

ESSA Updates for Title IC

Webinar #2

Tuesday, May 9th

10:00 AM (CST)

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ESSA Updates for Title IC

Agenda:

1. Overview of Tennessee and State Crops
2. Old Student Eligibility under NCLB
3. New Student Eligibility under ESSA
4. Qualifying Arrival Date and Length of Eligibility
5. Eligibility Scenarios/Examples



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State Overview

- Tennessee currently has nearly 2,000 migrant students spread out across the state.
- Students come from a diverse background and can range between ages 2 to 21.
- Largest concentration of students are in Middle, and East Tennessee.
- Historically our largest counties have been Bledsoe, Cocke, Hamblen, Macon, Rhea, and Robertson
- Some counties see dramatic increases in the number of students during the summer months.



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State Overview

 Nurseries and Trees

 Tobacco

 Strawberries

 Tomatoes

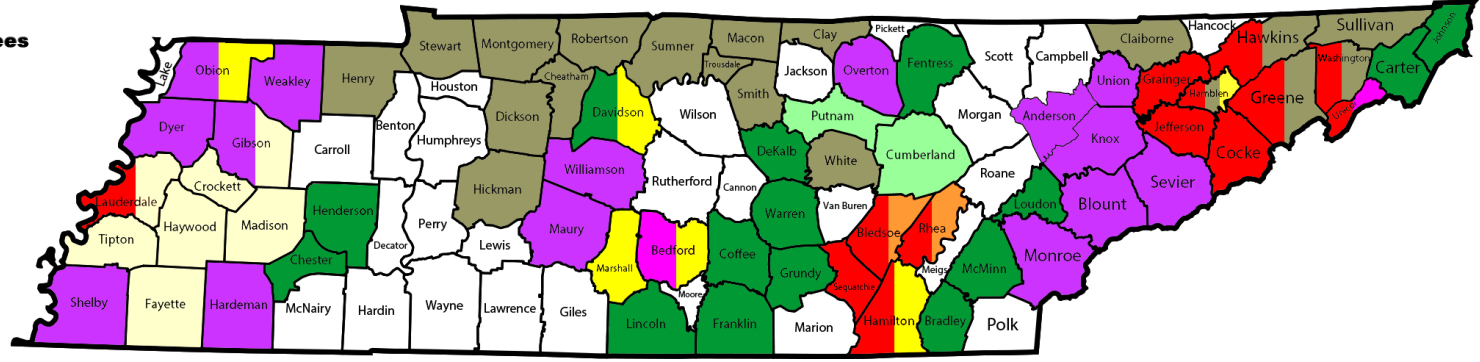
 Poultry

 Assorted Fruits/Vegetables

 Bell Peppers

 Green Beans

 Cotton



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Student Eligibility Under NCLB

According to sections 1115(b)(1)(A) and 1309(2) of the statute and section 200.81(d) of the regulations, a child is eligible for the Migrant Education Program if:

1. The child is younger than 22 and has not graduated from high school or does not hold a high school equivalency certificate (this means that the child is entitled to a free public education or is of an age below compulsory school attendance); *and*
2. The child is a **migrant agricultural worker or a migrant fisher** *or* has a **parent, spouse, or guardian who is a migrant agricultural worker or a migrant fisher**; *and*
3. The child has moved within the preceding 36 months **in order to obtain (or seek) or to accompany (or join) a parent, spouse, or guardian to obtain (or seek), temporary or seasonal employment in qualifying agricultural or fishing work**; *and*
4. Such employment is a principal means of livelihood; *and*
5. The child:
 - Has moved from one school district to another; *or*
 - In a State that is comprised of a single school district, has moved from one administrative area to another within such district; **or**
 - Resides in a school district of more than 15,000 square miles and migrates a distance of 20 miles or more to a temporary residence to engage in a fishing activity. (This provision currently applies only to Alaska.)

What Remains the Same?

- Children ages birth - age 21, who are **entitled to a free public education** through grade 12 in the State (or are not yet at a grade level at which the local education agency (LEA) provides a free public education - e.g., preschool children)
- Children who moved:
 - A) As a **migratory Agricultural worker** or migratory fisher, OR
 - B) **With or to Join** a parent/guardian/spouse who is a migratory agricultural worker or migratory fisher



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Student Eligibility Under ESSA

AGE

- The child is younger than age 22.

SCHOOL COMPLETION

- The child is eligible for a free public education under State law.

MIGRATORY WORKER AND QUALIFYING WORK

- The worker made a qualifying move (from one district to another, from one residence to another and due to economic necessity) in preceding 36 months, AND**
- The worker**
 - **engaged in new qualifying work soon after that move (within 60 days); OR**
 - **did not engage in new qualifying work after a qualifying move, and the worker**
 - sought new qualifying work, **AND**
 - has a recent history of moves for temporary or seasonal agricultural employment (two moves, within the last 3 year).
- The new qualifying work is seasonal or temporary, **AND**
- The new qualifying work is agricultural or fishing.

QUALIFYING MOVE

- The move was from one school district to another, AND**
- The move was a change from one residence to another residence, AND**
- The move was due to economic necessity.**

QUALIFYING ARRIVAL DATE (QAD)

- The child(ren)'s qualifying arrival date results from a qualifying move (*defined above*) that
 - occurred in the preceding 36 months, AND
 - was on his or her own as a migratory agricultural worker or a migratory fisher OR was with, or to join/precede a parent/guardian or spouse who is a migratory agricultural worker or migratory fish



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“Qualifying Work”

We use the abbreviated term “**Qualifying Work**” to mean temporary or seasonal employment in agriculture or fishing.

- “Temporary Employment” means work that the worker plans on working for **12 months or less**. Any work that lasts longer than 12 months is no longer considered temporary.
- “Seasonal Employment” means work that can only occur during certain, limited periods during the year because of the cycles of nature, and inherently cannot be carried out all year round.
- “Agricultural work” means the production or initial processing of crops, dairy products poultry, or livestock; as well as the cultivation or harvesting of trees that is performed for wages or personal substance.



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What has Changed?

Definitions of “migratory agricultural worker”

- It is no longer necessary to determine whether the worker moved “in order to obtain” qualifying work, or any employment
- “**Engaged**” in qualifying work soon after the move instead of “obtained”
- Modified criteria for individuals who did NOT engage in new qualifying work soon after their qualifying move.



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Who is a Migratory Agricultural Worker?

- **Engaged in new qualifying work** soon after a qualifying move
- If the individual does not meet the above, he or she made a qualifying move and:
 - A) Actively sought new qualifying work; **AND**
 - B) Has a recent history of moves for qualifying work



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What is a Qualifying Move?

- Due to Economic necessity; **AND**
- From one residence to another; **AND**
- From one school district to another school district



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“Soon After,” “Actively Sought,” and “Recent History”

- “**Soon After**” means within **60days** of the qualifying move.
- “**Actively Sought**” means the worker, either **before or within 60 days** after the qualifying move, applied for qualifying work or moved reasonably believing that, based on ads, newspapers, or words of mouth, such work would be available.
- “**Recent History**” means the worker in the **last 36 months** had at least **two moves** that resulted in **engagement with qualifying work**.



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Four Factors for Determining Eligibility

- Is there a child? Are the children under age 22 and still entitled to a free public education (through grade 12) in the State?
- Is there a migratory agricultural worker?
- Did the children move in the preceding 36 months, on their own OR with, or to join, a parent/guardian or spouse?
- Was the children's move with the parent/guardian or spouse a "qualifying move"- i.e., due to economic necessity, from one residence to another, and from one school district to another?



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“Qualifying Arrival Date”

- “Qualifying Arrival Date” (QAD) is the date that begins a migratory child’s 36 months of eligibility.
 - The date that the child moves as a migratory agricultural worker or, (if the child is not the worker) the date the child moves with, or to join, the worker.
 - If the child and worker moved together, the QAD is the date they arrived in the district.
 - If the child moved before the worker the QAD is the date the worker arrived.
 - If the child moved after the worker, the QAD is arrived.



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Period of Eligibility

- All eligible children are eligible for a full 36 months following the QAD.
- The period for eligibility only changes if the child is no longer eligible for a free public education (reaches the age of 22, graduates, or passes a high school equivalency exam) or if they make a new qualifying move.



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Questions?

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Scenario 1

Jorge Gonzalez and his wife Lupe move from Immokalee, FL. to Newport, Tn. on July, 7th 2017 to work picking tomatoes. Jorge and Lupe both begin working two days after arriving in Newport. Jorge and Lupe bring their three children: Jorge aged 14, Maria aged 11, and Miguel aged 8. Do they qualify for the Migrant Education Program?



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Scenario 1

Are they eligible for the Migrant Education Program?

Yes!

- Are the children under age 22 and still entitled to a free public education (through grade 12) in the State?

YES!

- Did the children move in the preceding 36 months, on their own OR with, or to join, a parent/guardian or spouse?

YES! They moved with their parents/guardians.

- Was the children's move with the parent/guardian or spouse a "qualifying move"- i.e., due to economic necessity, from one residence to another, and from one school district to another? **YES!**

- Is the parent/guardian or spouse with whom the children moved a "migratory agricultural worker" **YES!**

Both parents work picking tomatoes.



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Scenario 2

On June 1, 2017, Jessica moves with her two children, ages 6 and 8, from Omaha, NE to Union City, Tn., to live with relatives after losing her job in Omaha. Jessica is hoping to find work similar to her last job in housekeeping, but finds that she can earn more money in a job at a poultry-processing facility. She only plans to stay for a few months to save money, and begins work deboning chicken at the poultry plant on July 15, 2017. Are Jessica's children eligible for the Migrant Education Program?



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Scenario 2

Are they eligible for the Migrant Education Program?

Yes!

- Are the children under age 22 and still entitled to a free public education (through grade 12) in the State?

YES!

- Did the children move in the preceding 36 months, on their own OR with, or to join, a parent/guardian or spouse?

YES! They moved with their parent/guardian.

- Was the children's move with the parent/guardian or spouse a "qualifying move"- i.e., due to economic necessity, from one residence to another, and from one school district to another? **YES!**

- Is the parent/guardian or spouse with whom the children moved a "migratory agricultural worker" **YES!**

The mother began working at a poultry-processing plant soon after the move.



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Scenario 3

Joaquin, a 17-year old out-of-school youth, had not moved since he was about 10 years old. Because he could not find employment in his hometown of Richmond, Va., he moved to Springfield, Tn. on August 1, 2017. Within a week of moving to Springfield, he applied for seasonal employment cutting tobacco, but did not get the job. Is Joaquin eligible for the Migrant Education Program?



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Scenario 3

Are they eligible for the Migrant Education Program?

NO!

- Are the children under age 22 and still entitled to a free public education (through grade 12) in the State?

YES! The scenario assumes he has not graduated.

- Did the children move in the preceding 36 months, on their own OR with, or to join, a parent/guardian or spouse?

YES! The child moved on his own.

- Was the children's move with the parent/guardian or spouse a "qualifying move"- i.e., due to economic necessity, from one residence to another, and from one school district to another? **YES!**
- Is the parent/guardian or spouse with whom the children moved a "migratory agricultural worker" **NO!** He did not engage in qualifying work soon after the move.



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Scenario 4

Paul, age 13, lived with his parents in Nashville, Tn. Unable to find work in Nashville, Paul's father moved on his own to Dayton, Tn. on September 1, 2016, and engaged in seasonal employment harvesting tomatoes (within one week of his move). Paul's father returned to Nashville on October 20, 2016. Shortly thereafter, Paul's mother was able to find work in a restaurant in Memphis, Tn. So, Paul and his parents moved from Nashville to Memphis on November 1, 2016. The Migrant Education Program identifies Paul on July 1, 2017. Is Paul eligible for the Migrant Education Program?



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Scenario 4

Are they eligible for the Migrant Education Program?

Yes!

- Are the children under age 22 and still entitled to a free public education (through grade 12) in the State?

YES!

- Did the children move in the preceding 36 months, on their own OR with, or to join, a parent/guardian or spouse?

YES! They moved with their parents/guardians.

- Was the children's move with the parent/guardian or spouse a "qualifying move" - i.e., due to economic necessity, from one residence to another, and from one school district to another? **YES!**

- Is the parent/guardian or spouse with whom the children moved a "migratory agricultural worker" **YES!**

The child's father is a migratory agricultural worker because he made a qualifying move in the preceding 36 months, soon after which he engaged in new qualifying work.



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Scenario 5

Diana, age 15, and her parents lived in Detroit, Mi. Diana and her parents moved to Mountain City, Tn. on October 20, 2016. For as long as Diana can remember, the family has moved to Mountain City each fall, where her father worked a temporary job cutting pine trees. When they moved in October 2016, Diana's father, Joe, went to the warehouse where he had worked for the previous two falls and found that the warehouse had closed. Is Diana eligible for the MEP?



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Scenario 5

Are they eligible for the Migrant Education Program?

Yes!

- Are the children under age 22 and still entitled to a free public education (through grade 12) in the State?

YES!

- Did the children move in the preceding 36 months, on their own OR with, or to join, a parent/guardian or spouse?

YES! They moved with their parents/guardians.

- Was the children's move with the parent/guardian or spouse a "qualifying move" - i.e., due to economic necessity, from one residence to another, and from one school district to another? **YES!**

- Is the parent/guardian or spouse with whom the children moved a "migratory agricultural worker" **YES!**

The child's father is a migratory agricultural worker because he made a qualifying move in the preceding 36 months, soon after which he engaged in new qualifying work. The family also has a recent history of moves for qualifying work.



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