

BASIC MIGRANT EDUCATION PROGRAM (MEP) ELIGIBILITY

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OBJECTIVES

- Improve understanding of the basic requirements for determining and documenting MEP eligibility
- Apply eligibility requirements and guidance to fictional scenarios
- Consider possible improvements to 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 and 200.103(a)

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*

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, SEASONAL, AND PERSONAL SUBSISTENCE

- **Temporary employment:** Lasts for a limited period of time, usually a few months, but no longer than 12 months.
- **Seasonal employment:** Occurs only during a certain period of the year because of the cycles of nature and that, by its nature, may not be continuous or carried on throughout the year
- **Personal subsistence:** The worker and the worker's family, as a matter of economic necessity, consume, as a substantial portion of their food intake, the crops, dairy products, or livestock they produce or the fish they catch.

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

AGRICULTURE OR FISHING

- **Agricultural work:** The production or initial processing of raw agricultural products, such as crops, poultry, or livestock; dairy work; as well as the cultivation or harvesting of trees, that is performed for wages or personal subsistence.

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

- **Fishing work:** The catching or initial processing of fish or shellfish; as well as the raising or harvesting of fish or shellfish at fish farms, that is performed for wages or personal subsistence.

(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*)

“QUALIFYING ARRIVAL DATE” (QAD)

- The QAD is the date that the child’s eligibility for the MEP begins.
- Children are eligible for the MEP 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.

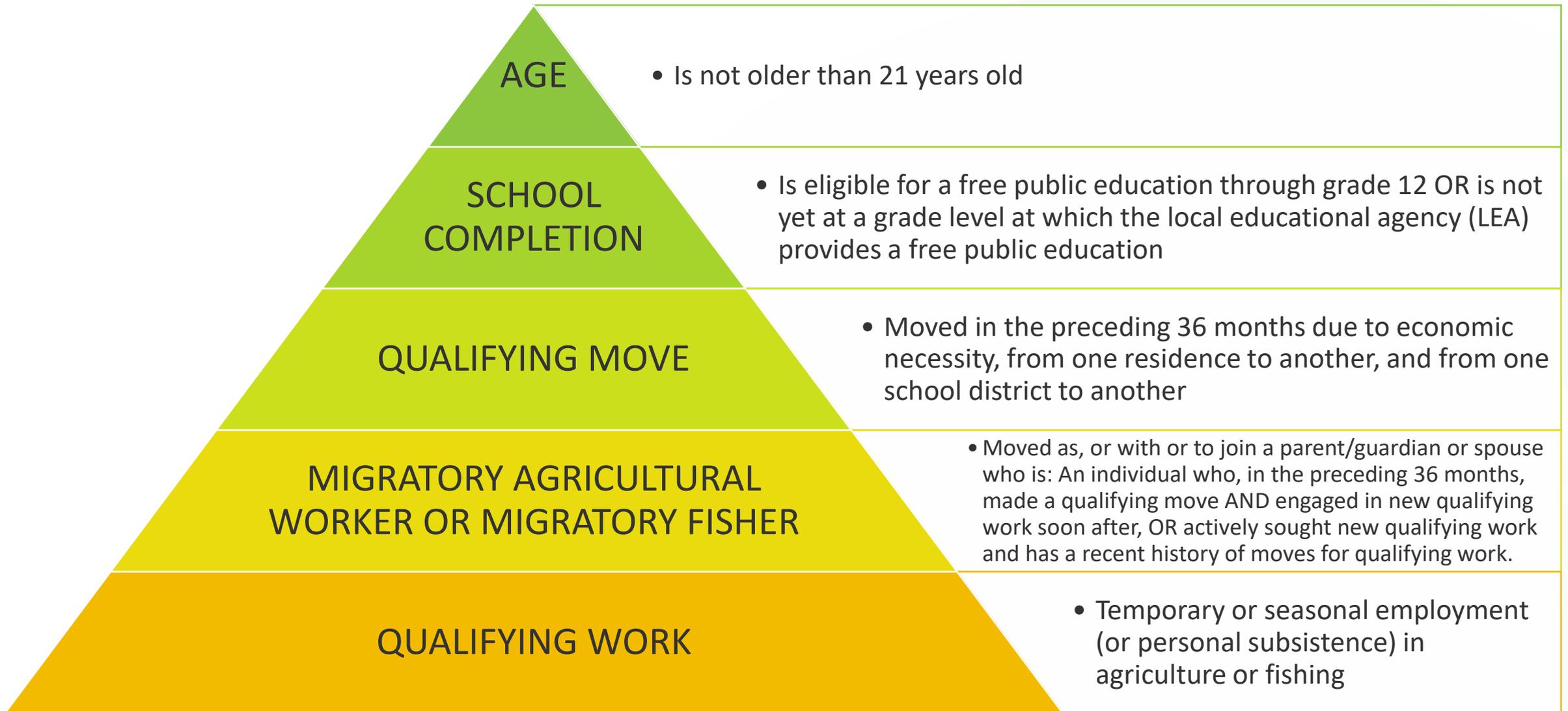
CHILD'S MOVE WITH OR TO JOIN PARENT/GUARDIAN OR SPOUSE

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 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



KNOWLEDGE CHECK 1

Which of the following is NOT a basic factor in determining an individual's eligibility for the MEP?

a. *Age*

b. *Total Household Income*

c. *Eligible for free public education through grade 12*

d. *Moved from one school district to another*

e. *Moved in the preceding 36 months*

KNOWLEDGE CHECK 2

*The worker must have moved in order to obtain qualifying work.
TRUE or FALSE?*

FALSE. Although the worker must have moved due to economic necessity (part of the definition of a “qualifying move”), it is not necessary to determine whether he or she moved with the *intent* of finding a specific type of employment.

The focus is on whether the individual engaged in new qualifying work soon after the move, and if not, whether the individual actively sought qualifying work (and has a recent history of moves for qualifying work).

KNOWLEDGE CHECK 3

The worker moved on August 1, 2018 and began qualifying work two weeks later, on August 15, 2018. The worker's child joined the worker on September 1, 2018. What date does the child's eligibility for the MEP begin?

- a. August 1: The date the worker moved*
- b. August 15: The date the worker began the qualifying work*
- c. September 1: The date the child moved*

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)

COE SECTION III: QUALIFYING MOVES AND WORK

1. The child(ren) listed on this form moved due to economic necessity from a residence in School district / City / State / Country to a residence in School district / City / State.
2. The child(ren) moved (complete both a. and b.):
 - a. as the worker, OR with the worker, OR to join or precede the worker.
 - b. The worker, [First and Last Name of Worker], is 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 MM/DD/YY.
4. The worker moved due to economic necessity on MM/DD/YY, from a residence in School district / City / State / Country to a residence in School District/ City / State, 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. actively sought new qualifying work AND has a recent history of moves for qualifying work (provide comment)
5. The qualifying work,* describe agricultural or fishing work was (make a selection in both a. and b.):
 - a. seasonal OR temporary employment
 - b. 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.

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!
- Follow your State's process for resolving eligibility questions.

ELIGIBILITY SCENARIOS

SCENARIO 1

Maria became unemployed in June 2018 and was unsuccessful in her efforts to find work in Pine Bluff, AR. On September 15, 2018, Maria and her two year old daughter, Reina, moved from Pine Bluff to Bradenton, FL. One week later, Maria began a seasonal job picking oranges.

Is Reina eligible for the Florida MEP? Explain why or why not.

SCENARIO 1: RATIONALE

Reina is eligible for the Florida MEP because she:

- ✓ Meets the definition of a “child” (under 22 years old and is not yet at a grade level at which the LEA provides a free public education);
- ✓ Made a “qualifying move” in the preceding 36 months (September 15, 2018);
- ✓ Made the qualifying move with her mother who is a “migratory agricultural worker”

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

- ✓ Made a qualifying move in the preceding 36 months (September 15, 2018), soon after which she engaged in new qualifying work (seasonal employment picking oranges).

SCENARIO 1: 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 with the worker, OR to join or precede the worker.
 - b. The worker, Maria [and Last Name of Worker], is 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 09/15/18.
4. The worker moved due to economic necessity on 09/15/18, from a residence in School district / Pine Bluff / AR / US to a residence in School District/ Bradenton / FL, 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. 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. seasonal OR temporary employment
 - b. 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

Jose moved from Mercedes, Texas to Carrizo Springs, Texas, to work harvesting cantaloupe. His wife and 12 year old son, Ramon, remained at home. Jose arrived in Carrizo Springs on April 23, 2018, and began work that week. He returned home after work ended on June 20, 2018. Later that summer on August 10, 2018, the family moved to more affordable housing in Weslaco, Texas.

Is Ramon eligible for the Texas MEP? Explain why or why not.

SCENARIO 2: RATIONALE

Ramon is eligible for the Texas MEP because he:

- ✓ 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 10, 2018);
- ✓ Made the qualifying move with his father who is a “migratory agricultural worker”

Ramon’s father is a “migratory agricultural worker” because he:

- ✓ Made a qualifying move in the preceding 36 months (April 23, 2018), soon after which he engaged in new qualifying work (seasonal employment harvesting cantaloupe).

SCENARIO 2: COE

1. The child(ren) listed on this form moved due to economic necessity from a residence in School district / Mercedes / TX / US to a residence in School district / Weslaco / TX.
2. The child(ren) moved (complete both a. and b.):
 - a. as the worker, OR with the worker, OR to join or precede the worker.
 - b. The worker, Jose [and Last Name of Worker], is 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 08/10/18.
4. The worker moved due to economic necessity on 04/23/18, from a residence in School district / Mercedes / TX / US to a residence in School District/ Carrizo Springs / TX, 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. actively sought new qualifying work AND has a recent history of moves for qualifying work (provide comment)
5. The qualifying work,* harvesting cantaloupe was (make a selection in both a. and b.):
 - a. seasonal OR temporary employment
 - b. 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 3

On October 1, 2018, Georgina moved from Oklahoma to Nebraska in search of work. On October 22, 2018, Georgina began work in a poultry processing facility, splitting the chicken carcasses. When school closes for winter break on December 15, 2018, Georgina's 15 year old daughter, Christina, moves to join her mother in Nebraska. When interviewed by a MEP recruiter on February 1, 2019, Georgina states that although the work pays well, she doesn't think she will stay much longer (maybe one more month) because of the working conditions.

Is Christina eligible for the Nebraska MEP? Explain why or why not.

SCENARIO 3: RATIONALE

Christina is eligible for the Nebraska MEP 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 (December 15, 2018);
- ✓ Made the qualifying move to join her mother, who is a “migratory agricultural worker”

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

- ✓ Made a qualifying move in the preceding 36 months (October 1, 2018), soon after which she engaged in new qualifying work (temporary employment splitting chicken carcasses).

SCENARIO 3: COE

- 1. The child(ren) listed on this form moved due to economic necessity from a residence in School district / City / **OK** / **US** to a residence in School district / City / **NE**.
- 2. The child(ren) moved (complete both a. and b.):
 - a. as the worker, OR with the worker, OR to join or precede the worker.
 - b. The worker, **Georgina** [and Last Name of Worker], is 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 **12/15/18**. The worker moved on **10/1/18**. (provide comment)
- 3. The Qualifying Arrival Date was **12/15/18**.
- 4. The worker moved due to economic necessity on **10/1/18**, from a residence in School district / City / **OK** / **US** to a residence in School district / City / **NE**, 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. actively sought new qualifying work AND has a recent history of moves for qualifying work (provide comment)
- 5. The qualifying work,* **splitting chicken carcasses** was (make a selection in both a. and b.):
 - a. seasonal OR temporary employment
 - b. 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.

REFLECT & SHARE

IMPACT ON IDENTIFICATION AND RECRUITMENT (ID&R)

Considering what you have learned today about MEP eligibility, how do you think this might impact your ID&R methods (as a recruiter, district, local program, and/or State)?

RESOURCES

Please visit our coordination website, www.RESULTS.ed.gov, for additional information, including:

- ID&R Manual and Curriculum
- National COE Instructions
- MEP Non-Regulatory Guidance
- Policy Questions and Answers
- Presentations on MEP Eligibility and the National COE: 2019 New Directors Orientation (NDO), 2017 and 2018 Annual Directors Meetings (ADMs), 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

THANK YOU

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