



## Higher Education Act of 1965 – Section 418A

Showing amendments made by section 408 of P.L. 110-\_\_\_\_ (H.R. 4137)

SEC. 418A. MAINTENANCE AND EXPANSION OF EXISTING PROGRAMS.

(a) PROGRAM AUTHORITY. The Secretary shall maintain and expand existing secondary and postsecondary high school equivalency program and college assistance migrant program projects located at institutions of higher education or at private nonprofit organizations working in cooperation with institutions of higher education.

(b) SERVICES PROVIDED BY HIGH SCHOOL EQUIVALENCY PROGRAM. The services authorized by this subpart for the high school equivalency program include—

- (1) recruitment services to reach persons—
  - (A)(i) who are 16 years of age and over; or
    - (ii) who are beyond the age of compulsory school attendance in the State in which such persons reside and are not enrolled in school;
  - (B)(i) who themselves, or whose **parents immediate family**, have spent a minimum of 75 days during the past 24 months in migrant and seasonal farmwork; or
    - (ii) who are eligible to participate, or have participated within the preceding 2 years, in programs under part C of title I of the Elementary and Secondary Education Act of 1965 or section 167 of the Workforce Investment Act of 1998; and
  - (C) who lack a high school diploma or its equivalent;
- (2) educational services which provide instruction designed to help students obtain a general education diploma which meets the guidelines established by the State in which the project is located for high school equivalency;
- (3) supportive services which include the following:
  - (A) personal, vocational, and academic counseling;
  - (B) placement services designed to place students in a university, college, or junior college program **(including preparation for college entrance examinations)**, or in military service or career positions; and
  - (C) health services;
- (4) information concerning, and assistance in obtaining, available student financial aid;
- (5) **weekly** stipends for high school equivalency program participants;
- (6) housing for those enrolled in residential programs;
- (7) exposure to cultural events, academic programs, and other educational and cultural activities usually not available to migrant youth; **and**
- (8) other essential supportive services **(such as transportation and child care)**, as needed to ensure the success of eligible students; **and**



**(9) other activities to improve persistence and retention in postsecondary education.**

**(c) SERVICES PROVIDED BY COLLEGE ASSISTANCE MIGRANT PROGRAM.—**

(1) Services authorized by this subpart for the college assistance migrant program include—

(A) outreach and recruitment services to reach persons who themselves or whose **parents immediate family** have spent a minimum of 75 days during the past 24 months in migrant and seasonal farmwork or who have participated or are eligible to participate, in programs under part C of title I of the Elementary and Secondary Education Act of 1965 ~~(or such part's predecessor authority)~~ or section 107 of the Workforce Investment Act of 1998, and who meet the minimum qualifications for attendance at a college or university;

(B) supportive and instructional services **to improve placement, persistence, and retention in postsecondary education,** which include:

(i) personal, academic, **and** career, **and economic education or personal finance** counseling as an ongoing part of the program;

(ii) tutoring and academic skill building instruction and assistance;

(iii) assistance with special admissions;

(iv) health services; and

(v) other services as necessary to assist students in completing program requirements;

(C) assistance in obtaining student financial aid which includes, but is not limited to:

(i) stipends;

(ii) scholarships;

(iii) student travel;

(iv) career oriented work study;

(v) books and supplies;

(vi) tuition and fees;

(vii) room and board; and

(viii) other assistance necessary to assist students in completing their first year of college;

(D) housing support for students living in institutional facilities and commuting students;

(E) exposure to cultural events, academic programs, and other activities not usually available to migrant youth; **and**

**(F) internships; and**

**(F) (G) other support services essential supportive services (such as transportation and child care** as necessary to ensure the success of eligible students.



(2) A recipient of a grant to operate a college assistance migrant program under this subpart shall provide followup services for migrant students after such students have completed their first year of college, and shall not use more than 10 percent of such grant for such followup services. Such followup services may include—

(A) monitoring and reporting the academic progress of students who participated in the project during such student's first year of college and during such student's subsequent years in college; **and**

(B) referring such students to on- or off-campus providers of counseling services, academic assistance, or financial aid; **and coordinating such services, assistance, and aid with other non-program services, assistance, and aid, including services, assistance, and aid provided by community-based organizations, which may include mentoring and guidance; and**

**(C) for students attending two-year institutions of higher education, encouraging the students to transfer to four-year institutions of higher education, where appropriate, and monitoring the rate of transfer of such students.**

(d) MANAGEMENT PLAN REQUIRED. Each project application shall include a management plan which contains assurances that the grant recipient will coordinate the project, to the extent feasible, with other local, State, and Federal programs to maximize the resources available for migrant students, and that staff shall have a demonstrated knowledge and be sensitive to the unique characteristics and needs of the migrant and seasonal farmworker population, and provisions for:

- (1) staff in-service training;
- (2) training and technical assistance;
- (3) staff travel;
- (4) student travel;
- (5) interagency coordination; and
- (6) an evaluation plan.

(e) FIVE-YEAR GRANT PERIOD; CONSIDERATION OF PRIOR EXPERIENCE. Except under extraordinary circumstances, the Secretary shall award grants for a 5-year period. For the purpose of making grants under this subpart, the Secretary shall consider the prior experience of service delivery under the particular project for which funds are sought by each applicant. Such prior experience shall be awarded the same level of consideration given this factor for applicants for programs in accordance with section 402A(c)~~(1)~~**(2)**.

(f) MINIMUM ALLOCATIONS. The Secretary shall not allocate an amount less than—

- (1) ~~\$150,000~~ **\$180,000** for each project under the high school equivalency program, and
- (2) ~~\$150,000~~ **\$180,000** for each project under the college assistance migrant program.

**(g) RESERVATION AND ALLOCATION OF FUNDS. From the amounts made available under subsection (i), the Secretary—**



**(1) may reserve not more than a total of 1/2 of one percent for outreach activities, technical assistance, and professional development programs relating to the programs under subsection (a);**

**(2) for any fiscal year for which the amount appropriated to carry out this section is equal to or greater than \$40,000,000, shall, in awarding grants from the remainder of such amounts—**

**(A) make available not less than 45 percent of such remainder for the high school equivalency programs and not less than 45 percent of such remainder for the college assistance migrant programs;**

**(B) award the rest of such remainder for high school equivalency programs or college assistance migrant programs based on the number, quality, and promise of the applications; and**

**(C) consider the need to provide an equitable geographic distribution of such grants; and**

**(3) for any fiscal year for which the amount appropriated to carry out this section is less than \$40,000,000, shall, in awarding grants from the remainder of such amounts make available the same percentage of funds to the high school equivalency program and to the college assistance migrant program as was made available for each such program for the fiscal year preceding the fiscal year for which the grant was made.**

**(g) (h) DATA COLLECTION. The National Center for Education Statistics shall collect postsecondary education data on migrant students. The Secretary shall—**

**(1) annually collect data on persons receiving services authorized under this subpart regarding such persons' rates of secondary school graduation, entrance into postsecondary education, and completion of postsecondary education, as applicable;**

**(2) not less often than once every two years, prepare and submit to the authorizing committees a report based on the most recently available data under paragraph (1); and**

**(3) make such report available to the public.**

**(h) (i) AUTHORIZATION OF APPROPRIATIONS. (1) There are authorized to be appropriated for the high school equivalency program \$15,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years.**

**(2) There are authorized to be appropriated for the college assistance migrant program \$5,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years.**

**For the purpose of making grants and contracts under this section, there are authorized to be appropriated \$75,000,000 for fiscal year 2009 and such sums as may be necessary for the each of the five succeeding fiscal years.**