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

Discuss pandemic-related circumstances that have caused a change in your Statewide ID&R processes and procedures.

Help States continue to effectively identify and recruit families into the Migrant Education Program (MEP).

Improve understanding of the required quality controls for the proper identification and recruitment of eligible migratory children.

Improve understanding of the basic requirements for determining and documenting MEP eligibility.
REFERENCES

- Statute
  - Sections 1115(b) and (c), 1304(c)(2), and 1309 of the Elementary and Secondary Education Act (ESEA) of 1965, as amended

- 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
• How many years of experience do you have working with MEP eligibility determinations?

GETTING TO KNOW YOU

• Less than 1 year
• 1 – 4 years
• 5 – 10 years
• 11- 20 years
• More than 20 years
**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).
An effective Statewide ID&R action plan can become the center of a network that connects migratory families and youth to schools and communities.

When schools, growers and other agencies know the MEP and trust MEP staff, they are more likely to allow recruitment on-site and virtually.

Recognizing the value of effective Statewide ID&R is the first step in the right direction.
AN ACTION PLAN—IMPORTANT NOW MORE THE EVER

The State action plan could also include useful resources including:

- A statewide map of where migratory families live and work;
- A calendar with seasonal crop activities;
- Profiles of major crops and employers;
- Recruiter resources for recruiting in schools, community, agribusinesses/farms and homes.
The local action plan should build on the State’s action plan for balanced recruitment and should provide direction for local recruiters. The local action plan could also include useful resources like:

a. procedures that focus on recruiter safety and related contacts;

b. a consolidated calendar that tells when to recruit in specific areas (including information like seasons for major crop activities, housing availability, school calendar);

c. maps or directions to major employers, agencies, and schools;
ACTION PLANNING AT THE LOCAL LEVEL II

d. who to contact at specific farms, agencies, or schools;

e. enrollment procedures for specific schools;

f. hiring procedures used by individual employers; and

g. any memoranda of understanding (MOUs) between service providers.
IDENTIFICATION AND RECRUITMENT (ID&R) DURING THE PANDEMIC

• Given the disproportionate impact of the pandemic on vulnerable populations—including migratory children and families—ID&R is more critical than ever.

• Flexibilities in the May 2020 Fact Sheet: Addressing the Risk of COVID-19 While Serving Migratory Children:
  o Remote interviews
  o Interviewee signature not required to approve a Certificates of Eligibility (COEs)—for interviews conducted remotely
  o Remote re-interviews

POP QUIZ!

Due to the COVID-19 pandemic, some currently eligible migratory children approaching the end of their MEP eligibility might not make another qualifying move. Can a State extend a child’s MEP eligibility beyond 36 months, due to the pandemic? (Yes/No)

No. The 36-month period of eligibility is established by Federal law and may not be extended by States.

However, States may continue to provide MEP services to formerly eligible migratory children:

• Until the end of the school term in which their eligibility ended;

• For one additional school year, if comparable services are not available through other programs.

• Through credit accrual programs until graduation, for those migratory students who were eligible for the MEP in secondary school.

(see sections 1309(2) & 1304(e) of the ESEA & Chapter II, C1-C2 of MEP NRG)
CATEGORY I & II NATIONAL CHILD COUNTS

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<td>2020-21</td>
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(preliminary)
1. Considering the critical importance of effective ID&R in the current environment, 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)
   • Addressing changes in the labor market
   • Obtaining the necessary information from families
   • Training recruiters
   • COE review/approval process
   • Addressing common errors on the COE

2. How has your State addressed this challenge?
MEP ELIGIBILITY CRITERIA
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!
DOCUMENTING ELIGIBILITY

- States and their local MEPs must use the national COE to document the eligibility determinations of migratory children.
- States may add State-specific information, within parameters of instructions.
- COEs must be completed based on the known facts at the time of the interview.
- COEs must be signed by the interviewee, the recruiter/interviewer, and at least one SEA-designated reviewer.

(see 34 CFR 200.89(c) and National Certificate of Eligibility (COE) Instructions (OMB Control Number 1810-0662))
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:
  o For single-district States, must be from one administrative area to another
  o 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)
Miguel made a qualifying move last month as a migratory agricultural worker. He is 20 years old and dropped out of high school in 10th grade. In the State where Miguel currently resides, children are entitled to a free public education (through grade 12) through the age of 18. Can the State consider Miguel eligible for the MEP? (Yes/No)

No. The statute defines a “child” in two parts: a) not older than 21 years of age and b) entitled to a free public education (through grade 12) under State law or not yet at a grade level at which the LEA provides a free public education.
KNOWLEDGE CHECK 2

Which of the following is not a required component of a MEP qualifying move?

A. Economic necessity
B. Educational interruption
C. From one residence to another
D. From one school district to another
On April 15, 2020, Mary made a qualifying move on her own from Sioux Falls, SD to Denison, IA, and soon after that move, engaged in seasonal work planting corn. On November 1, 2020, Mary and her three school-aged children made a qualifying move from to Sioux Falls, SD to Canton, SD. Although they moved from one school district to another, the children remain enrolled in their previous schools in Sioux Falls, commuting approximately 30 miles each day. Are the children eligible for the MEP?

YES. They made a qualifying move in the preceding 36 months with their mother, who is a migratory agricultural worker. The MEP statute and regulations do not require that a child attend school in a new school district or that a child’s education be interrupted, but simply have moved from one school district to another.
“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)
KNOWLEDGE CHECK 4

Qualifying work does not include the production or initial processing of which of the following animals?

A. Beef cattle  
B. Dairy cows  
C. Chickens  
D. Bison  
E. Pheasants for recreational hunting

(see section 1309(2) of the ESEA, 34 C.F.R. § 200.81(a), and Chapter II, F6 and F8 of MEP NRG)
MIGRATORY AGRICULTURAL WORKERS AND MIGRATORY FISHERS

Mobility (qualifying move within 36 months)

Agriculture or Fishing

Seasonal or Temporary Employment (or Personal Subsistence)

Qualifying Work
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: THE 5 KEY FACTORS

AGE
- Not older than 21 years old

SCHOOL COMPLETION
- Eligible for a free public education through grade 12 OR not yet at a grade level at which the local educational agency (LEA) provides a free public education

QUALIFYING MOVE
- Moved in the preceding 36 months due to economic necessity, from one residence to another, and from one school district to another

MIGRATORY AGRICULTURAL WORKER OR MIGRATORY FISHER
- Moved as, or with or to join a parent/guardian or spouse who is: An individual who, in the preceding 36 months, made a qualifying move AND engaged in new qualifying work soon after, OR actively sought new qualifying work and has a recent history of moves for qualifying work.

QUALIFYING WORK
- Temporary or seasonal employment (or personal subsistence) in agriculture or fishing
“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
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.
SCENARIO 1

Joel is a 19-year-old who dropped out of high school in 10th grade. After searching for employment for several months, he moved from Oklahoma to Kansas on September 1, 2020. On September 15, 2020, he began a seasonal job cutting hay. Is Joel eligible for the Kansas MEP? (Yes/No)

Yes. Joel is eligible for the Kansas MEP because he is a child who made a qualifying move within the preceding 36 months as a migratory agricultural worker. He is a migratory agricultural worker because he made a qualifying move within the preceding 36 months, soon after which he engaged in new qualifying work (seasonal employment in agriculture).
SCENARIO 1 COE

1. The child(ren) listed on this form moved due to economic necessity from a residence in School district / City / Oklahoma / Country to a residence in School district / City / Kansas.

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, ____Joel__________________, 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 ____09/01/20______.

4. The worker moved due to economic necessity on ____09/01/20______, from a residence in School district / City / Oklahoma / Country to a residence in School District/ City / Kansas, 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,* _________cutting hay________ 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 1: BONUS QUESTION!

After the seasonal qualifying work of cutting hay ends, Joel ends up staying on with his employer working a series of temporary jobs such as feeding, tagging and mending fences for cattle. When his employment ended 15 months later, Joel returned home to Oklahoma on December 19, 2021. Can the Oklahoma recruiter recruit Joel for the most recent temporary qualifying work that Joel performed?

No. Workers who are hired to work for more than 12 months by the same employer, regardless of how many different jobs they perform, are not “engaged in new temporary or seasonal employment” as provided in the definitions of migratory agricultural worker and migratory fisher.
SCENARIO 2

On June 20, 2020, eight-year-old Lidia and her mother, Yselda, left their home in Texas for a temporary job in a poultry processing plant in Nebraska. During an overnight stay in Oklahoma, Yselda received word that the poultry plant had closed indefinitely due to an outbreak of COVID-19. Yselda and Lidia returned home to Texas. Is Lidia eligible for the MEP? (Yes/No)

No. The family intended to make a qualifying move to Nebraska, but never did. There was no change in residence- they were at a stop-over site and returned back to their original location.

Even if they completed the intended move to Nebraska and you consider Yselda to have actively sought the work but didn’t engage due to the plant closure, there is no indication that she has a recent history of moves for qualifying work.
SCENARIO 3

On April 8, 2021, Mario moved from Oregon to Idaho for a job picking asparagus. His wife, Samantha and their two boys, Javier and Julian, remained at home so they could finish first and fourth grades. Mario began work two days after he arrived in Idaho. After the work ended, Mario, Raquel, Javier, and Julian met in Montana on June 2, 2021, where they had secured more affordable housing and Samantha found work as a seamstress.

Are Javier and Julian migratory children?
SCENARIO 3: 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 2, 2021);

- 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 (April 8, 2021), soon after which he engaged in new qualifying work (seasonal employment picking asparagus).
SCENARIO 3 COE

1. The child(ren) listed on this form moved due to economic necessity from a residence in School district / City / Oregon / Country to a residence in School district / City / Montana.

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, __________________________, 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 __06/02/21__. The worker moved on __04/08/21__. (provide comment)

3. The Qualifying Arrival Date was __06/02/21__.

4. The worker moved due to economic necessity on __04/08/21__, from a residence in School district / City / Oregon / Country to a residence in School District / City / Idaho, 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 asparagus_________ 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 4

Cinthia and her parents moved from Maryland to Virginia on September 10, 2020 because her father, Ralph, had been unable to find work for several months. One week later, Ralph began a seasonal job picking apples. When the apple harvest ended, Cinthia’s mother, Anita, was able to find steady work as a bookkeeper for the farm. When coronavirus cases began escalating, the family moved back to Maryland on March 16, 2021 to take care of Cinthia’s grandparents. Due to lack of employment in Maryland, Ralph, the father, moved to Georgia to plant Vidalia onions on June 15, 2021. He returned to the family in Maryland on September 20, 2021. What is Cinthia’s QAD?

A. September 10, 2020
B. March 16, 2021
C. June 15, 2021
D. September 20, 2021
E. None- she is not eligible for the MEP
SCENARIO 4 COE

1. The child(ren) listed on this form moved due to economic necessity from a residence in School district_/ City_/ Maryland_/ Country___ to a residence in ___School district_ / City_/ Virginia_.

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, ___Ralph______________, 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 ____09/10/20____.

4. The worker moved due to economic necessity on ___09/10/20__, from a residence in School district_/ City_/ Maryland/ Country___ to a residence in School District/_ City_/ Virginia_, 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 apples_________ 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 5

Diana, age 15, and her parents live in Peoria, Illinois. Diana and her parents moved to St. Joe, Indiana on July 13, 2021. For as long as Diana can remember, the family has moved to St. Joe each summer, where her father worked a seasonal job canning pickles. When they moved in July 2021, Diana’s father, Zeke, went to the cannery where he had worked for the previous two summers and found that the cannery had closed. Is Diana eligible for the MEP?

YES. Diana made a qualifying move in the preceding 36 months with her father, who is a migratory agricultural worker.
SCENARIO 5 COE

1. The child(ren) listed on this form moved due to economic necessity from a residence in School district / City / Illinois / Country to a residence in School district / City / Indiana.

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, ______Zeke____________________, 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 __07/13/21______.

4. The worker moved due to economic necessity on __07/13/21__, from a residence in School district / City / Illinois / Country to a residence in School District / City / Indiana, 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,* _______canning pickles_______ 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__________.
RESOURCES

Please visit our coordination website, 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
THANK YOU

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