

# MIGRANT EDUCATION PROGRAM (MEP) ELIGIBILITY 101

Sarah Martinez  
Office of Migrant Education (OME)  
2020 MEP New Directors Orientation  
March 2, 2020



*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.*

## OBJECTIVES

- Improve understanding of the basic requirements for determining and documenting MEP eligibility
- Improve understanding of the required quality controls for the proper identification and recruitment of eligible migratory children

## 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

34 C.F.R. 200.81, 200.103(a), and 200.89

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

- Guidance

Chapters II and III of the *Non-Regulatory Guidance for the Title I, Part C Education of Migratory Children*

# MEP ELIGIBILITY CRITERIA

## ELIGIBILITY: THE BASICS

A child is eligible for the MEP (and thereby eligible to receive MEP services) if the child:

- Meets the definition of “migratory child”; and
- Has the basis for the State’s determination that the child is a “migratory child” properly recorded on the national Certificate of Eligibility (COE).

# MIGRATORY CHILD

- Is 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 local educational agency (LEA) provides a free public education; and
- 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 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); and Chapter II, A1-A7 of *MEP Non-Regulatory Guidance (NRG)*)

# “QUALIFYING MOVE”

- Due to economic necessity; and
- From 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*)

# “MIGRATORY AGRICULTURAL WORKER” OR “MIGRATORY FISHER”

- An individual who made a qualifying move in the preceding 36 months and, after doing so, engaged in new “qualifying work.”
- If the individual did not engage in new “qualifying work” soon after the move, the individual:
  - A. Actively sought “qualifying work” and
  - B. Has a recent history of moves for “qualifying work”

(see sections 1309(2) and (4) of the ESEA and Chapter II, C1-C2 of *MEP NRG*)

# “QUALIFYING WORK”

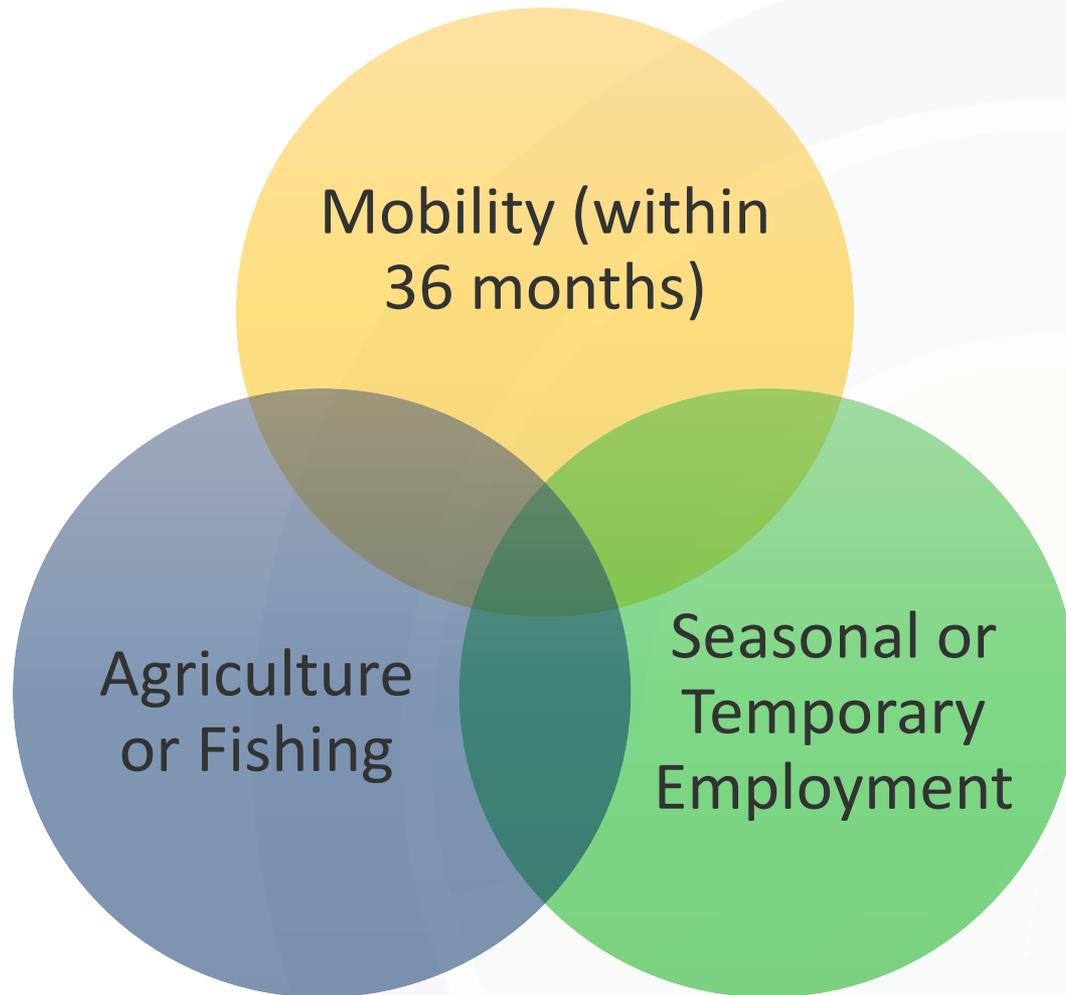
- “Qualifying work” means temporary or seasonal employment (or personal subsistence) in agriculture or fishing.

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

- “Temporary employment,” “seasonal employment,” “personal subsistence,” “agricultural work or employment,” and “fishing work or employment” are also defined in the program regulations.

(see 34 CFR 200.81(a), (c), (m), (o), and (p), and Chapter II, Sections F and G of *MEP NRG*)

# MIGRATORY AGRICULTURAL WORKERS AND MIGRATORY FISHERS



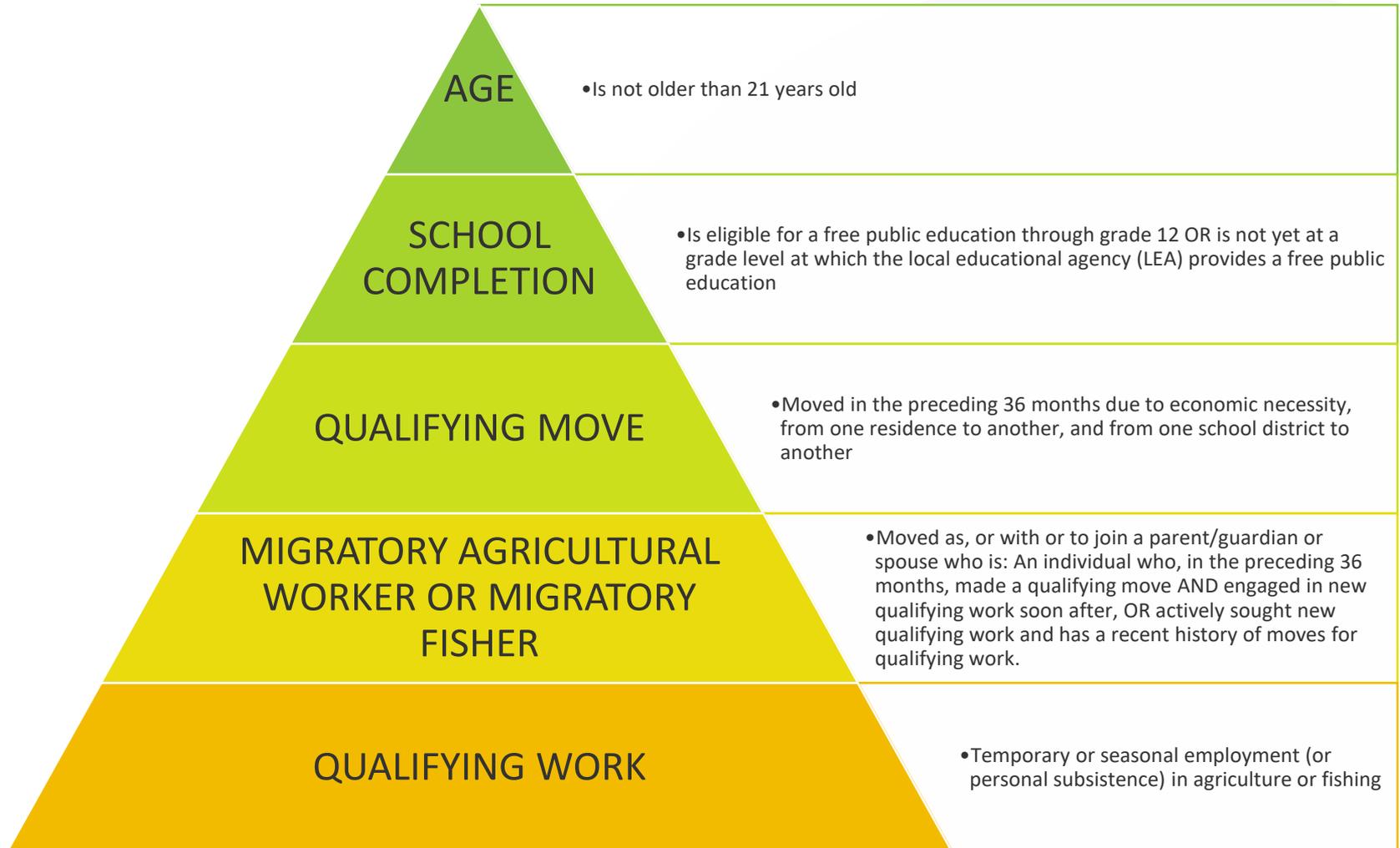
# CHILD'S MOVE WITH OR TO JOIN PARENT/GUARDIAN OR SPOUSE

The child's move with his or her parent/guardian or spouse *may* have been the same move (i.e., to the same location) that established the parent/guardian or spouse as a “migratory agricultural worker” or “migratory fisher.”

However, this is not necessary— as long as the child made a qualifying move with or to join a parent/guardian or spouse who meets the definition of a “migratory agricultural worker” or “migratory fisher.”

In other words, the parent/guardian or spouse is an individual who, in the preceding 36 months, made a qualifying move and soon after, engaged in new qualifying work (or actively sought new qualifying work and has a recent history of moves for qualifying work).

# MIGRATORY CHILD: REVIEW THE FIVE KEY FACTORS



## “QUALIFYING ARRIVAL DATE” (QAD)

- The QAD is the date that the child’s eligibility for the MEP begins.
- Children are eligible for the MEP in that State for 36 months from the QAD, unless their eligibility ends for another reason (e.g., over age 21, earns a high school diploma).
- When the child and worker do not move together (i.e., a “to join” move), the QAD is the date that both the child and worker completed the move.
- The QAD is not affected by subsequent *non-qualifying* moves.

# ELIGIBILITY SCENARIOS

## SCENARIO 1

Karina became unemployed in June 2019 and was unable to find work in Redding, CA. On August 20, 2019, Karina and her five year old daughter, Natalia, moved from Redding to Fresno, CA. Approximately two weeks later, Karina began a seasonal job harvesting grapes.

## SCENARIO 1: RATIONALE

Natalia is a migratory child because she:

- Meets the definition of a “child”:
  - under 22 years old and
  - eligible for a free public education through grade 12;
- Made a “qualifying move” in the preceding 36 months (August 20, 2019);
- Made the qualifying move with her mother who is a “migratory agricultural worker”

Natalia’s mother is a “migratory agricultural worker” because she:

- Made a qualifying move in the preceding 36 months (August 20, 2019), soon after which she engaged in new qualifying work (seasonal employment harvesting grapes).

## SCENARIO 2

On March 28, 2019, Mario moved from Oregon to Idaho for a job picking asparagus. His wife, Raquel and twin boys, Javier and Julian, remained at home so they could finish the fourth grade. Mario began work two days after he arrived in Idaho. After the work ended, Mario, Raquel, Javier, and Julian met in Montana on June 20, 2019, where they had secured more affordable housing and Raquel found work as a seamstress.

## SCENARIO 2: RATIONALE

Javier and Julian are migratory children because they:

- Meet the definition of a “child”:
  - under 22 years old and
  - eligible for a free public education through grade 12);
- Made a “qualifying move” in the preceding 36 months (June 20, 2019);
- Made the qualifying move to join their father who is a “migratory agricultural worker”

Javier and Julian’s father is a “migratory agricultural worker” because he:

- Made a qualifying move in the preceding 36 months (March 28, 2019), soon after which he engaged in new qualifying work (seasonal employment picking asparagus).

# DOCUMENTING ELIGIBILITY

# NATIONAL CERTIFICATE OF ELIGIBILITY (COE)

- Required form that all States and their local MEPs must use to document the eligibility determinations of migratory children
- States may add State-specific information, within parameters of instructions
- May be in paper or electronic format

(see 34 CFR 200.89(c) and *National Certificate of Eligibility (COE) Instructions* (OMB Control Number 1810-0662))

## COE (CONTINUED)

- Must be completed based on the known facts at the time of the interview.
- Signed by the interviewee, the recruiter/interviewer, and at least one SEA-designated reviewer.
  - The interviewer and reviewer sign a statement certifying that they are *satisfied that these children **are** migratory children... and thus eligible as such for MEP services* [emphasis added].

# COE SECTIONS AND DATA ELEMENTS

- I. Family Data
- II. Child Data
- III. Qualifying Moves and Work Section
- IV. Comments Section
- V. Interviewee Signature Section
- VI. Eligibility Certification Section (signed by recruiter/interviewer and SEA-designated reviewer)

## ELIGIBILITY DETERMINATIONS

- Eligibility determinations and COEs do not automatically transfer from State to State.
- Each State must have confidence in the accuracy of its eligibility determinations.
- If you are unsure or have questions about an eligibility determination, don't hesitate to ask!

IDENTIFICATION AND  
RECRUITMENT (ID&R):  
QUALITY CONTROL

## WHAT IS ID&R?

- *Identification* means actively looking for and finding migratory children.
- *Recruitment* means making contact with a family or youth and obtaining the necessary information to document the child(ren)'s eligibility for, and enroll them into, the MEP.
- SEAs are responsible for the proper and timely ID&R of all eligible migratory children in the State, including preschool migratory children and out-of-school youth (OSY).

# IMPORTANCE OF QUALITY CONTROL

- A core responsibility of each SEA is to ensure that only those children who are truly eligible for the MEP are recruited, counted, and served.
- The number of eligible migratory children, as reported by SEAs, is a key factor in determining the amount of MEP funds awarded to SEAs.
- Everyone who works in ID&R, including the recruiter and the administrator, is responsible for knowing the child eligibility requirements and ensuring quality control.

# MINIMUM COMPONENTS OF ID&R QUALITY CONTROL

1. Training for recruiters and all other staff involved in determining eligibility.
2. Supervision and annual review and evaluation of the ID&R practices of individual recruiters.
3. A formal process for resolving eligibility questions and for ensuring that this information is communicated to all LOAs.
4. Examination by qualified individuals at the SEA or LOA level of each COE to verify that the child is eligible.

# MINIMUM COMPONENTS OF ID&R QUALITY CONTROL (CONTINUED)

5. A process for the SEA to validate that eligibility determinations were properly made, including conducting prospective re-interviewing.
6. Documentation that supports the SEA's implementation of its quality-control system and of a record of actions taken to improve the system where periodic reviews and evaluations indicate a need to do so.
7. A process for implementing corrective action if the SEA finds COEs that do not sufficiently document MEP eligibility, or in response to internal State audit findings and recommendations, or monitoring or audit findings of the Secretary.

(see 34 CFR 200.89(d))

# ANNUAL PROSPECTIVE RE-INTERVIEWING

- All MEP-funded SEAs must annually validate child eligibility determinations from the current performance reporting period (September 1 to August 31) through re-interviews for a randomly selected sample of children identified as migratory during the same performance reporting period.
- May sample on a statewide basis or within categories associated with identified risk factors (e.g., experience of recruiters, size or growth in local migratory child population, effectiveness of local quality control procedures).
- Prospective re-interviews allow for the identification of problems early on so they can be quickly corrected and are completed prior to reporting child counts to the Department.
- Prospective re-interviewers are individuals trained to conduct personal interviews and to understand and apply program eligibility requirements, but who did not work on the initial eligibility determinations being tested.

# ANNUAL PROSPECTIVE RE-INTERVIEWING: “INDEPENDENT” RE-INTERVIEWERS

- Independent re-interviewers may not be SEA or LOA staff members working to administer or operate the State MEP.
- At least once every three years until September 1, 2020, SEAs must use one or more independent re-interviewers.
- Beginning September 1, 2020, an SEA must use one or more independent re-interviewers to validate child eligibility determinations made during one of the first three full performance reporting periods (September 1 through August 31) following the effective date of a major statutory or regulatory change that directly impacts child eligibility (as determined by the Secretary).

(see 34 CFR 200.89(b)(2))

# DISCUSSION

1. Considering the process from start to finish, what do you perceive as your State's greatest ID&R challenge? Possible challenges might include, but are not limited to:
  - Identifying children who are not enrolled in K-12 schools (birth-pre-K and out of school youth)
  - Obtaining the necessary information from families
  - Training recruiters
  - COE review/approval process
  - Addressing common errors on the COE
  - Annual re-interviews
2. How has your State addressed this challenge or what are some ways that other States have addressed the same challenge?

# RESOURCES

Please visit our coordination website, [www.RESULTS.ed.gov](http://www.RESULTS.ed.gov), for additional information, including:

- ID&R Manual and Curriculum
- Technical Assistance Guide on Re-interviewing
- National COE Instructions
- MEP Non-Regulatory Guidance
- Policy Questions and Answers
- Presentations on MEP Eligibility and the National COE (see 2019 NDO, 2019 NASDME, 2018 and 2017 ADM, 2017 National ID&R Forum, and 2017 webinars)

Resources are also available from the Identification and Recruitment Rapid Response Consortium (IRRC) at: [www.idr-consortium.net](http://www.idr-consortium.net)

**THANK YOU**

Sarah Martinez  
sarah.martinez@ed.gov

**RESULTS.ED.GOV**

