

IMPROVED EDUCATIONAL OPPORTUNITIES FOR MIGRA-
TORY FARMWORKERS AND THEIR CHILDREN

MAY 27, 1963.—Ordered to be printed

Mr. WILLIAMS of New Jersey, from the Committee on Labor and
Public Welfare, submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany S. 521]

The Committee on Labor and Public Welfare, to whom was referred the bill (S. 521) to provide financial assistance to the States for improving educational opportunities for migratory farmworkers and their children, having considered the same, report favorably thereon with amendments and recommend that the bill, as amended, do pass.

SUMMARY

The children of migratory agricultural workers are the most educationally deprived group in the Nation. Their educational development is so retarded that they often fail to complete elementary school. This retardation results from the migratory way of life, which disrupts the education of the migratory child and makes it difficult for him to attend school on a regular basis.

Adult migratory workers have an equally severe educational problem. Many adult migratory workers are illiterate, and many are not familiar with even the most fundamental principles of good health, proper diet, and general sanitation.

State and local educational agencies would be able to provide suitable educational programs for both the parents and the children if financial assistance were available. Unfortunately, most school districts, especially those in rural areas, already have great difficulty in making education available to local residents and simply cannot bear the additional financial burden caused by the seasonal impact of migratory children. A program of financial assistance to local com-

munities to defray the costs of education is the basic step in correcting this situation.

In response to the educational problems of migratory families, the recommended legislation provides a 5-year program of Federal financial assistance to the States to improve educational opportunities for migratory workers and their families. The Federal Government would pay part of the cost of (1) educating migratory children during the regular school term; (2) establishing summer schools for migratory children; (3) planning and coordinating, on a State and interstate basis, the educational programs for migratory children; and (4) establishing pilot projects for adult education for migratory workers.

This legislation follows very closely the proven principles of educational assistance to federally impacted areas. By granting aid on the basis of the number of migratory workers in the affected locality, this program provides a specific plan designed to meet a specific problem.

The bill expressly prohibits any Federal control of education and guarantees that State and local agencies shall have sole responsibility for their educational programs.

This legislation is similar to a bill (S. 1124, 87th Cong.) previously passed by the Senate and favorably reported by the Committee on Education and Labor in the House of Representatives.

NEED FOR LEGISLATION

MIGRATORY CHILDREN

The need for Federal assistance to improve the educational opportunities of children of migratory agricultural workers is serious and widespread. Each year approximately 200,000 to 250,000 children accompany their parents in the search for agricultural employment. The special problems arising from the migratory way of life and the inability of local educational agencies to meet those problems have resulted in almost universal educational deprivation for migratory children. The inadequate education which these children receive is an inexcusable weakness in a nation which considers educational opportunity a fundamental ideal of democracy.

Importance of education

Education is the most vital factor in assuring the future economic and social well-being of migratory children. As modern technology makes possible the development of new machines which are superior to farmworkers in efficiency and economy, the number of jobs available in agriculture will continue to decline. The Department of Labor predicts that between 1960 and 1970 the decline may be more than 20 percent, with a further decrease of about 6 or 7 percent likely between 1970 and 1975. Although a need for human labor will continue in agriculture for the foreseeable future, it is clear that many children whose parents now work on farms will have to seek employment in other occupational fields.

Today employers usually require a sound educational background as a condition of employment; the job opportunities of the future will demand an even more advanced education. Consequently, the migratory child will find employment during his adult years and the Nation will fully utilize his talents only if he has adequate educational training.

As the President stated in his 1963 farm message to the Congress—

* * * assistance [in obtaining educational training] is essential if large numbers of rural people, particularly youth and young adults, are to acquire the kinds of skills that will enable them to take advantage of new and better opportunities in an expanding economy. The alternative for many of them is a lifetime of poverty; the alternative for the whole Nation is a continued waste of human resources.

Retardation and irregular attendance

Although the migratory child must be educated in order to become a useful and well adjusted citizen, society has not given him the chance to receive even minimal training. Secretary of Health, Education, and Welfare Anthony J. Celebrezze, in his favorable report on this legislation, summarized the low educational attainments of migratory children:

Migrant agricultural workers are often described as America's forgotten people and their children are referred to as "the most educationally deprived group of children in our Nation." They enter school late, their attendance is poor, their progress is slow, they drop out early; consequently their illiteracy is high. Studies indicate that most migrant children are far below grade level and that their school achievement is usually under fourth grade.

Of the many studies showing such educational retardation, a typical one is the 1962 report of the Department of Labor concerning children found employed in violation of the existing Fair Labor Standards Act provisions on agricultural child labor. Seventy-two percent of the migrant children covered by this report were enrolled in grades below normal for their ages.

Similarly, a 1961 study of migrant children in Colorado found that out of 345 children, mostly aged 6 through 11, 67 percent were retarded. Thirty-six percent of these children were retarded by 2 years or more. In Pennsylvania, 294 migrant children were enrolled in school during the 1960-61 term; 53 percent were retarded, 22 percent by 2 years or more.

Such retardation, of course, is a strong inducement to dropping out of school. Oregon notes a rapid dropout rate of migrant children in grades six through nine; Florida, at eighth grade level or on passing the compulsory age; Colorado, after the age of 10.

The two principal reasons for the retardation and low educational attainment of migratory children are (1) irregular attendance at school, and (2) the handicaps of school systems enrolling large numbers of migratory children at harvest time.

The first of these two reasons, irregular attendance at school, results from the transient nature of the migratory way of life. Migratory children, at best, must enroll in several different schools each year, often for very brief periods of time. Children migrating from bases in Texas, for example, are estimated to spend only 2 to 6 weeks in a school district during the season. As a consequence, the migrant children's education is seriously disrupted.

The migratory family usually spends not much more than 5 months, or at the most 7 months, in any one place. This period of longest

residency at what is termed the "home base" is frequently the only time during which the children attend school regularly. In many cases residency in a community other than the home base may seem so brief that the parents do not consider it worthwhile to enroll the children in school. In other instances parents may delay enrolling their children until they have been in the new community for several days or weeks.

Unfortunately, even the education offered at the home base is severely disrupted by the migratory way of life. The family usually arrives long after the school year has begun and leaves before the session ends. Hence, the few months of school during which the children can attend regularly do not fit into the normal pattern of education.

A recent report from the major home base State of Florida, published by the State's legislative council and legislative reference bureau, summed up the situation as follows:

Most of the migratory children enter school * * * in November and leave in the spring 4 to 6 weeks before school closes. Others "dribble in" much later, even during the the seventh and eighth months of school. There are many children who are continually shifting from area to area within the State, staying in one school for only brief periods of 6 to 8 weeks. * * *

[M]any migrant children enroll * * * without having been enrolled previously in any other school during the current school term.

Handicaps of local school districts

Local school districts are capable of setting up programs to overcome the difficulties arising from irregular school attendance, but financing an adequate educational program for migratory children presents a serious burden which most local communities are unable to bear.

The seasonal impact of migratory children produces an acute fiscal problem for rural school districts which, in comparison to urban school districts, already face the most serious financial handicaps in our educational system. It is highly impractical to expect the rural communities to provide adequate education to children of transient, low-income families who do not contribute to the local tax system or otherwise help to defray the cost of educating their children.

As the Secretary of Health, Education, and Welfare testified before the subcommittee:

It is not uncommon for the number of school-age children in a community to increase more than 200 percent during the peak of the harvest season. Regular educational funds are not available to provide additional classrooms, teachers, transportation, equipment, and supplies for children of the migrants. They are an unacceptable burden for many school districts.

* * * * *

Communities into which migrants move are reluctant to tax themselves for the education of the children of migrants, because these migratory pupils may reside in their districts for only 2 to 8 weeks.

Home base communities are reluctant to tax themselves for the education of the children of migrants who are not really permanent residents and do not make significant contributions to local school taxes.

The children of migrant farmworkers then become victims of a system which deprives them of an opportunity for an education similar to resident children.

A California farmer, Mr. Leland J. Yost, provided the subcommittee with a concrete example of the financial burden that migrant children place on local school districts:

In spite of all we have done, I do not feel that we have been successful in educating even a significant portion of the migrant children who attend our schools for a portion of each year. Our efforts must be redoubled.

* * * * *

* * * [Yet] school taxes on farmland have reached a point where they cannot be increased. Total taxes for school purposes on the 80-acre farm upon which I live were \$1,152 last year.

Adequate programs possible

Adequate educational programs for migratory children would be possible if funds were available to the appropriate educational agencies.

The seven States that presently operate summer schools for migrant children have clearly demonstrated the feasibility of educating the migrant child. In these summer sessions, many pupils have been able to do enough work to complete the school year or even to make up one and sometimes two grades of schooling. Total enrollment in these summer schools during 1961, however, was only 3,855, a small fraction of the number of migrant farm children.

The Federal assistance provided by S. 521 would make it possible to implement these summer programs on a national basis. Federal aid to local school districts on the basis of the migratory school-age population would relieve serious financial difficulties and would enable these districts to provide adequate education for migratory children. The program of grants for summer schools would allow communities to use otherwise idle facilities for the purpose of reducing the disruptive effects of frequent travel. Finally, a program of coordinating grants would make it possible for local school districts and State educational agencies to work together, on a State and interstate basis, in an effort to develop continuity in educational programs for migratory children.

ADULT MIGRATORY WORKERS

Like their children, adult migratory agricultural workers are in serious need of educational programs. Adult migratory workers have an extremely low level of educational attainment, and they also are almost totally unfamiliar with practical skills for modern living. The lack of basic formal education and lack of knowledge of modern community living tend to perpetuate the substandard economic and social conditions under which migratory farmworkers have lived for several decades.

It is clear that adult migratory workers have received even less formal education than their children. The Department of Agriculture has found that, of all migrants over the age of 25, one-third are functionally illiterate. An additional 43 percent have no more than an eighth grade education; the median years of school completed by migrants over the age of 25 is 6.5. The same age group in the general population has a median of 11 years of schooling.

A lack of practical knowledge among migrants is common. In many cases, migratory workers do not understand or properly use ordinary living facilities, such as toilets, showers, bedding, kitchen appliances, and garbage cans. The result has been unnecessary damage to property and needless expense for repairs. In addition, there is frequent ignorance of the simplest rules of hygiene and nutrition. Educational efforts are also needed to enable migrants even to take advantage of the limited legal protections and community services which are presently available to them.

Finally, migratory workers need job training, for mechanization has increasingly limited the amount of unskilled farmwork to be done. Largely because of mechanization, labor needs in the cotton harvest alone have declined almost 30 percent in the period 1959-61, with a decline of a further 12 percent expected by 1964. Vocational training, by equipping excess unskilled farmworkers for employment in mechanized agriculture or for nonfarm jobs, is basic to a long-range solution of the problems of unemployment and underemployment in agriculture. Training these workers for skilled work will enable them to sustain themselves at levels above their current subsistence, without continuing governmental aid, and in addition, by removing surplus farmworkers to skilled, nonfarm jobs, will tend to raise wages and provide fuller employment for those remaining in farmwork.

Although advances in the retraining of excess farmworkers have been made under the Area Redevelopment Act and the Manpower Development and Training Act, it is clear that many farmworkers will not be able to benefit from such training unless they first receive literacy education. Similarly, the absorption of these individuals, and their children, into nonrural society will often require considerable instruction in hygiene and the like.

William L. Batt, Jr. Administrator of the ARA, testified before the subcommittee on pilot projects in Hammonton, N.J., and Laredo, Tex., to provide job training for farmworkers, as follows:

First of all, these people are trainable, and through training can be made employable in stable, year-round jobs. * * *

* * * * *

[But] the need for basic education was quickly demonstrated. In the first Hammonton class, the instructor had to add arithmetic to the curriculum just so they could understand a manual on repair of tractors. In the second class, reading and writing were added. At first these basics were offered only to the Spanish-speaking trainees. However, when some of the other migrants acknowledged that lack of reading and writing skills hampered their efforts in the classroom, they, too, were given this additional training.

* * * * *

These pilot programs have proven to be practical demonstrations of the potential to be found among the migrants. If basic educational skills can be combined on a regular basis with vocational training, our task of making these people immediately employable will be greatly facilitated.

COMMITTEE AMENDMENTS

Pursuant to the recommendation of the Department of Health, Education, and Welfare, the committee amendments modified the Federal-State matching provisions in titles I, II, and III of the bill, relating to children's educational assistance. This amendment raises the Federal share from 50 to 75 percent during the third and fourth years of the program. Under the amendment the Federal contribution for migrant child education programs will be (1) during the first 2 years, 100 percent; (2) during the third and fourth years, 75 percent; (3) during the fifth and last year, 50 percent.

The committee amendments also added to the bill a standard provision defining a "State" to include Puerto Rico, the District of Columbia, Guam, the Virgin Islands, and American Samoa.

Another committee amendment clarified the allotment formula under title II, which provides grants for summer schools for migrant children. Under the amendment, these allotments will be based on relative migrant populations during the normal summer school period.

GENERAL EXPLANATION OF LEGISLATION

The bill establishes a four-part, 5-year program of Federal educational assistance to States and local communities seriously affected by the seasonal impact of migratory families. The program will be administered by the U.S. Commissioner of Education. The Federal assistance will be available to States for the purpose of improving educational opportunities for migratory children and also for pilot projects for adult education programs for migratory workers.

The Federal Government will provide 100 percent of the cost of the migratory child education programs each year for the first 2 years. During the third and fourth years, the financing will be shared on a 75-25 matching basis by the Federal Government and the States; during the fifth and last year, on a 50-50 basis. The States will not be required to contribute to the cost of the migratory adult education programs.

Only States qualifying as migrant agricultural employee States will be eligible to receive aid for migratory child and migratory adult educational programs. The bill defines a "migrant agricultural employee" State as—

any State which has 500 or more such employees in any five or less counties, each of which has at least 100 such employees. * * *

Under the child education provisions of the bill, assistance is directed to the child of a migrant agricultural employee. For all titles in the bill, the term "migrant agricultural employee" means an individual—

(a) whose primary employment is in agriculture, as defined in section 3(f) of the Fair Labor Standards Act of 1938

(29 U.S.C. 203(f)), or performing agricultural labor, as defined in section 3121(g) of the Internal Revenue Code of 1954 (26 U.S.C. 3121(g)), on a seasonal or other temporary basis, and

(b) who establishes with his family for the purpose of such employment a temporary residence.

This definition permits home-base States to receive assistance under the bill and, in addition, covers both interstate and intrastate migratory farmworkers.

Title I of the bill provides for payments to State educational agencies, and through them to local educational agencies, to help defray the cost of educating migratory children during the regular school session. The Federal assistance will be based on the average cost of education per public school child per day for the State. The migratory child must attend school in a State for at least 5 days in order for Federal assistance to be available; however, after the first 5 days, the Federal assistance will be given for each day's attendance, including the 5-day qualifying period. Since parents constitute a family within the meaning of the bill, children remaining in home-base areas would qualify for educational assistance while their parents are working away from home. Federal funds could not be used for the acquisition of land, the erection of facilities, interest, or debt service.

Based on estimates supplied by the Department of Health, Education, and Welfare, it is anticipated that payments under title I would total approximately \$8 million during each of the first 2 years of the program; \$6 million during each of the third and fourth years; and \$4 million during the fifth and last year.

Title II of the bill authorizes grants of \$300,000 annually to State educational agencies for necessary summer schools for migratory children conducted by local educational agencies or institutions of higher learning. These grants will be allotted among the migrant agricultural employee States on the basis of their relative populations of migratory workers during the normal summer school period. Federal funds could not be used for the acquisition of facilities or costs related to any such acquisition.

Title III of the bill authorizes grants of \$250,000 annually to State educational agencies for State and interstate planning and coordination of programs concerning educational problems of migratory children. These grants will be allotted among the migrant agricultural employee States on the basis of their relative populations of migratory workers. Federal funds could not be used for the acquisition of any facilities.

Title IV of the bill authorizes grants of \$200,000 annually to State educational agencies to defray operating costs of pilot projects for adult education for migratory workers. The pilot projects would be conducted by local educational agencies or institutions of higher learning, or both. Grants would be made by the U.S. Commissioner of Education for programs of fundamental education and training for healthful modern living, including, but not limited to, programs such as literacy education, remedial elementary and secondary education, child care, personal hygiene, sanitation, homemaking skills, nutrition, and job improvement activities. In carrying out the provisions of the adult education programs, the U.S. Commissioner of Education shall consult and cooperate with the Extension Service of the Department

of Agriculture. Federal funds could not be used for the acquisition of facilities or costs related to any such acquisition.

The bill expressly prohibits any Federal control of education in the States and local communities.

ORGANIZATIONAL AND DEPARTMENTAL VIEWS

Favorable views on this legislation have been presented by organizations and individuals with knowledge of the educational problems of migratory farm families. Included among these are the following: Minnesota Governor's Farm and Migratory Labor Advisory Committee; Nebraska Governor's Committee on Migratory Labor; Pennsylvania Citizens' Committee on Migrant Labor, Inc.; Texas Committee on Migrant Farmworkers; Council of State Governments; American Parents Committee, Inc.; Bishops' Committee for Migrant Workers; Bishops' Committee for the Spanish Speaking; California Farm Research and Legislative Committee; Consumers' League of New Jersey; National Advisory Committee on Farm Labor; National Catholic Rural Life Conference; National Child Labor Committee; National Committee for the Day Care of Children, Inc.; National Congress of Parents and Teachers; National Consumers League; National Council of Churches of Christ in the United States of America; National Council for the Spanish Speaking; National Education Association; National Farmers Union; Unitarian Fellowship for Social Justice; United Church of Christ, Council for Christian Social Action; Amalgamated Meatcutters & Butcher Workmen of North America, AFL-CIO; AFL-CIO.

The administration has recommended the enactment of this legislation. Its favorable views have been presented in oral testimony from the Department of Labor and the Department of Commerce, as well as in written reports from the Department of Health, Education, and Welfare and the Bureau of the Budget. Those reports now follow:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
April 10, 1963.

HON. LISTER HILL,
*Chairman, Committee on Labor and Public Welfare,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: This letter is in response to your request of February 7, 1963, for a report on S. 521, a bill "To provide financial assistance to the States to improve educational opportunities for migrant agricultural employees and their children."

The bill would authorize the appropriation of such amounts as may be necessary for the fiscal year beginning July 1, 1963, and 4 succeeding fiscal years, for payments to the State educational agency in each State of an amount equal to 100 percent (during the first 2 years) of the average daily current expenditures per public school or secondary schools of such State, by the child of a migrant agricultural employee. Such payments would equal 50 percent of the State average daily expenditures per child during the remaining 3 years of the authorization.

In addition, the bill would authorize the appropriation of \$300,000 for each of the 5 fiscal years, to be allotted to the States on the basis

of their relative numbers of migrant agricultural employees, for payments to local educational agencies or institutions of higher education for the cost of operating summer school programs for the children of migrant workers; and would authorize the appropriation of \$250,000 for each of the 5 years, to be allotted to the States on the same basis, for payments to the States to survey the need and develop plans for summer school programs for such children, to develop and carry out programs to encourage school attendance by these children and improve the quality of education offered to them, and to coordinate programs provided for in the bill with those of other affected States. Grants for summer school programs and for State planning would cover 100 percent of the operational cost in the first 2 years and 50 percent thereafter.

Finally, S. 521 would authorize the appropriation of \$200,000 for the fiscal year beginning July 1, 1963, and for each of 4 succeeding fiscal years, for the purpose of making grants to the States for programs of adult education for migrant agricultural employees and their spouses. Application would be made to the Commissioner of Education by the State education agency for grants to defray the costs of adult education classes—conducted by local education agencies or by institutions of higher learning—to provide fundamental education and training for healthful modern living.

Migrant agricultural workers are often described as America's forgotten people and their children are referred to as "the most educationally deprived group of children in our Nation." They enter school late, their attendance is poor, their progress is slow, they drop out early; consequently their illiteracy is high. Studies indicate that most migrant children are far below grade level and that their school achievement is usually under fourth grade. The plight of these children has become a national problem since illiteracy or lack of an elementary education could condemn them to a life of ignorance, poverty, and dependence on our society.

It is estimated that migrant workers are concentrated in 25 States each of which at peak employment employs 4,000 or more domestic agricultural migrant workers each year. Approximately 200,000 to 250,000 school age migrant children accompany their parents. For many years the seasonal impact of these children on local school districts has created serious problems in providing educational facilities and programs. While some States and local school districts have made commendable efforts to solve these problems, State reports still indicate that since migration is intrastate and interstate in character, effective action by local communities is not sufficient. Cooperation is needed through all levels of government. This Department thinks it is imperative that decisive Federal action be initiated.

We believe, therefore, that Federal encouragement and support of State and local action in the four areas to which the bill is addressed—basic education for adults, State planning and interstate cooperation, summer schools for children, and elementary and secondary education during the regular school year—is highly desirable. The administration has already proposed some Federal assistance through S. 580, the National Education Improvement Act of 1963, which could be used in this area. Thus title V of S. 580 recognizes the critical problem of elementary and secondary education for children of mi-

gratory agricultural workers through a provision at section 404(e) authorizing States to use some of their grants under part A of title V to pay part of the cost of pilot, demonstration, or experimental projects or programs designed to meet the special education needs of these children. Also, title VI, part B of that bill provides grants to the States for adult basic education—the fundamental literacy training urgently needed for migrant workers, among others. S. 580 thus provides an opportunity to the States to use Federal funds, which that bill would make available, for meeting some of the problems of educating migrant families. S. 521 would supplement these features of the National Education Improvement Act through a program of Federal assistance specially designed to assure that States focus attention on these critical problems.

Certain changes that we recommended be made in S. 1124, the predecessor bill in the 87th Congress which passed the Senate on August 28, 1961, and which we still think desirable, have not been incorporated in S. 521. Because of the diversity of the educational problems involved, between the States and within the States, we think it essential that the State education agencies be given wider latitude in the use of Federal funds for education programs which they consider most needed and potentially most effective, in the light of their own needs and resources—in meeting the objectives of the legislation. We therefore again recommend that the four separate appropriation authorizations in the bill be combined into a single authorization of such sums as Congress, in each of the 5 years, determines to be necessary (rather than a specified amount), for grants to States for the four types of educational programs set forth in the bill. We believe that this Federal financial assistance should be provided only upon submission by the State education agency of an approved State plan indicating how the funds will be allocated and used for these four types of programs, and that the State plan should be directed primarily toward programs which are additions to, or improvements over, those already in operation and that substantial State financial participation should be required from the beginning. Finally, we recommend that State and local matching of Federal funds should be required on a gradually increasing basis over the life of the program, with the Federal Government financing 75 percent of the cost of approved State plans in the third and fourth years and 50 percent in the last year.

As so amended, this bill would, we believe, provide the desirable stimulation to States to assume more adequately their responsibilities with respect to the education of children of migrant agricultural workers and the basic education of their parents, and to do so in the manner best suited to the needs and resources of each State. We recommend enactment of such legislation. The Department would be pleased to render any technical assistance your committee may wish in amending the bills.

We are advised by the Bureau of the Budget that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

ANTHONY J. CELEBREZZE,

Secretary.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., April 19, 1963.

HON. LISTER HILL,
*Chairman, Senate Committee on Labor and Public Welfare,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in response to your request of February 7, 1963, for the views of the Bureau of the Budget on S. 521, a bill "To provide financial assistance to the States to improve educational opportunities for migrant agricultural employees and their children." This bill would provide a 5-year program to improve education for migrant workers and their families including (1) grants to States for regular school session education programs, (2) grants for summer school programs for migrant children, (3) grants to States for coordination of migrant education programs with other States as well as for planning, stimulating attendance at, and improving programs for education of migrant children, and (4) grants to States for pilot projects providing "fundamental education and training for healthful modern living" for adult migrants.

The Department of Health, Education, and Welfare, in its report to your committee on this bill, has outlined some critical unmet educational needs of migrant families. In lieu of the four grants which would be authorized by S. 521, the Department recommends a single multipurpose grant which would afford flexibility for meeting each of the needs to which S. 521 is addressed. Your committee may wish to consider this alternative approach.

Enactment of legislation to achieve the objectives of S. 521 would be consistent with the administration's program.

Sincerely yours,

PHILLIP S. HUGHES,
Assistant Director for Legislative Reference.

COMPLETE TEXT OF S. 521 AS REPORTED BY COMMITTEE

A BILL To provide financial assistance to the States to improve educational opportunities for migrant agricultural employees and their children.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Migrant Agricultural Employees and Children Educational Assistance Act of 1963".

FINDINGS AND PURPOSE OF ACT

SEC. 2. The Congress hereby reaffirms the principle and declares that the States and local communities have and must retain control over and primary responsibility for public education. The Congress recognizes, however, that the interstate and large seasonal movement of migrant agricultural employees imposes severe burdens on local educational agencies in discharging their responsibilities with respect to the education of the children of, and in providing adult education for, such employees who temporarily live within their school districts.

It is therefore the purpose of this Act to provide financial assistance for the education of children of migrant agricultural employees, and to provide for certain planning grants to the States to improve such education, and to provide financial assistance for pilot projects for adult education for such employees.

FEDERAL CONTROL OF EDUCATION PROHIBITED

SEC. 3. Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system.

DEFINITIONS

SEC. 4. As used in this Act—

(1) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary, secondary, and adult education, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law;

(2) The term "local educational agency" means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a county, township, independent, or other school district located within a State, and includes any State agency which directly operates and maintains facilities for providing free public education;

(3) The term "child" means any child who is within the age limits for which the applicable local educational agency provides free public education;

(4) The term "parent" includes a legal guardian or other person in loco parentis;

(5) The term "migrant agricultural employee" means an individual (a) whose primary employment is in agriculture, as defined in section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)), or performing agricultural labor, as defined in section 3121(g) of the Internal Revenue Code of 1954 (26 U.S.C. 3121(g)), on a seasonal or other temporary basis, and (b) who establishes with his family for the purpose of such employment a temporary residence;

(6) The term "Commissioner" means the United States Commissioner of Education;

(7) The term "average daily current expenditures per public school child" means the total current expenditures for a State's public elementary and secondary schools during a particular year divided by the product of the average daily attendance in such schools during such year times the number of schooldays in such year; the term "current expenditures" means expenditures for free public education in such schools to the extent that such expenditures are made from current revenues, except that such term does not include any such expenditure for the acquisition of land, the erection of facilities, interest, or debt service; and for the purposes of payments under title I for attendance during any academic year the Commissioner shall determine and use the average daily current expenditures per public school child for the year preceding such academic year;

(8) The term "institution of higher education" means any such institution which is accredited as such by a nationally recognized accrediting agency;

(9) The term "migrant agricultural employee State" means any State which has five hundred or more such employees in any five or less counties each of which has at least one hundred such employees, and determinations for the purpose of this definition shall be made for the most recent year that satisfactory population figures are available from reliable sources; and

(10) The term "State" includes Puerto Rico, the District of Columbia, Guam, the Virgin Islands, and American Samoa.

ADMINISTRATION

SEC. 5. (a) The Commissioner shall administer this Act, and he may make such regulations and perform such other functions as he finds necessary to carry out the provisions of this Act.

(b) The Commissioner shall include in his annual report to the Congress a full report of the administration of his functions under this Act, including a detailed statement of disbursements.

TITLE I—PAYMENTS TO CERTAIN STATE EDUCATIONAL AGENCIES FOR ASSISTANCE IN EDUCATING CHILDREN OF MIGRANT AGRICULTURAL EMPLOYEE PARENTS

APPROPRIATIONS AUTHORIZED

SEC. 101. There are authorized to be appropriated for the fiscal year beginning July 1, 1963, and for the four succeeding fiscal years, such amounts as may be necessary to carry out the provisions of this title.

PAYMENTS

SEC. 102. (a) Upon application in accordance with the provisions of this section for the school year beginning in 1963, or for any of the four succeeding school years, by the State educational agency of any migrant agricultural employee State, the Commissioner shall pay to such agency an amount equal to 100 per centum with respect to the school years beginning in 1963 and 1964, 75 per centum with respect to the school years beginning in 1965 and 1966, and 50 per centum with respect to the school year beginning in 1967, of the average daily current expenditures per public school child, for such State, for each day's attendance during such school year in a free public elementary or secondary school of a local educational agency in such State, by a child who attends any such schools in such State for at least five days during such year and whose parent is a migrant agricultural employee. The amount paid under this section to a State educational agency for each day's attendance in a school of a local educational agency shall be paid by such State agency, in accordance with regulations established by the Commissioner, to such local educational agency.

(b) Payments by the Commissioner under this section shall be made for attendance during the regular school year beginning in 1963, and the four succeeding school years, and may be made at such intervals

as the Commissioner deems appropriate. Such payments shall be made through the disbursing facilities of the Department of the Treasury and prior to audit or settlement by the General Accounting Office.

(c) An application under the provisions of this section shall be in such form and contain such information as may be required by the Commissioner to carry out the provisions of this section, and the Commissioner may require such additional information and reports at such intervals during the school year as he deems necessary.

TITLE II—GRANTS FOR SUMMER SCHOOLS FOR CHILDREN OF MIGRANT AGRICULTURAL EMPLOYEE PARENTS

APPROPRIATIONS

SEC. 201. There is authorized to be appropriated \$300,000 for the fiscal year beginning July 1, 1963, and for each of the four succeeding fiscal years, for grants under the provisions of this title.

ALLOTMENTS AND GRANTS

SEC. 202. (a) Amounts appropriated pursuant to section 201 for any fiscal year shall be allotted among the migrant agricultural employee States on the basis of their relative populations of migrant agricultural employees during the normal summer school period for the most recent year that such populations are available from reliable sources. A State's allotment under this section shall be available during the year for which made and the succeeding fiscal year for payments in accordance with the provisions of this title for the operating costs of conducting necessary summer school sessions for children who have a parent who is a migrant agricultural employee, except that allotments for the fiscal years beginning in 1965 and 1966 shall be available for paying not more than 75 per centum of any such costs and allotments for the fiscal year beginning in 1967 shall be available for paying not more than 50 per centum of any such costs. As used in this section the term "operating costs" includes all ordinary costs of operation other than any costs for the acquisition of facilities or costs related to any such acquisition.

(b) The amount of any State's allotment under this section for any fiscal year, which the Commissioner determines will not be required for carrying out the provisions of this title in such State during the period for which such allotment is available, shall be available for reallocation from time to time, on such dates during such period as the Commissioner may fix, to other States in proportion to the original allotments to such States under this section, but with such adjustments as may be necessary to prevent reallocation to any State of any sum in excess of the amount which the Commissioner estimates it needs and will be able to use during such period for carrying out the provisions of this title. Any amount reallocated to a State under this subsection from funds appropriated pursuant to section 201 for any fiscal year shall be deemed part of its allotment under subsection (a) for such year.

APPLICATION AND PAYMENTS

SEC. 203. (a) The Commissioner shall approve any application for funds provided under this title if such application—

(1) is from a State educational agency;

(2) sets out the State program for summer schools to be conducted in such State by local educational agencies or institutions of higher education, or both, the necessity therefor, the operating costs of such summer schools, and the amount needed under the provisions of this title to defray such costs; and

(3) provides that such State agency will make such reports, in such form, and containing such information as the Commissioner may from time to time reasonably require, and, to assure verification of such reports, give the Commissioner upon request, access to the records upon which the information is based.

(b) Upon approval of any such application the Commissioner shall pay, in such installments as he may deem appropriate, to such State agency out of the allotment to such State, the amount requested. Such payments shall be made through the disbursing facilities of the Department of the Treasury and prior to audit or settlement by the General Accounting Office.

TITLE III—PLANNING GRANTS

SEC. 301. There is authorized to be appropriated \$250,000 for the fiscal year beginning July 1, 1963, and for each of the four succeeding fiscal years for grants under the provisions of this title.

ALLOTMENTS AND GRANTS

SEC. 302. (a) Amounts appropriated pursuant to section 301 for any fiscal year shall be allotted among the migrant agricultural employee States on the basis of their relative populations of migrant agricultural employees for the most recent year that such populations are available from reliable sources. A State's allotment under this section shall be available during the year for which made for payments in accordance with the provisions of this title (1) to survey the need for summer school sessions for children who have a parent who is a migrant agricultural employee; (2) to develop plans for such sessions where needed; (3) to develop and carry out programs to encourage such children to attend school during the regular academic year and such summer sessions, and to improve the quality of education offered such children; and (4) to coordinate programs provided for in this Act with similar programs in other States, including the transmittal of pertinent information with respect to school records of such children, except that allotments for the fiscal years beginning in 1965 and 1966 shall be available for paying not more than 75 per centum of the costs of any activities for which payments are made under the provisions of this title and allotments for the fiscal year beginning in 1967 shall be available for paying not more than 50 per centum of any such costs. Grants under the provisions of this title shall not be available for the cost of acquisition of any facilities.

(b) The amount of any State's allotment under this section for any fiscal year, which the Commissioner determines will not be required for carrying out the provisions of this title in such State during such year, shall be available for reallocation from time to time, on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under this section, but with such adjustments as may be necessary to prevent reallocation to any State of any sum in excess of the amount which the Commissioner estimates it needs and will be able to use during such year for carrying out the provisions of this title. Any amount reallocated to a State under this subsection from funds appropriated pursuant to section 301 for any fiscal year shall be deemed part of its allotment under subsection (a) for such year.

APPLICATION AND PAYMENTS

SEC. 303. (a) The Commissioner shall approve any application for funds provided under this title if such application—

- (1) is from a State educational agency;
- (2) sets out such program in sufficient detail to satisfy the Commissioner that it carries out the purposes of this title; and
- (3) provides that such agency will make such reports, in such form, and containing such information as the Commissioner may from time to time reasonably require, and to assure verification of such reports, give the Commissioner, upon request, access to the records upon which the information is based.

(b) Upon approval of any such application the Commissioner shall pay, in such installments as he may deem appropriate, to such agency out of its State allotment the amount requested. Such payments shall be made through the disbursing facilities of the Department of the Treasury and prior to audit or settlement by the General Accounting Office.

TITLE IV—ADULT EDUCATION

APPROPRIATIONS

SEC. 401. There is authorized to be appropriated \$200,000 for the fiscal year beginning July 1, 1963, and for each of the four succeeding fiscal years, for grants under the provisions of this title.

PILOT PROJECT GRANTS

SEC. 402. Amounts appropriated pursuant to section 401 for any fiscal year shall be used by the Commissioner for paying the operating costs of pilot projects for adult education for migrant agricultural employees and their spouses in such migrant agricultural employee States as he deems appropriate. As used in this section the term "operating costs" includes all ordinary costs of operation other than any costs for the acquisition of facilities or costs related to any such acquisition.

APPLICATION AND PAYMENTS

SEC. 403. (a) The Commissioner may approve an application for funds provided under this title if such application—

(1) is from a State educational agency;

(2) sets out a program of adult education classes for migrant agricultural employees and their spouses which is to be conducted in such State on a pilot project basis by a local educational agency or an institution of higher education, or both, to provide fundamental education and training for healthful modern living, including the operating costs of such classes, and the amount needed under the provisions of this title to defray such costs; and

(3) provides that such State agency will make such reports, in such form, and containing such information as the Commissioner may from time to time reasonably require, and, to assure verification of such reports, give the Commissioner upon request access to the records upon which the information is based.

(b) Upon approval of any such application the Commissioner shall pay, in such installments as he may deem appropriate, to such State agency the amount requested. Such payments shall be made through the disbursing facilities of the Department of the Treasury and prior to audit or settlement by the General Accounting Office.

COOPERATION WITH DEPARTMENT OF AGRICULTURE

SEC. 404. In carrying out the provisions of this title, the Commissioner shall consult and cooperate with officials of the Federal Extension Service of the Department of Agriculture.

MINORITY VIEWS ON S. 521

I am opposed to the passage of this legislation because it represents still another step in a series of attempts to interject the Federal Government into the educational systems of the States and local communities.

The proponents of this legislation support this legislation on the grounds that Federal assistance is necessary for those State and local communities seriously affected by the impact of migratory agricultural workers at harvest time. By allotting payments to the States under title II on the basis of their relative populations of children of migrant agricultural employees and elsewhere in the bill on the basis of migrant agricultural employees, this legislation utilizes the formula of the Federal Impacted Areas Acts, Public Laws 815-874, as the foundation for Federal intervention.

Federal payments paid to local school districts under the impacted areas programs is justified on the grounds that defense installations and other Federal activities have swelled enrollments in the public elementary and secondary schools of certain communities. Inasmuch as the Federal properties on which the parents of schoolchildren work and reside is not subject to the local tax statutes, the Federal payment, authorized by the impacted areas legislation for paying part of the cost of construction, maintenance, and operation of public schools, is made in lieu of taxing these Federal properties.

The impact on local communities brought about by the movement of migrant agricultural employees into communities at harvesttime is not caused in any way by activities of the Federal Government as is the case with the impact created by Federal defense activities. Furthermore, the properties on which the migrant agricultural employees work and reside are subject to local statutes, thus providing a source of revenue to the local school district to compensate for any additional expenses incurred by the children of migrant agricultural employees attending schools in the communities.

In addition to our opposition to the legislation in general, there are several inconsistencies and inadequacies contained in the bill which I believe should be brought to the attention of the Senate.

The term "migrant agricultural employee" is defined as an individual whose primary employment is in agriculture and who establishes with his family for the purpose of such employment, a temporary residence. The most recent estimates of the Department of Labor place the interstate migratory labor force as slightly in excess of 50 percent of the total domestic migratory labor force. Yet, the term "migrant agricultural employee" as defined in the bill would include, for the purpose of allocating Federal funds to the States, that portion of the domestic migratory labor force which moves solely from one community to another within the same State and which does not become part of the interstate migratory stream.

Title I of the bill, making payments to State educational agencies for assistance in educating children of migrant agricultural employees, bases the allocation of funds to the State educational agencies on the school attendance of children of migrant agricultural employees. However, both title II, providing grants to the States for summer schools for migrant children, and title III, providing planning grants to the States for surveying the need for summer-school sessions for migrant children, base the allocation of funds on the relative populations of migrant agricultural employees. We are unable to explain why the proponents of this legislation utilize two allocation formulas in distributing Federal funds under this legislation. If the purpose of titles II and III is to provide educational benefits to migrant children, why is not the money allocated on the number of migrant children within the State rather than the number of migrant agricultural employees?

Under title I there is no specific limit to the authorization. In Report No. 698 of the 87th Congress on S. 1124, a bill containing a formula similar to that of title I of S. 521, the committee estimated an annual cost of \$2,044,025 based on an estimate of approximately 105,000 school-age children of migratory agricultural workers. The report of the Department of Health, Education, and Welfare on S. 521 states "Approximately 200,000 to 250,000 school-age migrant children accompany parents." This is a substantial discrepancy and would seriously affect the original total estimate. It is recognized that title I provides 100-percent financing the first 2 years, 75-percent matching the second 2 years, and 50-percent matching the last year of the 5-year program. The discrepancy in the cost figure is serious when it is considered over the 5-year period and in terms of the relatively smaller authorizations for the other titles of the bill.

Finally, title II would authorize grants to a State to conduct summer schools for migrant children. Yet, there is nothing in the bill which would prohibit the same State from applying for and receiving payments under title III to make surveys for the need for summer schools, which they are already conducting with funds supplied under title II.

JOHN G. TOWER.
BARRY GOLDWATER.