Eligibility under Every Student Succeeds Act (ESSA)

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Authorities

Statute
Sections 1115(b) and (c), 1304(c)(2), and 1309 of the Elementary and Secondary Education Act (ESEA) of 1965, as amended by the Every Student Succeeds Act (ESSA) of 2015

Code of Federal Regulations
34 C.F.R. 20.81, 200.103, and 200.89(c)

National Certificate of Eligibility (COE) Instructions (OMB Control Number 1810-0662)

Guidance
Chapter II of the Non-Regulatory Guidance for the Title I, Part C Education of Migratory Children
Objectives

- Explain the basic requirements of eligibility for the Title 1, Part C, Migrant Education Program
- Review Vocabulary under ESSA
- Review requirements using scenarios
Vocabulary Under ESSA

Identification & Recruitment Vocabulary under ESSA
August 2017

**Actively Sought (AS)** – having taken positive actions to look for Qualifying Work (QW).

**Economic Necessity (EN)** – moving because an individual (I) had a financial need. For example, not being able to afford to stay in the current location, moving for work or because work has ended.

**Eligibility Interview (EI)** – the date when the recruiter conducts an eligibility interview with an individual (I). Recruiters must focus on moves that occurred “within the preceding 36 months of the eligibility interview.”

**Engage (E)** “Engage in Qualifying Work” – to begin working or performing a new job. Having started the work.

**Individual (I)** – a person that could be the parent/guardian/spouse or the child/youth.

**Migratory Agriculture Worker (MAW)** – an individual (I) who, in the preceding 36 months, made a Qualifying Move (QM) and, soon after the move, engaged in new temporary or seasonal employment or personal subsistence in Qualifying Work (QW) in agriculture.

**Migratory Child (MC)** – a child who is; (1) younger than 22 years of age; (2) entitled to a free public education under State law; (3) made a Qualifying Move (QM) in the preceding 36 months as a Migratory Qualifying Worker (MQW), or with a Migratory Qualifying Worker (MQW), or to join or precede a Migratory Qualifying Worker (MQW).

**Migratory Fisher (MF)** – an individual (I) who, in the preceding 36 months, made a Qualifying Move (QM) and, soon after the move, engaged in new temporary or seasonal employment or personal subsistence in Qualifying Work (QW) in fishing.

**Migratory Qualifying Worker (MQW)** – an individual (I) who is either a Migratory Agriculture Worker (MAW) or Migratory Fisher (MF).

**Move (M)** – changing from one residence to another. Traveling from one residence to another. Not a Visit.

**Qualifying Arrival Date (QAD)** – the date that both the child and the Migratory Qualifying Worker (MQW) complete the Qualifying Moves (QM). The child must have moved as the Migratory Qualifying Worker (MQW), or with, to join or precede a parent/guardian/spouse who is a Migratory Qualifying Worker (MQW).

**Qualifying Move (QM)** – a move (M) that an individual (I) made under the following conditions:
  - due to economic necessity, and
  - from one residence (R) to another, and
  - from one school district to another.

The worker has to make a QM.

The child has to make a QM.

**Qualifying Work (QW)** – work that is temporary or seasonal employment, or for personal subsistence, in agriculture or fishing.

**Residence (R)** – a place where one lives and not just visits. In certain circumstances, boats, vehicles, tents, trailers, etc., may serve as a residence.

**Residency Date (RD)** – the date when the child moves (establish residency) into the present school district.

**Recent History of Moves (RHM)** – moves (M) that resulted in the engagement of new Qualifying Work (QW) that occurred within the preceding 36 months of the eligibility interview.

**Soon After the Move (SAM)** – within 60 days.
Vocabulary Under ESSA

Migratory Agricultural Worker:
An individual who, in the preceding 36 months, made a Qualifying Move and, soon after the move, engaged in new temporary or seasonal employment or personal subsistence in agriculture.

Migratory Fisher:
An individual who, in the preceding 36 months, made a Qualifying Move and, soon after the move, engaged in new temporary or seasonal employment or personal subsistence in fishing.

Migratory Qualifying Worker:
An individual who is either a Migratory Agricultural Worker or Migratory Fisher.
Vocabulary Under ESSA

**Migratory Child:**
A child who is; (1) younger than 22 years of age; (2) entitled to a free and public education under State law; (3) made a Qualifying Move in the preceding 36 months as, with or to-join or precede a Migratory Qualifying Worker.

**Qualifying Move:** *(both MQW and MC must make a QM)*
A move that was:
- Made due to economic necessity; \textit{and}  
- From one residence to another residence; \textit{and}  
- From one school district to another school district

**Economic Necessity:**
Move because and Individual had a financial need. For example, not being able to afford to stay in the current location, moving for work, or because the work ended.
Vocabulary Under ESSA

**Engage:**
“Engage in Qualifying Work”- to begin work or performing a new job. Having *started* the work.

**Actively Sought:**
Individual has taken positive actions to look for Qualifying Work.

**Recent History of Moves:**
Moves (at least two) that resulted in the engagement of new qualifying work, that occurred within the preceding 36 months of the eligibility interview.
Eligibility under ESSA
School Completion

Make sure the child/youth has:
- **NOT** graduated from high school;
- **NOT** earned a GED.

*The child must still be eligible for free & public education in Louisiana.*
Time of Moves

- Both the **Migratory Qualifying Worker’s Qualifying Move** and the **Migratory Child’s Qualifying Move** must have occurred within 36 months of the eligibility interview.

- Once a child is deemed eligible, they are eligible for **36 months** from their Qualifying Arrival Date (QAD).
Make sure the child/youth is younger than 22 years of age.

0-2 – Eligible for MEP count

3-21 – Eligible for MEP funding
Moves

Make sure the **Migratory Child** and the **Migratory Qualifying Worker** made a **Qualifying Move**.
The Migratory Child’s and the Migratory Qualifying Worker’s Qualifying Moves

must have been:

Examples of Economic Necessity

• Not able to afford to stay in the current location
• Move in order to earn a living
From one residence to another to live and not just to visit.

**Does not include:**

- Visit family or friends
- Attend a wedding
- Take a vacation
- Take care of “legal” matters

The Migratory Child’s and the Migratory Qualifying Worker’s Qualifying Moves
The Migratory Child’s and the Migratory Qualifying Worker’s Qualifying Moves

must have been:

Across school district lines

• From another country to the U.S.
• From State A to State B
• From Parish A to Parish B

From one school district to another
The Migratory Child’s and the Migratory Qualifying Worker’s Qualifying Moves

must have been:

- Due to economic necessity
- From one residence to another
- From one school district to another

All criteria must be met
The Migratory Child moved "to-join" a parent/guardian/spouse who IS a Migratory Qualifying Worker.

As the MQW, To-join the MQW

With the MQW, the Migratory Qualifying Worker

The Child's Move...
Time of Moves

To establish a QAD the recruiter must focus on the moves that occurred within the preceding 36 months of the eligibility interview.
Soon After the Move (within 60 days), the individual engaged in new:

- Seasonal or Temporary; AND
- Agricultural or Fishing work
Presently Engaged in Qualifying Work

“Seasonal or Temporary”

*Seasonal* – Employment that occurs only during a certain period of the year because of the cycles of nature.
Presently **Engaged** in Qualifying Work

“**Seasonal or Temporary**”

*Temporary* – Employment that lasts for a limited period of time, usually a few months, but no longer than 12 months.

- The worker states he/she does not intend to remain in that employment indefinitely.

- Employer states that worker was hired for a limited timeframe.
Presently Engaged in Qualifying Work

“Agricultural or Fishing”

Agricultural Work – The production or initial processing of crops, dairy products, poultry, or livestock, and the cultivation, harvesting and initial processing of trees. It consists of work performed for wages or personal subsistence.
Agricultural Work

Production

Initial Processing

Refined Product
Presently Engaged in Qualifying Work

“Agricultural or Fishing”

Fishing Work – The catching or initial processing of fish or shellfish or the raising or harvesting of fish or shellfish at fish farms. It consists of work performed for wages or personal subsistence.
Fishing Work

Production

Initial Processing

Refined Product
An individual who **did not engage** in Qualifying Work soon after a move may still be considered to be a Migratory Qualifying Worker **IF** Soon After the Move the individual:

- **Actively Sought** new Qualifying Work
  - **AND**
  - **Has Recent History of Moves** for Qualifying Work
Individual “Did NOT Engage in Qualifying Work

Actively Sought

• The individual took positive actions to seek such work (applied for qualifying work, moved reasonably believing work would be available).

• Worker’s statement is sufficient to establish that he or she actively sought qualifying work (comment needed).

• No supporting documentation is required beyond worker’s statement and the recruiter’s use of the comment section.
Individual “Did NOT Engage in Qualifying Work

Actively Sought- Sample Comments

“When the worker arrived, he applied at the local shrimp packing house.”

“Worker moved because he was told by his cousin that work at the crawfish packing house would be available.”

2017 Non-Regulatory Guidance, Chapter II, C10 – C12
Individual “**Did NOT Engage in** Qualifying Work

**Recent History of Moves**

- Within 36 months of the *eligibility interview*.
- Since the word “moves” is plural, at least **2** other *separate moves* must have been made resulting in the engagement of qualifying work.
Individual “Did NOT Engage in Qualifying Work

Recent History of Moves

• Moves must be due to economic necessity, from one residence to another, but NOT necessarily from one district to another. *(Recent history of moves don’t have to be qualifying moves)*

• Workers statement is sufficient basis to establish recent history of moves. *(Comment is needed)*
Individual “Did NOT Engage in Qualifying Work

Recent History of Moves - Sample Comments

“The worker moved from Texas to Louisiana for the strawberry harvest in April 2016 and April 2017.”

“The worker moved to Louisiana from Mississippi in July 2016 to pick watermelon. The worker also moved to Maine from Alabama in July 2017 to rake blueberries.”

“The worker moved from Georgia to Maddison, Parish in September 2016 to pick sweet potatoes and then moved to St. Landry Parish to de-head crawfish in January 2017.”
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