



# in our own backyard

THE HIDDEN PROBLEM OF  
CHILD FARMWORKERS IN AMERICA

<http://www.ourownbackyard.org>

## Part II: How Can This Happen?

### **No Child Left Behind**

The primary federal law governing education has special provisions for children of migrant farmworkers. The Tennessee Department of Education outlines what those provisions mean for schools.

*Source: Tennessee Department of Education,*

*<http://www.state.tn.us/education/support/approval/attendancemanual/doc/AttManualSectionJ.pdf>*



The No Child Left Behind Act of 2001 requires that every migrant child and youth be identified. Migrant students are to have access to the same services offered to other students. Title I, Part C, Section 1309, of the NCLB defines a migrant child as follows: “a child who is, or whose parent or spouse is, a migratory agriculture worker, including a migratory dairy worker, or a migratory fisher, and who in the preceding 36 months, in order to obtain, or accompany such parent or spouse, in order to obtain, temporary or seasonal employment in agricultural or fishing work has moved from one school district to another.”

In order to identify those students who are migrant, the State contracts with Tennessee Opportunity Programs to make direct recruiting and contact with school systems for information on the students’ academic performance, attendance, registration, and other situations that may affect the migrant students. The information you give to our recruiters will enable the Migrant Education Program to supply the student and his/her family with initial services and enter their information in the State database.

Migrant Education Program is a national, federally funded program through the Department of Education that provides supplemental educational services to eligible migrant youth and children between the ages of 3-22 regardless of legal status.

A child is eligible for Migrant Education services if she or he;

- A. Is younger than 22 (and has not graduated from high school or does not hold a high school equivalency certificate) AND
- B. Is a migrant agriculture worker or migrant fisher or has a parent, spouse, or guardian who is a migrant agriculture worker or migrant fisher AND
- C. Performs, or has a parent, spouse, or guardian who performs qualifying agriculture or fishing employment as a principle means of livelihood AND
- D. Has made a move in the last three years to accompany or join a parent, spouse, or guardian to obtain, temporary or seasonal employment in agriculture or fishing work AND
- E. 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.

Specific industries that might employ migrant workers are:

- Chicken or Meat Processing
- Dairy Farms
- Poultry or Livestock Farms
- Vegetable or Fruit Farms
- Sod Farms or Nurseries
- Lumber Operations
- Fishing Operations
- Others

Once a child has been certified by the state, s/he can receive available migrant services for a three-year period following a qualifying move, even if the parent is not currently employed in one of these industries.

Some of the basic goals of the program are to:

- Support high-quality and comprehensive educational programs for migrant children in order to reduce the educational disruption and other problems that result from repeated moves;
- Ensure that migrant children who move among the States are not penalized in any manner by disparities among the States in curriculum, graduation requirements, and State

academic content and student academic achievement standards;

- Ensure that migrant children are provided with appropriate educational services (including supportive services) that address their special needs in a coordinated and efficient manner.
- Ensure that migrant children receive full and appropriate opportunities to meet the same challenging State academic content and student academic achievement standards that all children are expected to meet;
- Design programs to help migrant children overcome educational disruptions, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit their ability to do well in school, and to prepare them to make a successful transition to postsecondary education or employment;
- Ensure that migrant children benefit from State and local systemic reforms.
- Enroll certified migrant families and youth in the state database records transfer system.
- Connect certified migrant out of school youth and parents to community resources that can aid in their educational growth such as ESL or GED classes.
- Train certified migrant parents on family literacy and available community resources.

Before schools can be certain they are complying with the law regarding the education of students experiencing homelessness, they must understand who can be considered homeless. The **McKinney-Vento Act (Section 725)** defines “homeless children and youth” (schoolage and younger) as:

- Children and youth who lack a fixed, regular, and adequate nighttime residence, including children and youth who are:
  - Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason.
  - Living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodations.
  - Living in emergency or transitional shelters.
  - Abandoned in hospitals.
  - Awaiting foster care placement.
- Children and youth who have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as a regular sleeping accommodation for human beings.
- Children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.
- Migratory children who qualify as homeless because they are living in circumstances described above.
- The term unaccompanied youth includes a youth not in the physical custody of a parent or guardian. This would include runaways living in runaway shelters, abandoned buildings, cars, on the streets, or in other inadequate housing; children and youth denied housing by their families (sometimes referred to “throw-away children and youth”); and school-aged, unwed mothers living in homes for unwed mothers because they have no other housing available.

In determining whether or not a child or youth is homeless, consider the relative permanence of the living arrangements. Determinations of homelessness should be made on a case-by-case basis.

The Tennessee Department of Education has utilized the McKinneyVento

Homeless Education Act to develop a State Plan to ensure that Tennessee's homeless children and youth have access to a free, appropriate public education. Therefore, homeless children shall be eligible for transportation services, compensatory education services, bilingual education services, special education services, school meal programs, preschool programs, or any other programs offered by the local school division for which the homeless child or youth is otherwise eligible.

Homeless children must be enrolled immediately (even without records). Ask the parent or student the name and city of the last school attended; then call that school and ask to have the records sent electronically or shared over the phone.