

Using Scenarios to Transition to ESSA

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Pennsylvania ESSA Checklist

MIGRATORY CHILDREN ESSA ELIGIBILITY FACTORS

1. MIGRATORY CHILD

- The child is younger than age 22, AND
- The child is eligible for a free public education under state law, AND
- The child made a qualifying move...
 - In the preceding 36 months, AND
 - It was due to economic necessity, AND
 - It was from one residence to another residence, AND
 - It was from one school district to another school district, AND
- The child moved...
 - On his or her own as a migratory agricultural worker or migratory fisher, OR
 - With, to join or precede, a parent or spouse who is a migratory agricultural worker or a migratory fisher.

2. MIGRATORY AGRICULTURAL WORKER OR MIGRATORY FISHER

- The worker made a qualifying move...
 - In the preceding 36 months, AND
 - It was due to economic necessity, AND
 - It was from one residence to another residence, AND
 - It was from one school district to another school district, AND
- The worker...
 - Engaged in new qualifying work...
 - Soon after the qualifying move (*within 60 days*), AND
 - The employment was temporary or seasonal, AND
 - The work was for wages or personal subsistence, AND
 - The work was in agriculture or fishing, OR
 - Did NOT engage in new qualifying work. Instead, the worker...
 - Actively sought new employment soon after moving (*within 60 days*), AND
 - Has recent history of moves (*at least 2*) ...
 - In the preceding 36 months (*from day of interview*), AND
 - Engaged in qualifying work after those moves.

Michigan ESSA Checklist

MIGRATORY CHILDREN ESSA ELIGIBILITY FACTORS

1. AGE

- The child is younger than age 22. ESEA § 1115(c)(1)(A); 34 CFR § 200.103(a); NRG Ch. 2 A1.

2. SCHOOL COMPLETION

- The child is entitled to a free public education through grade 12 under State law, or is not yet at a grade level at which the local educational agency (LEA) provides a free public education. ESEA § 1115(e)(1)(A); 34 CFR § 200.103(a). NRG Ch. 2. A1.

3. 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 soon after that move, but the worker
- actively sought new qualifying work, **AND**
 - has a recent history of moves (at least two in the last 36 months) where he or she **engaged** in temporary or seasonal, agricultural or fishing employment.
- The new qualifying work is seasonal or temporary, **AND**
Temporary statement includes who said it was temporary work and how long the temporary work will last.
- The new qualifying work is agricultural or fishing.
ESEA § 1309(2), (4) and (5). 34 CFR § 200.81 (a), (c), (j), (m) – (p). NRG Ch. 2 C1 and 2.

4. QUALIFYING MOVE FOR THE CHILD

- 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.
ESEA § 1309(5). NRG Ch. 2 A1 and D1.

5. QUALIFYING ARRIVAL DATE (CHILD'S QAD)

- The child's qualifying move (from Section 4) was _____ with, to join, or to precede a parent/guardian or spouse who is a migratory agricultural worker or migratory fisher (as defined in Section 3) (Type of Move), **OR** _____ on his or her own as a migratory agricultural worker or a migratory fisher (as defined in Section 3), **AND**
- _____ occurred in the preceding 36 months. (Time of Move)
The child's QAD for MEP eligibility is _____. NRG Ch. 2 E1 – E4.

Scenario 1

On June 15, 2017, Rosabel, 21 with a 3rd grade education, and her 2 children moved from Texas to Michigan intending to get qualifying work at a greenhouse. Rosabel has worked in greenhouses for the past 7 years while in Texas the last 7 years doing the same work back in Texas. Upon arriving to your district, 6 weeks ago, she began looking for work at many greenhouses but still has not found any. Her children are entering the elementary school and she wants to enroll them in the MEP.

Scenario 1 under NCLB

- **Age:**
- **School Completion:**
- **Move**
- **Purpose of the Move**
- **Qualifying Work**

Scenario 1 under NCLB

- **Age: Elementary age**
- **School Completion: Elementary age**
- **Move: Moved with the worker, across SD boundaries, from one residence to another, due to economic necessity and in the last 36 months.**

Scenario 1 under NCLB

- **Purpose of the Move:** Seeking qualifying work specifically but did not obtain the work. The worker has no prior history but did actively seek the work.
- **Qualifying Work:** Scenario states the work was qualifying work, thus it must be agricultural and either temporary or seasonal.
- **Children are eligible under NCLB if recruited before 7/1/2017.**

Scenario 1:

ESSA

- **Age:**
- **School Completion:**
- **Migratory Worker and Qualifying Worker (established as a MAW or MF):**
- **Qualifying Move for the Child (RSE):**
- **Qualifying Arrival Date (RSE w/QAD):**

Scenario 1:

ESSA

Factor 1: **Age** – The children are under 22.

Factor 2: **School Completion** – Both are entitled to free public education.

Factor 3: **Migratory Worker and Qualifying Work** – Rosabel made a **qualifying move** (change in residency, crossed school districts, due to economic necessity) from Texas to Michigan on June 15, 2017. She did not engage in qualifying work soon after that move. The work was seasonal and was agricultural. To be established as a MAW as seeking qualifying work she must have history and have actively sought the work. She did actively seek work but does not have a history of 2 moves where she engaged in qualify work soon after the move. Rosabel does not meet the definition of a Migratory Agricultural Worker or Fisher.

Scenario 1:

Factor 4: **Qualifying Move for the Child** – The children made **qualifying move** in this scenario. The move from Texas to Michigan is a **qualifying move** (*change in residency, crossed school districts, due to economic necessity*).

Factor 5: **Qualifying Arrival Date (QAD)** – While a **qualifying move** was made **with** an agricultural worker (Rosabel) and occurred in the preceding 36 months, Rosabel does not meet the definition of a Migratory Agricultural Worker or Migratory Fisher.

The children are not eligible for a QAD.

Recruiters should determine if Rosabel plans to move to another area to look for work. She may become eligible on a subsequent move in the future. She has been in her current residence over 60 days so she will not qualify if she finds work now without another move.

Scenario 1:

ESSA

Key ESSA points –

- 1) Seeking Qualifying work requires both “actively sought” and “prior history”
- 2) Prior history for SQW means 2 moves in the last 36 months, both of which resulted in the worker engaging in qualifying work.
- 3) A worker may begin to engage in qualifying work up to 60 days after the move to be able to establish themselves as a Migratory Agricultural Worker or Fisher

Scenario 2

Kenny, 20 years old with a 11th grade education, moves from San Diego, California to Bay City, Michigan in order to work at a cucumber plant with his godfather on April 1, 2017. Two days after arriving Kenny's father, who is still in California, calls Kenny and tells him he must go live with his uncle in Ohio where Kenny starts working picking cucumbers at a farm. On July 15, 2017 Kenny is fed up living with his uncle and decides to return to Bay City, Michigan and live at the work camp where he is offered work weighing and washing cucumbers year round. Kenny is found by a recruiter on 7/21/17.

Scenario 2 under NCLB

- **Age:**
- **School Completion:**
- **Move**
- **Purpose of the Move**
- **Qualifying Work**

Scenario 2 under NCLB

- **Age: Elementary age**
- **School Completion: Elementary age**
- **Move: Moved as the worker, across SD boundaries, from one residence to another, due to economic necessity and in the last 36 months.**

Scenario 2 under NCLB

- **Purpose of the Move:** On 4/1 and 4/3 Kenny moved to obtain work and obtained it.
- **Qualifying Work:** picking cucumbers on the 4/1/ and 4/3. Washing cucumbers on 7/15 is year round work and would not qualify unless there was a temporary statement.
- **Child is eligible under NCLB if recruited before 7/1/2017.**

Scenario 2:

ESSA

- **Age:**
- **School Completion:**
- **Migratory Worker and Qualifying Worker (established as a MAW or MF):**
- **Qualifying Move for the Child (RSE):**
- **Qualifying Arrival Date (RSE w/QAD):**

Scenario 2:

ESSA

Factor 1: **Age** – The child is under 22.

Factor 2: **School Completion** – Kenny is entitled to free public education assuming he has not obtained a GED.

Factor 3: **Migratory Worker and Qualifying Work** – Kenny made qualifying moves from CA to MI, MI to OH, and OH back to MI. Kenny engaged in qualifying work in both Michigan and Ohio, but his last job is year round and therefore does not meet the definition of seasonal or temporary. The last qualifying move that resulted in Kenny engaging in qualifying work was to Ohio. He is established as a MAW on that move.

Scenario 2:

Factor 4: **Qualifying Move for the Child** – The child made 3 **qualifying moves** in this scenario. The moves were from CA to MI, MI to OH, and OH back to MI are all **qualifying moves** (*change in residency, crossed school districts, due to economic necessity*).

Factor 5: **Qualifying Arrival Date (QAD)** – Kenny moved as the worker. The second qualifying move from Michigan to Ohio established him as a MAW and could have resulted in a QAD. However, the more recent move back to Michigan on 7/15/17 was as a previously established MAW and results in a QAD. He does not re-establish himself as a MAW on 7/15/17.

The child is eligible for a QAD of 7/15/17.

Scenario 2:

ESSA

Key ESSA points –

- 1) Once established, a worker is considered “migratory agricultural” or “migratory fisher” for 36 months from the day they arrived
- 2) Under ESSA, children of workers doing non-qualifying may still qualify if the worker was previously established as a MAW or MF within 3 years.
- 3) Recruiters need to get a full 3 year history of parents, guardians and OSY to ensure they do not miss any potentially eligible children.

Scenario 3

Pablo dropped out of high school 4 years ago when he was 16 years old. He got a job at a local dairy and worked 6 months until he earned enough money to move to Florida where he worked in a restaurant. Last year, his younger brother also dropped out and moved in with Pablo and began working in the same restaurant. They both moved back to Michigan a few weeks ago and are looking for work in the dairy where Pablo worked before. They both hope to go back to school and get a GED.

Scenario 3 under NCLB

- **Age:**
- **School Completion:**
- **Move**
- **Purpose of the Move**
- **Qualifying Work**

Scenario 3 under NCLB

- **Age: Under 22 for both children**
- **School Completion: both dropped out**
- **Move: Pablo moved to Michigan as the worker, across SD boundaries, from one residence to another, due to economic necessity and in the last 36 months.**

Scenario 3 under NCLB

- **Purpose of the Move:** Seeking qualifying work specifically but did not obtain the work. The worker has no prior history but did actively seek the work.
- **Qualifying Work:** Work is agricultural but may or not may not be temporary. While not specific the scenario seems to indicate that the children may stay for the long term to get their GED.
- *Children would only be eligible under NCLB with a valid temporary statement made before 7/1/17*

Scenario 3

ESSA

- **Age:**
- **School Completion:**
- **Migratory Worker and Qualifying Worker (established as a MAW or MF):**
- **Qualifying Move for the Child (RSE):**
- **Qualifying Arrival Date (RSE w/QAD):**

Scenario 3

Factor 1: **Age** – Pablo is 20, his brother is younger.

Factor 2: **School Completion** – Both are entitled to free public education.

Factor 3: **Migratory Worker and Qualifying Work** – Four years ago Pablo made a qualifying move-from your district to FL. He also made a qualifying move to Michigan a few weeks ago. Neither move resulted in Pablo or his brother engaging in qualifying work soon after the move. Pablo did qualifying work in a dairy but it was not tied to a move and it was over 36 months ago. While Pablo is seeking work on the latest move, he does not have a history of prior moves to engage in qualifying work in the last 3 years. This factor is not met.

Scenario 3

Factor 4: **Qualifying Move for the Child** – The children made **qualifying move** in this scenario. The move to Florida and back to Michigan are both a **qualifying move** (*change in residency, crossed school districts, due to economic necessity*).

Factor 5: **Qualifying Arrival Date (QAD)** – While a **qualifying move** was made by the children, the move was not with, to join/precede, or as a MAW or MF.

The children are not eligible for a QAD.

Scenario 4

Three young children make a move from Texas to Benton Harbor, MI with their parents. The parents were told in the spring that there was work in asparagus. However, because they had not worked in agriculture before they arrived on 07/1/17 after the season was nearly over. Unable to find work locally, the father left the family on 07/15/17 and moved to Traverse City and immediately engaged in work picking cherries. After 2 months he returned back to Benton Harbor to join his children.

Scenario 4 under NCLB

- **Age:**
- **School Completion:**
- **Move**
- **Purpose of the Move**
- **Qualifying Work**

Scenario 4 under NCLB

- **Age: “young” children are under 22**
- **School Completion: assumed in scenario**
- **Move: Moved as the worker, across SD boundaries, from one residence to another, due to economic necessity and in the last 36 months.**

Scenario 4 under NCLB

- **Purpose of the Move:** 7/1 the worker moved to obtain qualifying work specifically but did not obtain the work. There is credible evidence that the worker sought the work.
- **Qualifying Work:** picking asparagus is seasonal and temporary
- **Child would be eligible under NCLB but the move and interview occurred after 7/1/17**

Scenario 4:

ESSA

- **Age:**
- **School Completion:**
- **Migratory Worker and Qualifying Worker (established as a MAW or MF):**
- **Qualifying Move for the Child (RSE):**
- **Qualifying Arrival Date (RSE w/QAD):**

Scenario 4:

ESSA

Factor 1: **Age** – The “young” children are under 22.

Factor 2: **School Completion** – The children are entitled to free public education assuming they have not obtained a GED or diploma.

Factor 3: **Migratory Worker and Qualifying Work** – The worker moved to Michigan seeking qualifying work but did not obtain it and has no prior history. The worker’s qualifying move to traverse city to engage in work established him as a MAW.

Scenario 4:

Factor 4: **Qualifying Move for the Child** – The child made a **qualifying move** in this scenario. The moves were from TX to Benton Harbor, MI. (*change in residency, crossed school districts, due to economic necessity*).

Factor 5: **Qualifying Arrival Date (QAD)** – The children's qualifying move on 7/1/17 was not with a migratory worker. At the time of the move the father was not yet a MAW. However the father returns to Benton Harbor as a MAW after moving to Traverse City. Even though the father's move back was within 1 year of when he and the children arrived initially, it does not appear to be related to the children's qualifying move.

The children are not eligible.

Scenario 5

Michelle and her daughter move from Florida to Grand Rapids, Michigan to live with a relative because she heard there are good work opportunities and she has never seen snow before. Michelle gets a job just outside Grand Rapids picking apples on 8/15/17, about 6 weeks after arriving. Michelle then gets ill and on December 20, 2017 moves to Ann Arbor to live with a friend while receiving treatment for 6 weeks at U of M hospital. On February 3rd, 2018 she returns back to the same home in Grand rapids to continue to live with her relative. Once she has fully recovered in the spring she plans look for work. Her daughter is 7 years old and travels with her, attending school in both locations.

Scenario 5:

ESSA

- **Age:**
- **School Completion:**
- **Migratory Worker and Qualifying Worker (established as a MAW or MF):**
- **Qualifying Move for the Child (RSE):**
- **Qualifying Arrival Date (RSE w/QAD):**

Scenario 5:

ESSA

Factor 1: **Age** – The child is under 22.

Factor 2: **School Completion** – The children are entitled to free public education.

Factor 3: **Migratory Worker and Qualifying Work** – The worker made a qualifying move to Michigan and engaged within 60 days. She is now established as a MAW. Her next move to Ann Arbor, and the return back to Grand Rapids, are not qualifying moves. The move was not a change in residency due to economic necessity, but rather a move to get medical attention.

Scenario 5:

Factor 4: **Qualifying Move for the Child** – The child made only one **qualifying move** in this scenario. The move was from Florida to Michigan was for work. **However, the move to Ann Arbor and back were to address mom’s medical problem and not economic necessity.** She did not move for work or because she could not afford to stay where she was before. Based solely on the information in the scenario these moves were a change in school district, but may not be considered “due to economic necessity” or “a change in residency” as defined by the NRG.

Factor 5: **Qualifying Arrival Date (QAD)** – The children's qualifying move on 7/1/17 was with a migratory worker. The children are eligible for a QAD on this date. While they moved in December and February with an established MAW, these moves were not qualifying moves.

The children are eligible.

The QAD is 7/1/17.

Scenario 6

On 7/13/17, Brenda and her two young children moved from Bay Area, CA to Orangetown, PA to find work. Brenda is interviewed on 9/14/17 where she tells the recruiter that she was hired on 7/15/17 to clean and sanitize the conveyer belts that carry meat from different departments at the local National Meats. Brenda tells the recruiter that she did that work for 1 week and then was moved to the carcass splitting line because she was unable to read the labels on the chemical bottles. Brenda tells the recruiter that she does not like her new duties and will be quitting in November and moving back to California. Do they qualify? What's the qualifying crop and activity?

Scenario 6:

ESSA

- **Age:**
- **School Completion:**
- **Migratory Worker and Qualifying Worker (established as a MAW or MF):**
- **Qualifying Move for the Child (RSE):**
- **Qualifying Arrival Date (RSE w/QAD):**

Scenario 6:

ESSA

Factor 1: **Age** – The “young” children are under 22.

Factor 2: **School Completion** – The children are entitled to free public education.

Factor 3: **Migratory Worker and Qualifying Work** – Brenda made a qualifying move from California to Pennsylvania on 7/13/17. She engaged in qualifying work splitting carcasses. The work is agricultural and temporary. The worker’s statement indicates that the work will last less than 12 months because she will be moving back to California in November. Brenda is now established as a Migratory Agricultural Work

Scenario 6:

Factor 4: **Qualifying Move for the Child** – Both children made the same qualifying move as the worker from California to Pennsylvania.

Factor 5: **Qualifying Arrival Date (QAD)** – The children's qualifying move on 7/13/17 was with a Migratory Agricultural Worker, Brenda, who is the child's parent. The child is eligible for a QAD.

The children are eligible.

The QAD is 7/13/17.

Scenario 7

On 7/13/17, Jorge, Holly and their three High School age children move from Raider, FL to Biglerville, PA to find work. Within a week, Jorge starts working at Reyes Motor's warehouse loading and unloading trucks. On 7/18/17, Holly starts working at Knouse foods on the conveyer belts that carry freshly picked apples used for apple juice. Holly is responsible for picking out debris and rotten apples from the conveyer belt before the apples reach the holding tanks. Do they qualify? What's the qualifying crop and activity?

Scenario 7:

ESSA

- **Age:**
- **School Completion:**
- **Migratory Worker and Qualifying Worker (established as a MAW or MF):**
- **Qualifying Move for the Child (RSE):**
- **Qualifying Arrival Date (RSE w/QAD):**

Scenario 7:

ESSA

Factor 1: **Age** – The child is under 22.

Factor 2: **School Completion** – The children are entitled to free public education.

Factor 3: **Migratory Worker and Qualifying Work** – Holly made qualifying move on 7/13/17 from Florida to Pennsylvania. Holly engaged in qualifying work sorting apples soon after the move. Holly is now established as a Migratory Agricultural Worker.

Scenario 7:

Factor 4: **Qualifying Move for the Child** – The children made the same qualifying move from Florida to Pennsylvania.

Factor 5: **Qualifying Arrival Date (QAD)** – The children's qualifying move was with a Migratory Agricultural Worker, holly, and therefore they are eligible for a QAD.

The children are eligible.

The QAD is 7/13/17.

Scenario 8

- **Jose, 18 years old with a 7th grade education, moved from Mexico to Reyesville, North School District, Florida on 7/1/2016 to work at his father's construction company. On 4/1/17 Jose quits because he does not like the work. On 4/5/17, Jose moves to Luaville, North School District, Florida and starts working picking tomatoes with a cousin the day after the move. On 4/17/17, Jose quits because he does not like the work. On 7/17/17, Jose moves to Danielville, North School District, Florida and immediately starts working sorting tomatoes with his brother but again quits two weeks later because he does not like the work. On 9/10/2017, Jose is fed up with living in Florida and moves to Milton, PA because a cousin told him he could work with him at Tony's Berry Farms. Once Jose arrives in Milton he goes to apply at Tony's Berry Farms but is told that he cannot be hire because they heard that he has a reputation of quitting shortly after being hired. Jose decides to apply at a pizza shop and is hire.**

Scenario 8:

ESSA

- **Age:**
- **School Completion:**
- **Migratory Worker and Qualifying Worker (established as a MAW or MF):**
- **Qualifying Move for the Child (RSE):**
- **Qualifying Arrival Date (RSE w/QAD):**

Scenario 8:

ESSA

Factor 1: **Age** – The child is under 22.

Factor 2: **School Completion** – The children are entitled to free public education.

Factor 3: **Migratory Worker and Qualifying Work** – Jose makes a number of moves inside of North School District in Florida. None of these moves are across school district boundaries. They are not qualifying moves. Jose then make a qualifying move on 9/10/2017 from Florida to Pennsylvania. He actively seeks qualifying work but does not engage. On 4/5/17 and 7/7/17 Jose makes moves due to economic necessity which are also a change in residency. He engages in qualifying work after each move. He is established as a migratory agricultural worker on 9/10/2017.

Scenario 8:

Factor 4: **Qualifying Move for the Child** – Jose makes a qualifying move on 9/10/2017. Prior moves in this scenario were not across school district boundaries.

Factor 5: **Qualifying Arrival Date (QAD)** – Jose’s qualifying move on 9/10 both establishes him as a Migratory Agricultural Worker and makes him eligible for a QAD.

The child is eligible.

The QAD is 9/10/17.



Questions?