Migrant Education Program (MEP) Eligibility

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Objectives

• Understand the requirements for determining and documenting MEP eligibility
• Understand how to apply these requirements, with consideration of the Department’s Non-Regulatory Guidance, using eligibility scenarios
References

**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 (CFR)**
34 CFR 200.81, 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* (March 2017)
ELIGIBILITY BASICS
“Migratory Child”

- Made a qualifying move in the preceding 36 months:
  - As a migratory agricultural worker or migratory fisher, OR
  - With or to join a parent/guardian or spouse who is a migratory agricultural worker or migratory fisher

(see section 1309(3) of the ESEA and Chapter II, A1-A7 of MEP Non-Regulatory Guidance (NRG))
“Migratory Agricultural Worker”

An individual who made a qualifying move in the preceding 36 months and, after doing so:

1. Engaged in new temporary or seasonal employment or personal subsistence in agriculture, which may be dairy work or the initial processing of raw agricultural products.

OR

2. If an individual did not engage in such new employment soon after the move, the individual:
   A. Actively sought such new employment and
   B. Has a recent history of moves for temporary or seasonal agricultural employment.

(see section 1309(2) of the ESEA and Chapter II, C1 of MEP NRG)
“Migratory Fisher”

An individual who made a qualifying move in the preceding 36 months and, after doing so:

1. Engaged in new temporary or seasonal employment or personal subsistence in fishing.

OR

2. If the individual did not engage in such new employment soon after the move, the individual:
   A. Actively sought such new employment and
   B. Has as a recent history of moves for temporary or seasonal fishing employment.

(see section 1309(4) of the ESEA and Chapter II, C2 of MEP NRG)
“Qualifying Move”

• Due to economic necessity; and
• One residence to another; and
• From one school district to another school district, with specific exceptions:
  – For single-district States, must be from one administrative area to another
  – For districts of 15K+ square miles, must be a move of 20+ miles to a temporary residence

(see section 1309(5) of the ESEA and Chapter II, D1-D15 of MEP NRG)
KEY TERMS/CONCEPTS
“Child”

• Not older than 21 years of age; and

• Is entitled to a free public education (through grade 12) under State law, or

• Is not yet at a grade level at which the LEA provides a free public education

(see section 1115(c)(1)(A) of the ESEA (incorporated into the MEP by sections 1304(c)(2), 1115(b), and 1309(3)) and 34 CFR 200.103(a))
“Qualifying Arrival Date” (QAD)

• Date that begins a migratory child’s 36 months of MEP eligibility

• The date that the child moves as a migratory agricultural worker/fisher or, (if the child is not the worker) the date that the child moves with, or to join, the worker.

• If the child and worker moved together, QAD = date they arrived in the district

• To join moves:
  – If the child moved before the worker, QAD = date that the worker arrived
  – If the child moved after the worker, QAD = date the child arrived

(see Chapter II, E1 – E4 of MEP NRG, and page 8 of National COE Instructions)
“Qualifying Work”

• We use the abbreviated term “qualifying work” to mean temporary or seasonal employment (or personal subsistence) in agriculture or fishing.

(see 34 CFR 200.81(n), and Chapter II, C3 of MEP NRG)

• “Temporary employment,” “seasonal employment,” and “personal subsistence”: program regulations

(see 34 CFR 200.81(p), (o), and (m), and Chapter II, G1 – G12 and F28 of MEP NRG)

• Employment in agriculture: program regulations definition of “agricultural work” + dairy work or the initial processing of raw agricultural products

(see 34 CFR 200.81(a), section 1309(2) of the ESEA, and Chapter II, F1 – F15, F20 – 22, F24 – F26 of MEP NRG)

• Employment in fishing: program regulations definition of “fishing work”

(see 34 CFR 200.81(c) and Chapter II, F16 – F20, F23 – F25 of MEP NRG)
“Soon After the Move”

- Within 60 days after the qualifying move

(see Chapter II, C5 – C7 of MEP NRG)
“Recent History of Moves” for Qualifying Work

• Moves that resulted in engagement in qualifying work
• At least two moves;
• Within 36 months of the recruiter’s interview

(see Chapter II, C13 – C18 of MEP NRG)
SCENARIOS
Scenario 1

On November 1, 2017, Emilio and his eight year old son, Fernando, made a qualifying move from Pine Bluff, Arkansas to Bradenton, Florida. One week later, Fernando’s father began a seasonal job picking oranges. The Florida MEP identified the family on December 15, 2017.

Is Fernando eligible for the Florida MEP? If so, what is Fernando’s QAD?
Scenario 1: Responses

1. Is Fernando eligible for the Florida MEP?
   YES. He made a qualifying move within the preceding 36 months with his father, who is a migratory agricultural worker.

2. What is Fernando’s QAD?
   November 1, 2017— the date he made a qualifying move with his father.
Scenario 1 Certificate of Eligibility (COE)

1. The child(ren) listed on this form moved due to economic necessity from a residence in School district / Pine Bluff/ AR / US to a residence in School district / Bradenton / FL.

2. The child(ren) moved (complete both a. and b.):
   a. □ as the worker, OR  X with the worker, OR  □ to join or precede the worker.
   b. The worker, ______ Emilio [and Last Name of Worker], is □ the child or the child’s X parent/guardian □ spouse.
      i. (Complete if “to join or precede” is checked in #2a.) The child(ren) moved on __MM/DD/YY__. The worker moved on MM/DD/YY. (provide comment)

3. The Qualifying Arrival Date was ______ 11/1/17 _______.

4. The worker moved due to economic necessity on __11/1/17__, from a residence in School District/ Pine Bluff/ AR/ US to a residence in School District/ Bradenton/ FL, and:
   a. X engaged in new qualifying work soon after the move (provide comment if worker engaged more than 60 days after the move), OR
   b. □ actively sought new qualifying work AND has a recent history of moves for qualifying work (provide comment)

5. The qualifying work,* ________ picking oranges ________ was (make a selection in both a. and b.):
   a. X seasonal OR □ temporary employment
   b. X agricultural OR □ fishing work
   *If applicable, check: □ personal subsistence (provide comment)

6. (Complete if “temporary” is checked in #5a) The work was determined to be temporary employment based on:
   a. □ worker’s statement (provide comment), OR
   b. □ employer’s statement (provide comment), OR
   c. □ State documentation for ________ Employer ________.
Scenario 2

On March 31, 2016, 16 year old Antonio made a qualifying move from Yuma, AZ to Oxnard, CA. Three weeks later, he engaged in seasonal work picking strawberries. On April 1, 2018, Antonio makes another qualifying move back to Yuma, AZ, where he finds work bussing tables in a local restaurant. The Arizona MEP identifies Antonio on October 1, 2018.

Is Antonio eligible for the Arizona MEP? If so, what is Antonio’s QAD?
Scenario 2: Responses

1. Is Antonio eligible for the Arizona MEP?
YES. He made a qualifying move in the preceding 36 months as a migratory agricultural worker.

2. What is Antonio’s QAD?
April 1, 2018— the date of Antonio’s most recent qualifying move as a migratory agricultural worker.
Scenario 2 COE

1. The child(ren) listed on this form moved due to economic necessity from a residence in ___School district_____ / ___Oxnard/ CA_____ / ____US____ to a residence in ___School district____ / _____Yuma_____ / ____AZ____.

2. The child(ren) moved (complete both a. and b.):
   a. X as the worker, OR □ with the worker, OR □ to join or precede the worker.
   b. The worker, ____ Antonio [and Last Name of Worker] ___, is X the child or the child’s □ parent/guardian □ spouse.
      i. (Complete if “to join or precede” is checked in #2a.) The child(ren) moved on __MM/DD/YY__. The worker moved on __MM/DD/YY__. (provide comment)

3. The Qualifying Arrival Date was ________04/01/18________.

4. The worker moved due to economic necessity on __03/31/16______, from a residence in School District/ Yuma/ AZ/ ______US____ to a residence in School District/ Oxnard/ CA, and:
   a. X engaged in new qualifying work soon after the move (provide comment if worker engaged more than 60 days after the move), OR
   b. □ actively sought new qualifying work AND has a recent history of moves for qualifying work (provide comment)

5. The qualifying work,* ________picking strawberries________ was (make a selection in both a. and b.):
   a. X seasonal OR □ temporary employment
   b. X agricultural OR □ fishing work
      *If applicable, check:
      □ personal subsistence (provide comment)

6. (Complete if “temporary” is checked in #5a) The work was determined to be temporary employment based on:
   a. □ worker’s statement (provide comment), OR
   b. □ employer’s statement (provide comment), OR
   c. □ State documentation for ________ Employer __________.
On September 1, 2016, Isabella, John, and their two school-aged children made a qualifying move from Kansas City, MO to Oshkosh, WI. One month later, John accepted a temporary job milking cows on a dairy farm. On June 20, 2017, Isabella and her children made a qualifying move from Oshkosh to Milwaukee, WI, where Isabella began work as a bookkeeper. On August 20, 2017, John joined his family in Milwaukee and engaged in construction work. The Wisconsin MEP identified the family on October 1, 2017.

Are the children eligible for the Wisconsin MEP? If so, what is the children’s QAD?
Scenario 3: Responses

1. Are the children eligible for the Wisconsin MEP?

YES. They made a qualifying move in the preceding 36 months to join (precede) their father, who is a migratory agricultural worker.

2. What is the children’s QAD?

August 20, 2017—the date John, who is a migratory agricultural worker, joins his children in Milwaukee.
COE for Scenario 3

1. The child(ren) listed on this form moved due to economic necessity from a residence in ______School district / ___Oshkosh / ___WI / ___US___ to a residence in ________School district / ______Milwaukee ______ / __WI___.

2. The child(ren) moved (complete both a. and b.):
   a. □ as the worker, OR □ with the worker, OR □ X to join or precede the worker.
   b. The worker, _______ John [and Last Name of Worker] ____, is □ the child or the child’s X parent/guardian □ spouse.
      
      i. (Complete if “to join or precede” is checked in #2a.) The child(ren) moved on __06/20/17___. The worker moved on __08/20/17__. (provide comment)

3. The Qualifying Arrival Date was ________08/20/17____________.

4. The worker moved due to economic necessity on ______09/01/16_______, from a residence in School District/ ______Kansas City/ MO/ ___US_____ to a residence in School District/ ______Oshkosh/ ___WI___, and:
   a. □ X engaged in new qualifying work soon after the move (provide comment if worker engaged more than 60 days after the move), OR
   b. □ actively sought new qualifying work AND has a recent history of moves for qualifying work (provide comment)

5. The qualifying work,* _________milking cows________ was (make a selection in both a. and b.):
   a. □ seasonal OR □ X temporary employment
   b. □ X agricultural OR □ fishing work

   *If applicable, check:
   □ personal subsistence (provide comment)

6. (Complete if “temporary” is checked in #5a) The work was determined to be temporary employment based on:
   a. □ X worker’s statement (provide comment), OR
   b. □ employer’s statement (provide comment), OR
   c. □ State documentation for ________Employer____________.
Scenario 4

Adding to Scenario 3:
The same family made another qualifying move together from Milwaukee, WI back to Kansas City, MO on October 10, 2019. Soon after that move, John engaged in construction work and Isabella found employment at a daycare facility. The Missouri MEP identifies the family on November 1, 2019.

Are the children eligible for the Missouri MEP? If so, what is the children’s QAD?
Scenario 4: Responses

1. Are the children eligible for the Missouri MEP?
NO. When the Missouri MEP identifies the family on November 1, 2019, the children no longer meet the definition of migratory child because they did not make a qualifying move in the preceding 36 months with a parent who is a “migratory agricultural worker.” As of that date, John is not a “migratory agricultural worker” because he did not, in the preceding 36 months, make a qualifying move soon after which he engaged in new qualifying work (nor does he have a recent history of moves for such work).

2. What is the children’s QAD?
N/A—see above.
Scenario 5

On August 1, 2015 and August 1, 2016, Joanna, age 15, made qualifying moves with her parents from Eureka, CA to Yakima, WA. Soon after each move, Joanna’s father, Tomas, has engaged in seasonal work harvesting apples. After the family makes a qualifying move to Yakima on August 15, 2017, Joanna’s father actively sought work at various apple orchards, but was unable to find employment. The Washington MEP identified the family on September 1, 2017.

Is Joanna eligible for the Washington MEP? If so, what is Joanna’s QAD?
Scenario 5: Responses

1. Is Joanna eligible for the Washington MEP?
   Yes. Joanna made a qualifying move in the preceding 36 months with her father, who is a migratory agricultural worker.

2. What is Joanna’s QAD?
   August 15, 2017— the most recent qualifying move made with her father.
COE for Scenario 5

1. The child(ren) listed on this form moved due to economic necessity from a residence in __School district / ___Eureka / ___CA / ___US____ to a residence in _____School district / ___Yakima / ___WA_____.

2. The child(ren) moved (complete both a. and b.):
   a. □ as the worker, OR  X with the worker, OR  □ to join or precede the worker.
   
   b. The worker, _____Tomas [and Last Name of Worker] ___, is □ the child or the child’s X parent/guardian □ spouse.
      
      i. (Complete if “to join or precede” is checked in #2a.) The child(ren) moved on __MM/DD/YY_. The worker moved on MM/DD/YY. (provide comment)

3. The Qualifying Arrival Date was ______08/15/17_______.

4. The worker moved due to economic necessity on __08/15/17___, from a residence in School District/ Eureka/ CA / US_______ to a residence in School District/ Yakima/ WA, and:
   a. □ engaged in new qualifying work soon after the move (provide comment if worker engaged more than 60 days after the move), OR
   
   b. X actively sought new qualifying work AND has a recent history of moves for qualifying work (provide comment)

5. The qualifying work,* _________picking apples________ was (make a selection in both a. and b.):
   a. X seasonal OR □ temporary employment
   
   b. X agricultural OR □ fishing work

   *If applicable, check:
   □ personal subsistence (provide comment)

6. (Complete if “temporary” is checked in #5a) The work was determined to be temporary employment based on:
   a. □ worker’s statement (provide comment), OR
   
   b. □ employer’s statement (provide comment), OR
   
   c. □ State documentation for _________Employer__________.
Scenario 6

Adding to Scenario 5:
The family makes a qualifying move from Eureka, CA to Newberg, OR on September 15, 2018. Soon after that move, Joanna’s father seeks seasonal employment harvesting grapes, but is unable to find such employment. The Oregon MEP identifies the family on September 20, 2018.

Is Joanna eligible for the Oregon MEP? If so, what is Joanna’s QAD?
1. Is Joanna eligible for the Oregon MEP?
YES. Joanna made a qualifying move in the preceding 36 months with her father, who is a migratory agricultural worker.

2. What is Joanna’s QAD?
September 15, 2018— the most recent qualifying move she made with her father.
COE for Scenario 6

1. The child(ren) listed on this form moved due to economic necessity from a residence in ___School district / __Eureka / ___CA / ___US____ to a residence in ________School district / ____Newberg____ / ___OR____.

2. The child(ren) moved (complete both a. and b.):
   a. ☐ as the worker, OR  X with the worker, OR  ☐ to join or precede the worker.
   b. The worker, _____Tomas [and Last Name of Worker] __, is ☐ the child or the child’s  X parent/guardian  ☐ spouse.
      i. (Complete if “to join or precede” is checked in #2a.) The child(ren) moved on ___MM/DD/YY_. The worker moved on ___MM/DD/YY_. (provide comment)

3. The Qualifying Arrival Date was ______09/15/18_____.

4. The worker moved due to economic necessity on ___08/01/16___, from a residence in School District/ Eureka / CA / ___US____ to a residence in School District/ Yakima/ WA , and:
   a. X engaged in new qualifying work soon after the move (provide comment if worker engaged more than 60 days after the move), OR
   b. ☐ actively sought new qualifying work AND has a recent history of moves for qualifying work (provide comment)

5. The qualifying work,* _________picking apples________ was (make a selection in both a. and b.):
   a. X seasonal OR  ☐ temporary employment
   b. X agricultural OR  ☐ fishing work

   *If applicable, check: ☐ personal subsistence (provide comment)

6. (Complete if “temporary” is checked in #5a) The work was determined to be temporary employment based on:
   a. ☐ worker’s statement (provide comment), OR
   b. ☐ employer’s statement (provide comment), OR
   c. ☐ State documentation for _________Employer__________.
The mission of the Office of Migrant Education is to provide excellent leadership, technical assistance, and financial support to improve the educational opportunities and academic success of migratory children, youth, agricultural workers, fishers, and their families.

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Identification and Recruitment (ID&R) Strategies

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Table Discussion

Were you surprised by the answer to any of the scenarios?

As a table, discuss the scenarios in question. OME staff is available for assistance.
Table Discussion

• What ID&R challenges has your State identified in the last year due to ESSA?
• What new ID&R strategies has your State adopted to account for the new definitions of migratory child and migratory fisher/agricultural worker?
• What new strategies do you plan on continuing or changing in the next year?