The description shall include time
 19 lines and cover services provided through school improvement,
 20 nonmigrant Title I, state compensatory and limited- and
 21 non-English proficient, Title VII, and other funds. If the application
 22 meets state and federal requirements, negotiations for an
 23 appropriate service agreement shall begin involving the parties
 24 listed in subdivision (a) or (b) of Section 54444.1.

25 *SEC. 10. Section 54444.1 of the Education Code is amended*
 26 *to read:*

27 54444.1. (a) In implementing the state master plan for services
 28 to ~~migrant~~ migratory children, the Superintendent shall establish
 29 the service regional system as the primary method for the delivery
 30 of services to ~~migrant~~ migratory children. The Superintendent
 31 shall review and approve plans for the establishment of service
 32 regions and shall incorporate the following criteria in the approval
 33 of regional plans:

34 (1) The boundaries of regions shall include all geographic areas
 35 with ~~migrant~~ migratory and seasonal agricultural workers and
 36 fishermen.

37 (2) Regional service centers shall be located in areas with high
 38 concentrations of ~~migrant~~ migratory and seasonal agricultural
 39 workers and fishermen. Regional headquarters shall be located as
 40 follows:

1 (A) In areas requiring large numbers of these workers for a
2 period of at least two consecutive months during each year.

3 (B) In areas that normally contract for ~~migrant~~ migratory and
4 seasonal agricultural workers with families rather than single
5 adults.

6 (C) In areas where ~~migrant~~ migratory and seasonal agricultural
7 workers are involved in the transition from hand labor to
8 mechanization.

9 (3) Regions shall be located in each geographic area of the state,
10 except areas within the boundaries of directly funded districts.

11 (4) Except areas within the boundaries of directly funded
12 districts, regions shall be contiguous to one another and should
13 have no less than 1,500 migratory children. In no event shall a
14 county be split among two separate regions in order to meet the
15 requirements of this paragraph.

16 (5) Regions shall be organized so as to provide quality services
17 to all affected parties and maintain fiscal procedures in conformity
18 with requirements adopted by the department.

19 (6) The boundaries of regions shall be drawn in a manner that
20 avoids excessive commuting by personnel or by participants in
21 the programs, not to exceed 100 miles from the schoolsite to the
22 operating agency.

23 (7) If a proposed region cannot meet the criteria established in
24 paragraph (4) or (6), it may request that the criteria be waived by
25 the state board. The waiver request shall be based upon a study,
26 conducted by the entities, including their respective parent advisory
27 councils, comprising the proposed region, that explains why the
28 waiver is required and that describes likely outcomes if the waiver
29 is not granted.

30 (8) *A written evaluation plan that describes how the operating*
31 *agency will measure annual pupil progress and the overall success*
32 *of its program in accordance with Section 54444.6. The evaluation*
33 *plan may include the examination of preassessment and*
34 *postassessment results for migratory pupils participating in specific*
35 *interventions such as special tutoring programs and reading and*
36 *math interventions*

37 (b) (1) An agency meeting the criteria set forth in this
38 subdivision and subdivision (f) of Section 54441 may apply to the
39 department for designation as a region. The application shall be
40 in a format with sufficient information and at times designated by

1 the Superintendent. The application shall include documentation
2 of active participation, review and comment by the appropriate
3 parent advisory councils, and signatures by parent advisory council
4 chairpersons that the review and comment has taken place, and
5 shall further include documentation that the agencies and parent
6 representative comprising the proposed region have met as a group
7 ~~prior to~~ before submission of the application and have agreed upon
8 the formation of, and participation in, the region and a general
9 delineation of the services ~~which~~ that will be provided in the
10 region.

11 **Directly**

12 (2) *Directly* funded districts shall be invited by the regions to
13 participate in regional activities and meetings. Staff and parent
14 advisory council members in the districts shall also be invited to
15 regional inservice activities and conferences.

16 (c) The department may directly fund local educational agencies,
17 in whole or in part, to provide services to eligible ~~migrant~~
18 *migratory* children if it is cost effective to do so; if the applicant
19 agency serves not less than 1,500, nor more than 8,000, currently
20 migratory children; has sufficient programmatic and fiscal
21 resources to deliver an effective migrant education program; is in
22 compliance with the federal and state requirements regarding
23 migrant education programs; maintains an ongoing and functional
24 parent advisory council that has voted on a biennial basis to
25 approve the participation in the directly funded program, including
26 the approval of a majority of the members who are the parents of
27 ~~migrant children~~; *migratory children, and is actively involved in*
28 *the planning, review, and improvement of the program;* and
29 maintains fiscal procedures in conformity with the requirements
30 adopted by the department. All districts that are directly funded
31 on January 1, 1982, may continue to be funded directly, provided
32 that the districts comply with the criteria prescribed by this
33 subdivision, except for the size criterion.

34 (d) (1) The responsibilities of the various parties involved in
35 the delivery of services to ~~migrant~~ *migratory* children shall be set
36 forth in a service agreement. A service agreement shall be a legally
37 binding contract signed by the duly constituted authorities at the
38 state, county, district, or private or public nonprofit agencies, or a
39 combination thereof. In the regional delivery system, there shall
40 be two parties to every service agreement; the region and the

1 district or other operating agencies in which the eligible-migrant
2 *migratory* pupils are enrolled. When a district or agency is funded
3 directly by the state, the parties to the service agreement shall
4 include the department and the district or operating agency in
5 which the eligible-migrant *migratory* pupils are enrolled. The basic
6 responsibilities of these three parties shall be as specified in Section
7 54444.4.

8 ~~The~~

9 (2) *The* parties, whether regional or directly funded, shall take
10 the necessary steps to ensure the effective involvement of the
11 migrant parent advisory-committee *council* for that district or
12 agency. Representatives of the migrant parent advisory-committee
13 *council* shall ~~have the right to~~ be present and participate in all
14 deliberations between the parties regarding the service agreement
15 or any subsequent changes ~~thereto~~ *to the service agreement*. The
16 service agreement shall include a signed statement from the officers
17 of the migrant parent advisory-committee *council* signifying that
18 the participation has occurred.

19 (e) The Superintendent shall develop an annual operating
20 calendar for regions and directly funded districts, including dates
21 for the submission and approval of applications and service
22 agreements. Any changes in regional boundaries for the subsequent
23 fiscal year shall be made and approved by December 31 of the
24 current year. Any changes in funding allocations for regions shall
25 be made by December 31 of the current year or immediately after
26 notification of a federal grant award.

27 (f) The Superintendent shall preserve the supplemental nature
28 of the migrant education program. The program shall be maintained
29 outside the supervision or above the administrative level of the
30 consolidated application programs. The Superintendent shall not
31 incorporate the migrant education program into the consolidated
32 application process, except as provided below:

33 (1) Directly funded districts may apply for migrant education
34 funds as part of their consolidated application provided the district
35 parent advisory council on migrant education approves the
36 inclusion.

37 (2) A copy of the district's annual application for migrant
38 education funds as required by subdivision ~~(h)~~ (i) of Section
39 54443.1 shall be attached to the district's annual consolidated
40 application.

1 (g) *The Superintendent may establish a regional directors’*
 2 *council comprised of project administrators from each of the*
 3 *operating agencies or directly funded school districts responsible*
 4 *for administering the migrant education program at the regional*
 5 *or district level. The regional directors’ council may advise the*
 6 *department on matters relating to the implementation of the*
 7 *migrant education program as outlined in Section 54443.1. The*
 8 *regional directors’ council shall not be consulted in lieu of the*
 9 *State Parent Advisory Council established pursuant to Section*
 10 *54444.2. The State Parent Advisory Council shall be provided with*
 11 *copies of any written input provided by the regional directors in*
 12 *appropriate languages, and shall have the opportunity to*
 13 *participate, through a representative designated by the State Parent*
 14 *Advisory Council in all meetings between the regional directors’*
 15 *council and the department. Nothing in this subdivision shall be*
 16 *construed to undermine the role, purpose, or participation of the*
 17 *State Parent Advisory Council.*

18 **SECTION 1.**

19 *SEC. 11.* Section 54444.2 of the Education Code is amended
 20 to read:

21 54444.2. (a) ~~The Superintendent of Public Instruction~~ shall
 22 take the steps necessary to ensure effective parental involvement
 23 throughout the state migrant education program, which shall
 24 include, but need not be limited to, the following:

25 (1) The Superintendent shall adopt rules and regulations
 26 requiring each operating agency receiving migrant education funds
 27 or services to actively solicit parental involvement in the planning,
 28 operation, and evaluation of its programs through the establishment
 29 of, and consultation with, a parent advisory council.

30 (A) The membership of each parent advisory council shall be
 31 composed of members who are knowledgeable about the needs of
 32 ~~migrant~~ migratory children, and shall be elected by the parents of
 33 ~~migrant~~ migratory children enrolled in the operating agency’s
 34 programs. The composition of the council shall be determined by
 35 the parents at a general meeting to which all parents of pupils
 36 enrolled in the migrant program shall be invited. Parents shall be
 37 informed, in a language they understand, that the parents have the
 38 sole authority to decide on the composition of the council. All
 39 parent candidates for the council shall be nominated by parents;
 40 nonparent candidates shall be nominated by the groups they

1 represent: teachers by teachers, administrators by administrators,
2 other school personnel by other school personnel, and pupils by
3 pupils. All other community candidates shall be nominated by the
4 parents. Each parent advisory council shall hold meetings on a
5 regular basis during the operation of the regular program, but not
6 less than six times during the year.

7 (B) At least two-thirds of the members of each parent advisory
8 council shall be the parents of ~~migrant~~ *migratory* children. Each
9 parent advisory council shall have the responsibilities listed in
10 subdivision (a) of Section 54444.4.

11 (2) The Superintendent shall establish a statewide parent
12 advisory council that shall participate in the planning, operation,
13 and evaluation of the state migrant education program. The
14 membership of the statewide parent advisory council shall be
15 composed of members who are knowledgeable about the needs of
16 ~~migrant~~ *migratory* children, and shall be nominated and elected
17 by the parents of ~~migrant~~ *migratory* children enrolled in the
18 operating agencies. At least two-thirds of the members of the State
19 Parent Advisory Council shall be the parents of ~~migrant~~ *migratory*
20 children. The state council shall meet a minimum of nine times
21 per calendar year to provide input on issues relating to the operation
22 of the program. Special meetings may be called at the discretion
23 of the state director.

24 (3) (A) The Superintendent also shall sponsor an annual State
25 Parent Advisory Council Conference. The conference shall be
26 scheduled during the spring of every year.

27 (B) The State Parent Advisory Council, *with necessary technical*
28 *assistance and support from the department*, shall prepare and
29 submit a report to the Legislature, the state board, the
30 Superintendent, and the Governor regarding the status of the
31 migrant education program. The report shall be submitted within
32 120 days from the conclusion of a training program on preparing
33 the report provided by the Superintendent in accordance with
34 paragraph (5).

35 (C) The report shall include an evaluation of the migrant
36 education program, as required pursuant to paragraph (2) of
37 subdivision (a), a review of annual needs and a yearend assessment,
38 as required pursuant to paragraph (2) of subdivision (a) of Section
39 54444.4, *a review of the aggregate data collected for migratory*

1 *pupils pursuant to paragraph (2) of subdivision (a) of Section*
2 *54444.4, and policy recommendations.*

3 (4) The Superintendent and each operating agency shall furnish,
4 without charge, to the statewide and operating agency parent
5 advisory councils and, upon request, to each member, a copy of
6 all applicable state and federal migrant education statutes, rules
7 and regulations, and guidelines. In addition, the Superintendent
8 and each operating agency shall furnish, without charge, to the
9 statewide and operating agency parent advisory councils and, upon
10 request, to each member, copies of all applicable state and federal
11 audits, monitoring reports, and evaluations. *Upon request and*
12 *when practicable, these documents shall be provided in a language*
13 *understandable to each member, and each regional and state*
14 *migrant education program plan shall be provided in a language*
15 *understandable to each member before its consideration for final*
16 *approval.*

17 (5) The Superintendent and each operating agency shall establish
18 and implement training programs for members of the statewide
19 and operating agency parent advisory councils to enable them to
20 carry out their responsibilities. Each training program shall be
21 developed in consultation with the parent advisory councils, and
22 shall include appropriate training materials in a language
23 understandable to each member. Costs incurred in providing
24 training under this paragraph, including federally authorized
25 expenses associated with the attendance of members at training
26 sessions, shall be funded, to the extent that funds are available, by
27 federal funds allocated to the state, based upon the educational
28 and related health needs of migratory children defined in
29 subdivisions (a) and (b) of Section 54441, and may be supported
30 by funds from the state migrant education program.

31 (b) Each operating agency that provides services on a statewide
32 basis shall be exempt from the requirement that it create its own
33 parent advisory council, but shall consult the statewide parent
34 advisory council in the planning, operation, and evaluation of its
35 programs.

36 *SEC. 12. Section 54444.3 of the Education Code is amended*
37 *to read:*

38 54444.3. (a) Each operating agency receiving Title I Migrant
39 Education funding shall conduct summer school programs for
40 eligible ~~migrant~~ *migratory* children in kindergarten and grades 1

1 to 12, inclusive. The summer school programs shall respond to the
2 individual needs of participating pupils and shall build on and be
3 consistent with the instructional programs offered to these pupils
4 during the regular school year. Each summer school program shall
5 be funded, to the extent that funds are available, by federal funds
6 earmarked for migrant education programs, and shall meet the
7 following criteria:

8 ~~(1) That summer school programs meet the following time~~
9 requirements:

10 ~~(A)~~

11 ~~(1) For kindergarten classes, not less than 180 minutes per day,~~
12 based upon the full apportionment day of 240 minutes, including
13 recesses, for not less than 20 teaching days.

14 ~~(B)~~

15 ~~(2) For grades 1 to 8, not less than 200 minutes per day, based~~
16 upon the full apportionment day of 240 minutes, including recesses
17 and passing time but excluding noon intermissions, for not less
18 than 20 teaching days.

19 ~~(C)~~

20 ~~(3) For grades 7 to 12, not less than 240 minutes per day,~~
21 including passing time but excluding noon intermissions, for not
22 less than 30 teaching days.

23 ~~Exemptions~~

24 ~~(b) Exemptions from the requirements of this paragraph~~
25 ~~subdivision (a) may be made by the Superintendent of Public~~
26 ~~Instruction upon petition submitted to him or her by the district.~~
27 The basis for the exemption shall be agricultural labor factors,
28 climatic conditions, specialized educational programs, and other
29 conditions appearing to the ~~superintendent~~ Superintendent to
30 warrant exemption.

31 ~~For~~

32 ~~(c) For purposes of this paragraph subdivision (a), holidays~~
33 designated in Section 37220 other than Saturday and Sunday may
34 be deducted from the required number of teaching days.

35 ~~(2) That the program has been established with the prior written~~
36 ~~approval of the superintendent based upon the submission of an~~
37 ~~application which is in the form prescribed and furnished by the~~
38 ~~superintendent. Each application shall designate the persons who~~
39 ~~will exercise administrative or supervisory responsibilities for~~

1 the summer school program and shall be submitted prior to the
2 establishment of the summer school program.

3 (3) That the summer school program contains coursework which
4 is of the same level of difficulty in each subject as that provided
5 to pupils enrolled in regular classes of instruction within the school
6 district in the preceding year.

7 (4) That instructional programs are taught by staff with cultural
8 training or background and understanding of the special needs of
9 migrant children, and who are properly credentialed for the subjects
10 and grade levels to which they are assigned.

11 (5) That the summer school program supplements other summer
12 school programs, whether required or optional and whether
13 federally or state funded, operated by the school district, including
14 the programs for graduating high school seniors, handicapped
15 children, pupils enrolled in grade 11, pupils enrolled in grades 7
16 to 12 who do not meet the district's adopted proficiency standards,
17 and eligible compensatory education pupils.

18 (b) Each school district, county office of education, and
19 community college district shall, upon request, make facilities
20 available at cost for the operation of migrant summer school
21 programs whenever they are available. Where available, these
22 facilities shall be suitable for the summer climate. The
23 superintendent may allow neighboring districts to jointly offer
24 facilities if he or she determines that the use of one district's
25 facilities for an area will adequately meet the needs of the migrant
26 summer school program for the entire area.

27 If the Superintendent of Public Instruction determines that
28 requests from prospective users of these facilities were denied
29 without just cause, the superintendent shall reduce the district's
30 or county superintendent's entitlement from Section A of the State
31 School Fund by an amount equal to one thousand dollars (\$1,000)
32 or four times the costs to the prospective user for alternative
33 facilities for the entire period for which the facilities were
34 requested, whichever is greater.

35 *SEC. 13. Section 54444.4 of the Education Code is amended*
36 *to read:*

37 54444.4. (a) The responsibilities of parent advisory councils
38 at the district, regional, and state levels shall include, but are not
39 limited to, all of the following:

1 (1) The establishment of migrant education program goals,
2 objectives, and priorities.

3 (2) The review of annual needs and year-end assessment, as
4 well as program activities, for each school, *a review of the*
5 *aggregate data collected for migratory pupils at school, school*
6 *district, regional, and state levels, as set forth in the state master*
7 *plan developed under Section 54442, and a review of individualized*
8 *educational plans to ensure that plans are developed and*
9 *implemented in compliance with state and federal requirements.*

10 (3) Advice on the selection, development, and reassignment of
11 migrant education program staff.

12 (4) Active involvement in the planning and negotiation of
13 program applications and service agreements required under
14 Section 54444.1.

15 (5) All other responsibilities required under state and federal
16 laws or regulations.

17 (b) The responsibilities of the school districts or other agencies
18 operating programs for ~~migrant~~ *migratory* pupils include, but are
19 not limited to, all of the following:

20 (1) Providing services in compliance with applicable state and
21 federal laws or regulations.

22 (2) Providing information to parents.

23 (3) Providing support to instructional staff.

24 (c) The responsibilities of the region include, but are not limited
25 to, the following:

26 (1) Providing funding to operating agencies within its
27 jurisdiction in accordance with service agreements.

28 (2) Providing technical assistance to operating agencies
29 operating under service agreements.

30 (3) Providing interagency coordination to improve the services
31 available to participating *migratory* pupils.

32 (4) Providing training ~~for~~, *support services, and technical*
33 *assistance to* the parents and members of *school* district, regional,
34 and school parent advisory councils *to assist them in fulfilling their*
35 *roles and responsibilities.*

36 (5) Providing or arranging for staff development services for
37 migrant education staff at the school and district levels.

38 (6) Providing direct services required pursuant to a service
39 agreement entered into by the region.

1 (d) The responsibilities of the ~~State Board of Education~~ *state*
2 *board* and the department shall be as set forth in the State Master
3 Plan for Migrant Education developed under Section 54442.

4 *SEC. 14. Section 54444.6 is added to the Education Code, to*
5 *read:*

6 *54444.6. A local educational agency and region receiving*
7 *funds for the provision of services to migratory children, as part*
8 *of its refunding application, shall include an evaluation of the*
9 *overall program effectiveness for the prior year that includes all*
10 *of the following:*

11 *(a) Deficiencies in academic achievement of migratory children*
12 *as compared to nonmigratory children.*

13 *(b) Identification of, and provision of services to, migratory*
14 *children in the geographic area served by the district, agency, or*
15 *region, including out-of-school migratory youth and children and*
16 *youth enrolled in alternative and court-supervised school*
17 *placements.*

18 *(c) Enrollment in preschool and kindergarten.*

19 *(d) Access to, enrollment in, and completion of courses that*
20 *fulfill the A-G subject area requirements.*

21 *(e) Dropout prevention and intervention.*

22 *(f) Retention.*

23 *(g) Truancy and pupil discipline including suspension,*
24 *expulsion, and actions resulting in disciplinary transfer or referral*
25 *to a school attendance review board.*

26 *(h) Vocational education opportunities.*

27 *(i) Graduation, including completion of the high school exit*
28 *examination.*

29 *(j) Postsecondary education enrollment.*

30 *(k) Health services.*

31 *(l) Intersession programs.*

32 *(m) Other supplemental services.*

33 *(n) Staff experience and quality.*

34 *(o) Data collection and evaluation.*

35 *(p) Records of transfer.*

36 *(q) Parental involvement, including establishment of, and*
37 *participation in, the parent advisory council, conduct of regular*
38 *meetings, participation in the development and approval of the*
39 *local migrant education plan, participation in State Parent*
40 *Advisory Council activities, and parent training.*

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