# National Identification and Recruitment Curriculum Trainer’s Resource Materials: Module 6 Level 1 Determining Eligibility: Child Eligibility Factors

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| How to Use the Trainer’s Resource Materials | | | | |
| **Name of Activity** | **Slide #** | **Title of Resource Page(s)** | **Page #** | **Prep Directions for  Resource Pages** |
| Find Your Match | 6 | MEP Terms and Definitions Template | 5–11 | Number of copies for this activity to be determined by number of participants. See directions below. You may wish to print the template on cardstock.  Cut-apart template cards:  Make enough template copies so every participant has a card. One set contains 26 cards. If you have more than 26 participants, make two sets of the template and only give out the number of pairs of cards that you will need.  Prepare for an odd number of participants by having one extra definition card of your choice. This means there will be one group of three with one term card and two definition cards.  Give each table group either term or definition cards, not both. This will ensure that participants are getting up and speaking with other participants to find their match.  Cards must be set out once all participants have sat down to make sure you have the right number of cards at each table. |
| Name of Activity | Slide # | Title of Resource Page(s) | Page # | Prep Directions for  Resource Pages |
| Experts in the Field | 9 | Experts in the Field: |  | Copies for this activity will be determined by the trainer. Below are several options:  Option 1: Provide each participant with a complete packet of all five readings.   Option 2: Provide each participant only a copy of his or her assigned reading. If this option is chosen, the Outline Pages will be extremely important to ensure participants walk away with the content and language they were charged with learning. You may wish to write the number of the reading on the back of each so you can tell at a glance if participants have made their way to the correct group. You may also wish to copy each reading on different colored paper.  Option 3: Modify the above topics to fit your state ID&R manual, and ask participants to bring their manuals to the training. Please make sure to include page numbers for the appropriate topics on the slide for easy reference. |
| The Recruiter’s Role and The Recruiter’s Instinct | 12–13 |
| Primary Resources to Help Determine Eligibility | 14–15 |
| MEP Program Requirements and Guidance | 16 |
| Collecting Relevant Information to Support Eligibility Determination | 17–18 |
| Child Eligibility Factors | 19–22 |
| Eligibility Scenarios | 14 | Eligibility: Scenarios 1–5 | 23–32 | Create a packet of five scenarios and the Child Eligibility Checklist for each participant. |
|  |  | Eligibility: Scenarios 1–5 – Keys | 33–42 | One copy of the Keys, for trainer only.  Note: The *National ID&R Manual,* Appendix IX: New |
| Name of Activity | Slide # | Title of Resource Page(s) | Page # | Prep Directions for  Resource pages |
| Eligibility Scenarios *(continued)* |  |  |  | Recruiter Self-Check provides 15 additional scenarios, ranging from basic- to intermediate-level cases. If the audience is primarily new recruiters, you may wish to only address the basic scenarios at your first training and move on to more difficult scenarios in future trainings. If you have a mixed audience, you may want to have basic and intermediate scenarios, but make sure to pair advanced recruiters with beginning recruiters. |
| Level 1: Assessment | 17 | Level 1: Assessment and Key | 43  44 | One copy of the assessment per participant; Key is for trainer only. |

# Find Your Match Activity

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| MEP Terms and Definitions Template | |
| Terms | Definitions |
| 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. |
| Certificate of Eligibility  (COE) | A form created by the U.S. Department of Education which serves as the official record of the State’s eligibility determination for each individual child. |

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| MEP Terms and Definitions Template | |
| Terms | Definitions |
| 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. |
| Migratory Agricultural Worker | An individual who made a qualifying move in the preceding 36 months and, after doing so, 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. If an individual did not engage in such new employment soon after a qualifying move, such individual may be considered a migratory agricultural worker if the individual actively sought such new employment and has a recent history of moves for temporary or seasonal agricultural employment. |

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| MEP Terms and Definitions Template | |
| Terms | Definitions |
| Migratory Child | A child who has met the following conditions:   1. The child is not older than 21 years of age; *and* 2. The child is entitled to a free public education (through grade 12) under state law, *or* 3. The child is not yet at a grade level at which the LEA provides a free public education, *and* 4. The child made a qualifying move in the preceding 36 months as a migratory agricultural worker or a migratory fisher, or did so with, or to join a parent/guardian or spouse who is a migratory agricultural worker or a migratory fisher; *and* 5. With regard to the qualifying move identified in paragraph 3, above, the child moved due to economic necessity from one residence to another residence, and    1. From one school district to another; *or*    2. In a state that is comprised of a single school district, has moved from one administrative area to another with such district; *or*   Resides in a school district of more than 15,000 square miles and migrates a distance of 20 miles or more to a temporary residence. |
| Migratory Fisher | An individual who made a qualifying move in the preceding 36 months and, after doing so, engaged in new temporary or seasonal employment or personal subsistence in fishing. If the individual did not engage in such new employment soon after the move, the individual may be considered a migratory fisher if the individual actively sought such new employment and has a recent history of moves for temporary or seasonal fishing employment. |

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| MEP Terms and Definitions Template | |
| Terms | Definitions |
| 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. |
| Qualifying Arrival Date (QAD) | .A child may be identified as a “migratory child” when the child and the worker (if the child is not the worker) complete qualifying moves. This is often referred to as the “qualifying arrival date” (QAD) for purposes of the COE. In situations where the child and parent do not move together, the “to join” date is the day that the child and worker complete the move to be together. If the child’s move precedes the worker’s move, the qualifying arrival date is the date that the worker arrived. If the child’s move followed the worker’s move, the QAD is the date the child arrived. |

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| MEP Terms and Definitions Template | |
| Terms | Definitions |
| Qualifying Move | A move made due to economic necessity (A) from one residence to another residence; and (B) from one school district to another school district, except (i) in the case of a state that is comprised of a single school district, wherein a qualifying move is from one administrative area to another within such district; or (ii) in the case of a school district of more than 15,000 square miles, where a qualifying move is a distance of 20 miles or more. |
| Qualifying Work | Temporary or seasonal employment or personal subsistence in agriculture work or fishing. |

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| MEP Terms and Definitions Template | |
| Terms | Definitions |
| Seasonal Employment | Employment that 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. |
| Temporary Employment | Employment that lasts for a limited period of time, usually a few months, but no longer than 12 months. It typically includes employment where the employer states that the worker was hired for a limited time frame; the worker states that the worker does not intend to remain in that employment indefinitely; or the SEA has determined on some other reasonable basis that the employment is temporary. |
| To Join Move | Is a qualifying move in which the child and parent, who is a migratory agricultural worker, do not move together. The QAD is the day that the child and worker complete the move to be together. If the child’s move precedes the worker’s move, the QAD is the date that the worker arrived. If the child’s move followed the worker’s move, the QAD is the date the child arrived. |

# Experts in the Field: (1a) The Recruiter’s Role

It takes time and effort for the recruiter to complete the initial training, create an individual ID&R action plan, build a recruitment network, and learn the nuances of interviewing. However, all of this is critical preparation for one of the most important parts of the recruiter’s job: making accurate preliminary eligibility determinations.

One of the primary responsibilities for a State in administering and operating the MEP is to identify those children who are eligible for the MEP so they can receive the services they need. States are also required to provide to ED an unduplicated annual count of the number of eligible migratory children who reside in the state. The State’s ability to report this number accurately depends almost entirely on how adequately and accurately recruiters are when they make eligibility determinations. Eligible migratory children are deprived of services they need if the State serves ineligible children with MEP funds. Furthermore, the State may have to repay to ED any MEP funds spent on ineligible children. Thus, accurate eligibility determinations are critical for a state to have an effective, compliant MEP. The cycle of responsible eligibility decisions begins with the MEP recruiter.

Although the recruiter’s role in making preliminary eligibility determinations is critical, he or she should not feel overwhelmed by this responsibility. If the recruiter works hard to learn the eligibility requirements, applies that knowledge consistently, and seeks help from supervisors whenever he or she has an eligibility question, the recruiter will be able to identify and recruit migratory children who are truly eligible for the MEP.

If the recruiter has used a supplemental interview form, such as the Sample Interview Script in the *National ID&R Manual*, Appendix VIII: Sample Interview Script to gather all the information needed to make an eligibility determination, typically, a simple review of the criteria in the child eligibility factors should lead the recruiter to conclude, “yes, this child is eligible” or “no, this youth is not eligible.” This process is straightforward. Questions occasionally arise when the information the recruiter receives on a particular factor or set of factors is unique or unclear. For example, a worker may have moved to perform an unusual agricultural activity that the State has not previously encountered.

Migratory families may have elaborate histories that pose challenges to a recruiter in making an eligibility determination. To ensure that all eligible children are identified and able to enroll in the MEP program, a recruiter must analyze a family’s history even if it does not, at first glance, fit eligibility criteria, or because all the facts are not immediately apparent.

Any time the recruiter has a question regarding whether a child or youth is eligible for the program, he or she should ask the supervisor for help. For example, the recruiter could say, “Mr. Gomez works in a local nursery for 10 months of the year. His wife works at a local restaurant. They spend a month in Mexico over the holidays and come back when his job starts again in late winter. I’m not sure if Mr. Gomez’s children qualify for the MEP. Can you help me decide?” Every program has people at both the local and state level who are responsible for resolving eligibility questions like this one. It is important for every recruiter to know who has this responsibility and to feel comfortable contacting that person when questions arise.

# Experts in the Field: (1b) The Recruiter’s Instinct

Some experienced recruiters have said, “It only takes me about two minutes into the interview to tell if a child is eligible for the migrant program!” Can a recruiter truly develop an instinct or intuition for who is eligible and who is not? Over time, most workers develop a sense about their jobs, and the recruiter is no different. Thus, there are specific situations and places in which the new recruiter may begin to make educated guesses. For example, in many regions of “receiving states,” migratory families tend to live in particular housing units within the community (e.g., apartments in farming communities that offer short-term leases). Also, certain farms are more likely to employ migratory workers. The recruiter can gather clues about eligibility from the way people answer questions or from visual clues.

However, while instinct or educated guesses based on experience can help the recruiter focus on the children who are the most likely to be eligible for the MEP, there is no substitute for asking the necessary questions to determine if a child meets the criteria in the Child Eligibility Checklist. The new recruiter could use intuition as a guide on the most produc­tive places to recruit as well as when to probe more deeply, look for more evidence, find another source, or ask a question a second time. However, when making a preliminary eligibility determination, the decision must be based on facts and evidence, not simply on “gut feelings,” because that may not result in making an adequate and accurate determination. If the same experienced recruiter who can make quick determinations were asked, “How long did you have to recruit before you could tell which families were eligible in two minutes,” the answer would very likely be “Years!”

# Experts in the Field: (2) Primary Resources to Help Determine Eligibility

Several documents lay out the eligibility requirements for the MEP. The three sources listed below contain the eligibility definitions and requirements that recruiters are required to use to determine if a child or youth is eligible for the MEP. They include the relevant sections of the following:

1. The law or statute – The Elementary and Secondary Education Act (ESEA) of 1965, as amended by the Every Student Succeeds Act (ESSA).
2. The regulations – Regulations refer to the Code of Federal Regulations (CFR) which contain regulatory requirements that are legally binding.
3. State requirements, if any – States may have additional policies and guidance that may affect how eligibility determinations are interpreted or how services are administered.

In addition, there are several resources that have been developed to help recruiters determine a child or youth’s eligibility for the MEP. These tools include the following:

* Non-Regulatory Guidance (NRG), Education of Migratory Children under Title I, Part C of the ESEA is designed to help state educational agencies (SEAs) and LOAs use MEP funds to develop and implement supplemental educational and support services to help migratory children. The 2017 NRG replaces all prior non-regulatory guidance for the MEP. Compliance with the NRG will be deemed by ED officials, including the Inspector General, as compliance with the applicable federal statutes and regulations. The NRG does not impose requirements beyond those in the ESEA and other federal statutes and regulations that apply to the MEP. While states may wish to consider the NRG, they are free to develop their own approaches that are consistent with applicable federal statutes and regulations. The NRG is not intended to be prescriptive or exhaustive. It is one of many resources for SEAs and LOAs to use as they determine how best to meet the needs of migratory students in a manner consistent with the requirements of the ESEA and MEP regulations. It is intended to be read in conjunction with the authorizing statute, applicable regulations, and ED’s guidance on other programs (such as Title I, Part A, and Title III) that are relevant to the MEP.
* The *National ID&R Manual* is designed to assist SEAs in developing state ID&R systems for the MEP, thereby correctly implementing the MEP statute and regulations.
* The *National ID&R Curriculum* consists of eight modules, each based on one or more chapters of the *National ID&R Manual,* which is intended to provide the core knowledge and skills a recruiter should master to properly identify and recruit migratory children and make preliminary eligibility decisions.
* The Child Eligibility Checklist is a tool intended to guide recruiters through the eligibility factors to help them determine child eligibility for MEP services.
* The *National ID&R Manual,* Chapter 6: Interviewing Migratory Families and Youth, and Appendix VIII: Sample Interview Script provides information on preparing to interview families and conducting the interview.
* The *National ID&R Manual,* Chapter 7: Determining Eligibility reinforces and expands upon the child eligibility information in this training.
* National Certificate of Eligibility (COE) Instructions and the *National ID&R Manual,* Chapter 8: Completing the Certificate of Eligibility provide information on how to complete the COE, including terminology and required data elements.
* The *National ID&R Manual,* Appendix IX: New Recruiter Self-Check provides eligibility scenarios that recruiters can process, using the Child Eligibility Checklist, and answers to check their mastery of eligibility determination for the MEP.
* The RESULTS website (<https://results.ed.gov)> is OME’s website that includes legislation, tools, and resources for operating the MEP.
* State manuals and/or recruitment tools.

Figure 1. Organization of Program Requirements and Guidance

# Experts in the Field: (3) MEP Program Requirements and Guidance

The MEP Statute*.* The ESEA is the statute authorizing the MEP as well as other educational programs at the federal level. It was first enacted by the U.S. Congress in 1965. The ESEA provides basic provisions for how SEAs and LOAs are to operate the MEP, including the definitions of the basic terms. It has been amended (or “reauthorized”) several times since 1965. The current amendment to the ESEA is known as the Every Student Succeeds Act (ESSA). Title I, Part C of the ESEA includes the laws related to migratory students. Congress can change the ESEA only by enactment of another law or amendment.

MEP Regulations. Federal regulations (CFR) are rules developed by the executive branch of the federal government and other governmental departments and agencies. Regulations interpret and fill in gaps in terms, phrases, practices, and language contained in statutes. Like the law itself, regulations are legally binding and must be followed.

For three terms defined in both the statute and program regulations (“migratory child,” “migratory agricultural worker,” and “migratory fisher”), the statutory definitions in the ESEA, as amended by the ESSA, take precedence. In addition, the term “in order to obtain,” as defined in 34 CFR § 200.81(d), is no longer applicable because the term was part of the definition of “migratory child” in the previous version of the statute (ESEA, as amended by NCLB), but has been removed from the program definitions in the current statute (ESEA, as amended by ESSA).

MEPGuidance. Chapter II: Child Eligibility in OME’s Guidance (NRG), updated in 2017 to reflect the ESEA, as amended by the ESSA, provides what OME considers to be the best and surest way to interpret and implement the MEP eligibility requirements. In addition to presenting MEP definitions and conditions in an easy-to-read question-and-answer format, the NRG also provides examples of how to comply with the law. It is intended to be the place where state and local MEP personnel can read about the MEP statute and regulations in a format that is applicable to everyday situations. Every recruiter should study Chapter II: Child Eligibility in the NRG. The recruiter should also follow the policies provided in the NRG unless they have clear written approval from state MEP officials stating otherwise.

State Requirements. States may provide their own interpretation of MEP eligibility requirements providing that the state’s interpretations are reasonable and comport with the federal statutes and regulations. The recruiter should find out if the state has any specific MEP requirements (*National ID&R Manual,* Chapter 7-4: Primary Resources to Help Determining Eligibility).

In addition, recruiters should review state policies in other areas related to migratory families and children, such as the age limit for public education, school truancy policies, eligibility for various health and social services, and requirements for reporting child neglect and abuse. The *National ID&R Manual,* Appendix I: Legal Issuesprovides information on these and other legal issues with which recruiters should be familiar.

# Experts in the Field: (4) Collecting Relevant Information to Support Eligibility De­termination

To make adequate and accurate decisions regarding eligibility, the recruiter must gather as much relevant information as possible. Additional information or documentation the recruiter may wish to collect and/or review to support the determination includes

* notes from the eligibility interview (including the family’s work history);
* school data (e.g., names and enrollment records from schools attended in the past);
* employment data (e.g., employment records, job applications, names of past employers);
* crop data (e.g., approximate dates of temporary or seasonal crop activities, qualifying local production and processing activities);
* migratory child database records, such as MSIX or a state-specific migrant database;
* family documents (e.g., birth certificates, health immunization records);
* names of other families with whom the family has worked or traveled;
* information from the recruitment network that helped the recruiter to identify the worker or family (e.g., written and verbal referrals from community agencies, school personnel, employers);
* recruiter observations, including whether what the recruiter observes is consistent with the information the interviewee provides; and
* other relevant documentation.

The recruiter should remember that records from other states, including copies of COEs, may help inform eligibility determinations. However, each state makes its own eligibility decisions, because each state is responsible for ensuring the eligibility of each child included in its annual child count.

Timing of moves for both the child and the worker is a critical consideration. The child and the worker must have made a qualifying move within the preceding 36 months of the interview. However, the child and the worker do not necessarily need to have made qualifying moves at the same time for the child to be eligible for the MEP. While in the majority of cases, the child moves with the worker (if the child is not the worker), in cases where the child and worker move at separate times, developing a timeline will assist in determining that both the child and the worker have made qualifying moves within 36 months of the interview and in identifying the QAD for the child. In addition, the recruiter should record the date on the timeline when the worker was last engaged in new qualifying work to determine if the worker meets the definition of migratory agricultural worker or migratory fisher. Please note: the worker must meet the definition of migratory agricultural worker or migratory fisher at the time the COE is approved by the SEA. Because all eligibility factors must be in place at the time the COE is approved, a COE cannot be approved if the migratory agricultural worker’s/migratory fisher’s status has expired.Following are key dates to gather for eligibility:

* When the child made a qualifying move – for eligibility, the –child, must have made a qualifying move within 36 months preceding the date of the interview as a migratory agricultural woker or a migratory fisher, or did so with, or to join a parent/guardian or spouse who is a migratory agricultural worker or a migratory fisher (NRG, Ch. II, A1)
* When the worker engaged in qualifying work after the qualifying move – for a worker who engaged in qualifying work soon after a qualifying move, “soon after the move” should be no longer than 60 days (NRG, Ch. II, C10)
* When the worker did not engage in qualifying work soon after the move– the recruiter must document a recent history of moves for qualifying work (no longer than 36 months preceding the date of the interview (NRG, Ch. II, C16)
* When the child and worker joined after their qualifying moves, if their qualifying moves are not the same date – the period in which a child and worker complete qualifying moves to come together should be no longer than 12 months (NRG, Ch. II, E4)
* When the temporary employment ended or is expected to end - the period for which employment is considered “temporary” is no longer than 12 months (NRG, Ch. II, G3 and G5)

When the worker last moved for qualifying work – the recruiter should note the date when the worker was last engaged in new qualifying work to determine if the worker meets the definition of migratory agricultural worker or migratory fisher. Please note: the worker must meet the definition of migratory agricultural worker or migratory fisher at the time the COE is approved by the SEA. Because all eligibility factors must be in place at the time the COE is approved, a COE cannot be approved if the migratory agricultural worker’s/migratory fisher’s status has expired.

# Experts in the Field: (5) Child Eligibility Factors

To assist the recruiter in making eligibility decisions, OME has developed the Child Eligibility Checklist. The checklist is based on the definition of “migratory child” in the OME Non-Regulatory Guidance (NRG, Ch. II, A1) and includes information on the qualifying work of the parent/guardian or spouse since these factors are part of the definitions of migratory agricultural worker and migratory fisher noted. To be eligible for the MEP, a child must meet all the eligibility criteria as described in the checklist.

More than a simple checklist, the Child Eligibility Checklist (see Figure 4 on page 8 of this chapter) is designed as a tool to guide the recruiter’s thinking through the child eligibility determination process. The checklist is organized by four factors. Recruiters should consider these factors when reviewing a child’s and family’s situation.

The next several paragraphs describe the factors within the Child Eligibility Checklist (Fig 4). Recruiters are encouraged to review and understand this information before using the tool.

**Factor 1: Child’s Age** determines if the child is within the age range of eligibility (not yet 22 years of age at the time of the interview). Factor 1 is checked if the child is within the age range of eligibility.

**Factor 2: Child’s School Completion Status** determines if the child is entitled to a free public education according to state law (i.e., has not graduated from high school or obtained a HSED) or the child is not yet at a grade level at which the school district provides a free educationThe recruiter should find out which children are still entitled to a free public education in his or her state. If the recruiter’s state does not entitle students to a free public education at higher-level grades (e.g., grades 11-12), the recruiter should modify the checklist to reflect only the grades in which the child is entitled to a free public education. If a question arises (e.g., the child has a secondary school degree issued by another country or has received a certificate of completion in lieu of a diploma), the recruiter should find out from state officials whether the child is entitled to continue to pursue a high school diploma in that state. Factor 2 is checked if, after considering this information, the child is entitled to a free public education according to state law or the child is not yet at a grade level at which the school district provides a free education.

**Factor 3a: Child’s Qualifying Move** and **Factor 3b: Child’s Qualifying Move Relative to the Migratory Agricultural Worker of Fisher** focus on the qualifying move of the child. In most cases, a child will move with the parent, guardian, or spouse who is the worker. If that is the case, then **Factor 3a** and **Factor 3b** do not need to be completed because this information will be verified in **Factor 3a**. However, the child may precede or join the parent, guardian, or spouse. In that case, the child’s qualifying move is **not** the same as the worker’s qualifying move for qualifying work, and **Factor 3a** and **Factor 3b** should be completed.

In some instances, a child who is a migratory agricultural worker or migratory fisher may make additional qualifying moves after the qualifying move that established him or her as a migratory agricultural worker. These additional moves will result in more recent QADs. Recruiters should be aware that these types of subsequent moves are not captured on the checklist because factors 3a and 3b are not to be completed when the child is the migratory agricultural worker or migratory fisher.

* **Factor 3a is checked if** the child has made a qualifying move in the 36 months preceding the date of the interview. If this is not the case, then the child would not qualify for MEP services even if the parent, guardian, or spouse qualifies as a migratory agricultural worker/migratory fisher.
* **Factor 3b is checked** if the child’s move was to join, or to precede a parent, guardian, or spouse who is the worker. This information is critical because the date that the child and the worker complete the move and are together establishes the QAD for when MEP eligibility begins.

**Factor 4a: Migratory Agricultural Worker’s or Migratory Fisher’s Qualifying Move** and **Factor 4b: Qualifying Work for the Migratory Agricultural Worker or Fisher** determine if the parent, guardian, spouse, or child (if the child is the worker) fits the definition of migratory agricultural worker or migratory fisher.

In order to establish an individual as a migratory agricultural worker or migratory fisher, the worker must meet the conditions in both 4a and 4b. The worker retains this status for 36 months.

* **Factor 4a** is checked if the worker made a qualifying move within 36 months preceding the date of the interview.
* **Factor 4b** is checked if, within 36 months preceding the date of the interview, the parent, guardian, spouse, or child (if the child is the worker) engaged in qualifying work soon after the qualifying move or if work was not obtained, the worker actively sought new qualifying work and had a recent history of moves for qualifying work. Factor 4b is checked if the work is seasonal, temporary, or for personal subsistence and if the work is agricultural or fishing. **In order for a child to be eligible for the MEP, the SEA must approve the COE on or before the migratory agricultural worker’s status expires.**

If the worker does not meet the conditions in both Factors 4a and 4b, then the child of the worker (or the child if the child is the worker) would not qualify for MEP services.

However, if the recruiter is unclear about whether the child or worker has met one or more of the criteria, the recruiter must resolve the issue by (1) collecting any additional information that is needed to make a determination, and (2) following the State’s procedure for resolving eligibility questions (e.g., consulting with a supervisor or asking the SEA to make a determination) before the child can be considered eligible for the program.

When the recruiter has (1) learned the eligibility criteria contained in the MEP statute, regulations, and NRG; (2) learned all applicable state laws, regulations and policies; and (3) practiced making eligibility determinations under supervision and/or with others in a team approach, the recruiter should be ready to make most preliminary eligibility determinations without help. As discussed previously, the recruiter is encouraged to talk with the supervisor any time he or she is uncertain whether a particular child or youth qualifies for the MEP.

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| CHILD ELIGIBILITY CHECKLIST FOR THE MIGRANT EDUCATION PROGRAM  This checklist is intended to be a tool to determine if a child meets the basic eligibility factors of the MEP. It does not take into account all information necessary to complete a COE and document eligibility for the MEP. | |
| **FACTOR 1: CHILD’S AGE** | |
| 🞎 The child is younger than 22 years old on the date of the interview. | |
| **FACTOR 2: CHILD’S SCHOOL COMPLETION STATUS** | |
| 🞎 The child is entitled to a free public education through grade 12 under state law\*, **OR**  🞎 The child is not yet at a grade level at which the school district provides a free public education. | |
| **FACTOR 3a: CHILD’S QUALIFYING MOVE** | **FACTOR 3b: CHILD’S QUALIFYING MOVE RELATIVE TO THE MIGRATORY AGRICULTURAL WORKER OR MIGRATORY FISHER** |
| The child moved within the 36 months preceding the date of the interview  🞎 due to economic necessity, **AND**  🞎 from one residence to another residence, **AND**  🞎 from one school district to another. † | 🞎 The child’s QUALIFYING MOVE in FACTOR 3a was as a migratory agricultural worker or migratory fisher, or was made with, to join or to precede a parent, guardian, or spouse who is a migratory agricultural worker or a migratory fisher (as determined in Factors 4a and 4b). |
| **FACTOR 4a: MIGRATORY AGRICULTURAL WORKER’S** **OR MIGRATORY FISHER’S QUALIFYING MOVE** | **FACTOR 4b: QUALIFYING WORK FOR THE MIGRATORY AGRICULTURAL WORKER OR MIGRATORY FISHER** |
| The parent/guardian/spouse or child (if the child is the worker) moved within the 36 months preceding the date of the interview  🞎 due to economic necessity, **AND**  🞎 from one residence to another residence, **AND**  🞎 from one school district to another.† | After the QUALIFYING MOVE in Factor 4a, the parent/guardian/spouse or child (if the child is the worker)  🞎 engaged in new QUALIFYING WORK (QW) soon after the move, **OR**  🞎 did NOT engage in new QW soon after the move, but he or she  🞎 actively sought new QW, **AND**  🞎 has a recent history of moves for QW.  **AND**  The work is  🞎 seasonal employment, **OR**  🞎 temporary employment, **OR**  🞎 for personal subsistence.  **AND**  The work is  🞎 agricultural **OR**  🞎 fishing. |
| \* The recruiter should find out which older children are entitled to a free public education (through grade 12) in his or her state. If a question arises (e.g., the child has a secondary school degree issued by another country or has received a certificate of completion in lieu of a diploma), the recruiter should find out from state officials whether the child is entitled to continue to pursue a high school diploma in that state. See the Migrant Education Program Non-Regulatory Guidance, Chapter II, Section A for additional information.  † In a state that is comprised of a single school district, the child moved from one administrative area to another within such district or resides in a school district of more than 15,000 square miles and migrates a distance of 20 miles or more to a temporary residence. | |

# Eligibility: Scenario 1

On March 21, 2017, Ruben Gomez and his sons, Andy, and Rudy, ages 17 and 15, arrived in your community, Phoenix, Arizona. The family has a long history of moves for seasonal agricultural work. Andy remembers his family moving two times when he was 15 for his father’s agricultural jobs before their move to Phoenix. They moved from Tucson, Arizona, to obtain seasonal employment picking tomatoes but could not find work due to a drought that had limited the field work available. Mr. Gomez, instead, found temporary work at a local tire shop. He enrolled Andy and Rudy in school shortly after they arrived. A recruiter from the Arizona MEP interviewed the family in August 2017.

## Are the Gomez children eligible for Migrant Education Program (MEP) services?

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| CHILD ELIGIBILITY CHECKLIST FOR THE MIGRANT EDUCATION PROGRAM  This checklist is intended to be a tool to determine if a child meets the basic eligibility factors of the MEP. It does not take into account all information necessary to complete a COE and document eligibility for the MEP. | |
| **FACTOR 1: CHILD’S AGE** | |
| 🞎 The child is younger than 22 years old on the date of the interview. | |
| **FACTOR 2: CHILD’S SCHOOL COMPLETION STATUS** | |
| 🞎 The child is entitled to a free public education through grade 12 under state law\*, **OR**  🞎 The child is not yet at a grade level at which the school district provides a free public education. | |
| **FACTOR 3a: CHILD’S QUALIFYING MOVE** | **FACTOR 3b: CHILD’S QUALIFYING MOVE RELATIVE TO THE MIGRATORY AGRICULTURAL WORKER OR MIGRATORY FISHER** |
| The child moved within the 36 months preceding the date of the interview  🞎 due to economic necessity, **AND**  🞎 from one residence to another residence, **AND**  🞎 from one school district to another. † | 🞎 The child’s QUALIFYING MOVE in FACTOR 3a was as a migratory agricultural worker or migratory fisher, or was made with, to join or to precede a parent, guardian, or spouse who is a migratory agricultural worker or a migratory fisher (as determined in Factors 4a and 4b). |
| **FACTOR 4a: MIGRATORY AGRICULTURAL WORKER’S** **OR MIGRATORY FISHER’S QUALIFYING MOVE** | **FACTOR 4b: QUALIFYING WORK FOR THE MIGRATORY AGRICULTURAL WORKER OR MIGRATORY FISHER** |
| The parent/guardian/spouse or child (if the child is the worker) moved within the 36 months preceding the date of the interview  🞎 due to economic necessity, **AND**  🞎 from one residence to another residence, **AND**  🞎 from one school district to another.† | After the QUALIFYING MOVE in Factor 4a, the parent/guardian/spouse or child (if the child is the worker)  🞎 engaged in new QUALIFYING WORK (QW) soon after the move, **OR**  🞎 did NOT engage in new QW soon after the move, but he or she  🞎 actively sought new QW, **AND**  🞎 has a recent history of moves for QW.  **AND**  The work is  🞎 seasonal employment, **OR**  🞎 temporary employment, **OR**  🞎 for personal subsistence.  **AND**  The work is  🞎 agricultural **OR**  🞎 fishing. |
| \* The recruiter should find out which older children are entitled to a free public education (through grade 12) in his or her state. If a question arises (e.g., the child has a secondary school degree issued by another country or has received a certificate of completion in lieu of a diploma), the recruiter should find out from state officials whether the child is entitled to continue to pursue a high school diploma in that state. See the Migrant Education Program Non-Regulatory Guidance, Chapter II, Section A for additional information.  † In a state that is comprised of a single school district, the child moved from one administrative area to another within such district or resides in a school district of more than 15,000 square miles and migrates a distance of 20 miles or more to a temporary residence. | |

# Eligibility: Scenario 2

On May 20, 2016, Don Butler, his wife and two children, ages 9 and 13, moved from Muldrow, Oklahoma , to Dodge City, Kansas, because Mr Butler heard that Kansas had more employment opportunities than in Oklahoma and because Mrs. Butler’s sister lives in Kansas. Ten days after arriving in Kansas, Mr. Butler found temporary work skinning cattle. The employer said that he only needed Mr. Butler for five months. The recruiter interviewed Mr. Butler in September 2017.

## Are the children eligible for Migrant Education Program (MEP) services?

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| CHILD ELIGIBILITY CHECKLIST FOR THE MIGRANT EDUCATION PROGRAM  This checklist is intended to be a tool to determine if a child meets the basic eligibility factors of the MEP. It does not take into account all information necessary to complete a COE and document eligibility for the MEP. | |
| **FACTOR 1: CHILD’S AGE** | |
| 🞎 The child is younger than 22 years old on the date of the interview. | |
| **FACTOR 2: CHILD’S SCHOOL COMPLETION STATUS** | |
| 🞎 The child is entitled to a free public education through grade 12 under state law\*, **OR**  🞎 The child is not yet at a grade level at which the school district provides a free public education. | |
| **FACTOR 3a: CHILD’S QUALIFYING MOVE** | **FACTOR 3b: CHILD’S QUALIFYING MOVE RELATIVE TO THE MIGRATORY AGRICULTURAL WORKER OR MIGRATORY FISHER** |
| The child moved within the 36 months preceding the date of the interview  🞎 due to economic necessity, **AND**  🞎 from one residence to another residence, **AND**  🞎 from one school district to another. † | 🞎 The child’s QUALIFYING MOVE in FACTOR 3a was as a migratory agricultural worker or migratory fisher, or was made with, to join or to precede a parent, guardian, or spouse who is a migratory agricultural worker or a migratory fisher (as determined in Factors 4a and 4b). |
| **FACTOR 4a: MIGRATORY AGRICULTURAL WORKER’S** **OR MIGRATORY FISHER’S QUALIFYING MOVE** | **FACTOR 4b: QUALIFYING WORK FOR THE MIGRATORY AGRICULTURAL WORKER OR MIGRATORY FISHER** |
| The parent/guardian/spouse or child (if the child is the worker) moved within the 36 months preceding the date of the interview  🞎 due to economic necessity, **AND**  🞎 from one residence to another residence, **AND**  🞎 from one school district to another.† | After the QUALIFYING MOVE in Factor 4a, the parent/guardian/spouse or child (if the child is the worker)  🞎 engaged in new QUALIFYING WORK (QW) soon after the move, **OR**  🞎 did NOT engage in new QW soon after the move, but he or she  🞎 actively sought new QW, **AND**  🞎 has a recent history of moves for QW.  **AND**  The work is  🞎 seasonal employment, **OR**  🞎 temporary employment, **OR**  🞎 for personal subsistence.  **AND**  The work is  🞎 agricultural **OR**  🞎 fishing. |
| \* The recruiter should find out which older children are entitled to a free public education (through grade 12) in his or her state. If a question arises (e.g., the child has a secondary school degree issued by another country or has received a certificate of completion in lieu of a diploma), the recruiter should find out from state officials whether the child is entitled to continue to pursue a high school diploma in that state. See the Migrant Education Program Non-Regulatory Guidance, Chapter II, Section A for additional information.  † In a state that is comprised of a single school district, the child moved from one administrative area to another within such district or resides in a school district of more than 15,000 square miles and migrates a distance of 20 miles or more to a temporary residence. | |

# Eligibility: Scenario 3

On April 1, 2017, Jeff and Marie Bates, both 20 years old, and their daughter Donna, 3 years old, moved to Beardstown, Illinois, from Hope, Arkansas, looking for work. Both Jeff and Marie dropped out of high school in the 11th grade and need to work to support their family. When they arrived in Beardstown, Jeff found seasonal work at a melon packing shed, while Marie found work cleaning houses. The recruiter interviewed the family in after July 1, 2017.

## Does anyone in the family qualify for MEP services?

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| CHILD ELIGIBILITY CHECKLIST FOR THE MIGRANT EDUCATION PROGRAM  This checklist is intended to be a tool to determine if a child meets the basic eligibility factors of the MEP. It does not take into account all information necessary to complete a COE and document eligibility for the MEP. | |
| **FACTOR 1: CHILD’S AGE** | |
| 🞎 The child is younger than 22 years old on the date of the interview. | |
| **FACTOR 2: CHILD’S SCHOOL COMPLETION STATUS** | |
| 🞎 The child is entitled to a free public education through grade 12 under state law\*, **OR**  🞎 The child is not yet at a grade level at which the school district provides a free public education. | |
| **FACTOR 3a: CHILD’S QUALIFYING MOVE** | **FACTOR 3b: CHILD’S QUALIFYING MOVE RELATIVE TO THE MIGRATORY AGRICULTURAL WORKER OR MIGRATORY FISHER** |
| The child moved within the 36 months preceding the date of the interview  🞎 due to economic necessity, **AND**  🞎 from one residence to another residence, **AND**  🞎 from one school district to another. † | 🞎 The child’s QUALIFYING MOVE in FACTOR 3a was as a migratory agricultural worker or migratory fisher, or was made with, to join or to precede a parent, guardian, or spouse who is a migratory agricultural worker or a migratory fisher (as determined in Factors 4a and 4b). |
| **FACTOR 4a: MIGRATORY AGRICULTURAL WORKER’S** **OR MIGRATORY FISHER’S QUALIFYING MOVE** | **FACTOR 4b: QUALIFYING WORK FOR THE MIGRATORY AGRICULTURAL WORKER OR MIGRATORY FISHER** |
| The parent/guardian/spouse or child (if the child is the worker) moved within the 36 months preceding the date of the interview  🞎 due to economic necessity, **AND**  🞎 from one residence to another residence, **AND**  🞎 from one school district to another.† | After the QUALIFYING MOVE in Factor 4a, the parent/guardian/spouse or child (if the child is the worker)  🞎 engaged in new QUALIFYING WORK (QW) soon after the move, **OR**  🞎 did NOT engage in new QW soon after the move, but he or she  🞎 actively sought new QW, **AND**  🞎 has a recent history of moves for QW.  **AND**  The work is  🞎 seasonal employment, **OR**  🞎 temporary employment, **OR**  🞎 for personal subsistence.  **AND**  The work is  🞎 agricultural **OR**  🞎 fishing. |
| \* The recruiter should find out which older children are entitled to a free public education (through grade 12) in his or her state. If a question arises (e.g., the child has a secondary school degree issued by another country or has received a certificate of completion in lieu of a diploma), the recruiter should find out from state officials whether the child is entitled to continue to pursue a high school diploma in that state. See the Migrant Education Program Non-Regulatory Guidance, Chapter II, Section A for additional information.  † In a state that is comprised of a single school district, the child moved from one administrative area to another within such district or resides in a school district of more than 15,000 square miles and migrates a distance of 20 miles or more to a temporary residence. | |

# Eligibility: Scenario 4

On May 3, 2017, the Babenko family moved from Carnation, Washington, to work at a dairy farm near Silverton, Oregon. The dairy farm owner said that the work was expected to last five months. The parents will be feeding and milking cows, cleaning stalls, and other duties. The family typically moves throughout the Northwest to do this type of work. The Babenkos take their three children, Dmitry, 23; Denis, 16; and Alexandra, 14; with them when they move. The parents enrolled Denis and Alexandra in school. Dmitry worked with his parents on the farm. The recruiter interviewed the family when Denis and Alexandra enrolled in school in August.

## Do the children qualify for the MEP?

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| CHILD ELIGIBILITY CHECKLIST FOR THE MIGRANT EDUCATION PROGRAM  This checklist is intended to be a tool to determine if a child meets the basic eligibility factors of the MEP. It does not take into account all information necessary to complete a COE and document eligibility for the MEP. | |
| **FACTOR 1: CHILD’S AGE** | |
| 🞎 The child is younger than 22 years old on the date of the interview. | |
| **FACTOR 2: CHILD’S SCHOOL COMPLETION STATUS** | |
| 🞎 The child is entitled to a free public education through grade 12 under state law\*, **OR**  🞎 The child is not yet at a grade level at which the school district provides a free public education. | |
| **FACTOR 3a: CHILD’S QUALIFYING MOVE** | **FACTOR 3b: CHILD’S QUALIFYING MOVE RELATIVE TO THE MIGRATORY AGRICULTURAL WORKER OR MIGRATORY FISHER** |
| The child moved within the 36 months preceding the date of the interview  🞎 due to economic necessity, **AND**  🞎 from one residence to another residence, **AND**  🞎 from one school district to another. † | 🞎 The child’s QUALIFYING MOVE in FACTOR 3a was as a migratory agricultural worker or migratory fisher, or was made with, to join or to precede a parent, guardian, or spouse who is a migratory agricultural worker or a migratory fisher (as determined in Factors 4a and 4b). |
| **FACTOR 4a: MIGRATORY AGRICULTURAL WORKER’S** **OR MIGRATORY FISHER’S QUALIFYING MOVE** | **FACTOR 4b: QUALIFYING WORK FOR THE MIGRATORY AGRICULTURAL WORKER OR MIGRATORY FISHER** |
| The parent/guardian/spouse or child (if the child is the worker) moved within the 36 months preceding the date of the interview  🞎 due to economic necessity, **AND**  🞎 from one residence to another residence, **AND**  🞎 from one school district to another.† | After the QUALIFYING MOVE in Factor 4a, the parent/guardian/spouse or child (if the child is the worker)  🞎 engaged in new QUALIFYING WORK (QW) soon after the move, **OR**  🞎 did NOT engage in new QW soon after the move, but he or she  🞎 actively sought new QW, **AND**  🞎 has a recent history of moves for QW.  **AND**  The work is  🞎 seasonal employment, **OR**  🞎 temporary employment, **OR**  🞎 for personal subsistence.  **AND**  The work is  🞎 agricultural **OR**  🞎 fishing. |
| \* The recruiter should find out which older children are entitled to a free public education (through grade 12) in his or her state. If a question arises (e.g., the child has a secondary school degree issued by another country or has received a certificate of completion in lieu of a diploma), the recruiter should find out from state officials whether the child is entitled to continue to pursue a high school diploma in that state. See the Migrant Education Program Non-Regulatory Guidance, Chapter II, Section A for additional information.  † In a state that is comprised of a single school district, the child moved from one administrative area to another within such district or resides in a school district of more than 15,000 square miles and migrates a distance of 20 miles or more to a temporary residence. | |

# Eligibility: Scenario 5

Michael Adams lives in Tacoma, Washington, with his wife and four children, all under age 18. On June 5, 2017 , Michael moved to Homer, Alaska, and engaged in seasonal employment as a salmon fisherman soon after the move. Shortly thereafter, Michael’s wife was able to find work in a restaurant in Homer, Alaska. So, three months later, Michael’s wife and his children moved from Tacoma, Washington to Homer, Alaska. The recruiter interviewed the family on September 23, 2017.

## Do the Adams children qualify for the MEP?

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| CHILD ELIGIBILITY CHECKLIST FOR THE MIGRANT EDUCATION PROGRAM  This checklist is intended to be a tool to determine if a child meets the basic eligibility factors of the MEP. It does not take into account all information necessary to complete a COE and document eligibility for the MEP. | |
| **FACTOR 1: CHILD’S AGE** | |
| 🞎 The child is younger than 22 years old on the date of the interview. | |
| **FACTOR 2: CHILD’S SCHOOL COMPLETION STATUS** | |
| 🞎 The child is entitled to a free public education through grade 12 under state law\*, **OR**  🞎 The child is not yet at a grade level at which the school district provides a free public education. | |
| **FACTOR 3a: CHILD’S QUALIFYING MOVE** | **FACTOR 3b: CHILD’S QUALIFYING MOVE RELATIVE TO THE MIGRATORY AGRICULTURAL WORKER OR MIGRATORY FISHER** |
| The child moved within the 36 months preceding the date of the interview  🞎 due to economic necessity, **AND**  🞎 from one residence to another residence, **AND**  🞎 from one school district to another. † | 🞎 The child’s QUALIFYING MOVE in FACTOR 3a was as a migratory agricultural worker or migratory fisher, or was made with, to join or to precede a parent, guardian, or spouse who is a migratory agricultural worker or a migratory fisher (as determined in Factors 4a and 4b). |
| **FACTOR 4a: MIGRATORY AGRICULTURAL WORKER’S** **OR MIGRATORY FISHER’S QUALIFYING MOVE** | **FACTOR 4b: QUALIFYING WORK FOR THE MIGRATORY AGRICULTURAL WORKER OR MIGRATORY FISHER** |
| The parent/guardian/spouse or child (if the child is the worker) moved within the 36 months preceding the date of the interview  🞎 due to economic necessity, **AND**  🞎 from one residence to another residence, **AND**  🞎 from one school district to another.† | After the QUALIFYING MOVE in Factor 4a, the parent/guardian/spouse or child (if the child is the worker)  🞎 engaged in new QUALIFYING WORK (QW) soon after the move, **OR**  🞎 did NOT engage in new QW soon after the move, but he or she  🞎 actively sought new QW, **AND**  🞎 has a recent history of moves for QW.  **AND**  The work is  🞎 seasonal employment, **OR**  🞎 temporary employment, **OR**  🞎 for personal subsistence.  **AND**  The work is  🞎 agricultural **OR**  🞎 fishing. |
| \* The recruiter should find out which older children are entitled to a free public education (through grade 12) in his or her state. If a question arises (e.g., the child has a secondary school degree issued by another country or has received a certificate of completion in lieu of a diploma), the recruiter should find out from state officials whether the child is entitled to continue to pursue a high school diploma in that state. See the Migrant Education Program Non-Regulatory Guidance, Chapter II, Section A for additional information.  † In a state that is comprised of a single school district, the child moved from one administrative area to another within such district or resides in a school district of more than 15,000 square miles and migrates a distance of 20 miles or more to a temporary residence. | |

# Eligibility: Scenario 1 – Key

On March 21, 2017, Ruben Gomez and his sons, Andy, 17, and Rudy, now ages 17 and 15, arrived in your community, Phoenix, Arizona. The family has a long history of moves for seasonal agricultural work. Andy remembers his family moving two times when he was 15 for his father’s agricultural jobs before their move to Phoenix. They moved from Tucson, Arizona, to obtain seasonal employment picking tomatoes but could not find work due to a drought that had limited the field work available. Mr. Gomez, instead, found temporary work at a local tire shop. He enrolled Andy and Rudy in school shortly after they arrived.

## Are the Gomez children eligible for Migrant Education Program (MEP) services?

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| CHILD ELIGIBILITY CHECKLIST FOR THE MIGRANT EDUCATION PROGRAM  This checklist is intended to be a tool to determine if a child meets the basic eligibility factors of the MEP. It does not take into account all information necessary to complete a COE and document eligibility for the MEP. | |
| **FACTOR 1: CHILD’S AGE** | |
| ✓ The child is younger than 22 years old on the date of the interview. | |
| **FACTOR 2: CHILD’S SCHOOL COMPLETION STATUS** | |
| ✓ The child is entitled to a free public education through grade 12 under state law\*, **OR**  🞎 The child is not yet at a grade level at which the school district provides a free public education. | |
| **FACTOR 3a: CHILD’S QUALIFYING MOVE** | **FACTOR 3b: CHILD’S QUALIFYING MOVE RELATIVE TO THE MIGRATORY AGRICULTURAL WORKER OR MIGRATORY FISHER** |
| The child moved within the 36 months preceding the date of the interview  ✓ due to economic necessity, **AND**  ✓ from one residence to another residence, **AND**  ✓ from one school district to another. † | ✓ The child’s QUALIFYING MOVE in FACTOR 3a was as a migratory agricultural worker or migratory fisher, or was made with, to join or to precede a parent, guardian, or spouse who is a migratory agricultural worker or a migratory fisher (as determined in Factors 4a and 4b). |
| **FACTOR 4a: MIGRATORY AGRICULTURAL WORKER’S** **OR MIGRATORY FISHER’S QUALIFYING MOVE** | **FACTOR 4b: QUALIFYING WORK FOR THE MIGRATORY AGRICULTURAL WORKER OR MIGRATORY FISHER** |
| The parent/guardian/spouse or child (if the child is the worker) moved within the 36 months preceding the date of the interview  ✓ due to economic necessity, **AND**  ✓ from one residence to another residence, **AND**  ✓ from one school district to another.† | After the QUALIFYING MOVE in Factor 4a, the parent/guardian/spouse or child (if the child is the worker)  🞎 engaged in new QUALIFYING WORK (QW) soon after the move, **OR**  ✓ did NOT engage in new QW soon after the move, but he or she  ✓ actively sought new QW, **AND**  ✓ has a recent history of moves for QW.  **AND**  The work is  ✓ seasonal employment, **OR**  🞎 temporary employment, **OR**  🞎 for personal subsistence.  **AND**  The work is  ✓ agricultural **OR**  🞎 fishing. |
| \* The recruiter should find out which older children are entitled to a free public education (through grade 12) in his or her state. If a question arises (e.g., the child has a secondary school degree issued by another country or has received a certificate of completion in lieu of a diploma), the recruiter should find out from state officials whether the child is entitled to continue to pursue a high school diploma in that state. See the Migrant Education Program Non-Regulatory Guidance, Chapter II, Section A for additional information.  † In a state that is comprised of a single school district, the child moved from one administrative area to another within such district or resides in a school district of more than 15,000 square miles and migrates a distance of 20 miles or more to a temporary residence. | |

Discussion:Andy and Rudy are **eligible**. They are not yet 22 years old and are eligible for a free public education. They made a qualifying move with their father on March 21, 2017. Even though Mr. Gomez was not able to obtain seasonal work in the tomatoes due to a drought, the recruiter is able to verify his status as a migratory agricultural worker because, he actively sought new qualifying work AND has a recent history of moves for qualifying work (36 months preceding the date of the interview). When completing the COE, the recruiter must document how Mr. Gomez actively sought new employment AND his history of moves within the last 36 months for qualifying work.

# Eligibility: Scenario 2 – Key

On May 20, 2016, Don Butler, his wife and two children, ages 9 and 13, moved from Muldrow, Oklahoma, to Dodge City, Kansas, because Mr Butler heard that Kansas had more employment opportunities than in Oklahoma and because Mrs. Butler’s sister lives in Kansas. Ten days after arriving in Kansas, Mr. Butler found temporary work skinning cattle. The employer said that he only needed Mr. Butler for five months. The recruiter interviewed Mr. Butler in April 2016.

## Are the children eligible for Migrant Education Program (MEP) services?

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| CHILD ELIGIBILITY CHECKLIST FOR THE MIGRANT EDUCATION PROGRAM  This checklist is intended to be a tool to determine if a child meets the basic eligibility factors of the MEP. It does not take into account all information necessary to complete a COE and document eligibility for the MEP. | |
| **FACTOR 1: CHILD’S AGE** | |
| ✓ The child is younger than 22 years old on the date of the interview. | |
| **FACTOR 2: CHILD’S SCHOOL COMPLETION STATUS** | |
| ✓ The child is entitled to a free public education through grade 12 under state law\*, **OR**  🞎 The child is not yet at a grade level at which the school district provides a free public education. | |
| **FACTOR 3a: CHILD’S QUALIFYING MOVE** | **FACTOR 3b: CHILD’S QUALIFYING MOVE RELATIVE TO THE MIGRATORY AGRICULTURAL WORKER OR MIGRATORY FISHER** |
| The child moved within the 36 months preceding the date of the interview  ✓ due to economic necessity, **AND**  ✓ from one residence to another residence, **AND**  ✓ from one school district to another. † | ✓ The child’s QUALIFYING MOVE in FACTOR 3a was as a migratory agricultural worker or migratory fisher, or was made with, to join or to precede a parent, guardian, or spouse who is a migratory agricultural worker or a migratory fisher (as determined in Factors 4a and 4b). |
| **FACTOR 4a: MIGRATORY AGRICULTURAL WORKER’S** **OR MIGRATORY FISHER’S QUALIFYING MOVE** | **FACTOR 4b: QUALIFYING WORK FOR THE MIGRATORY AGRICULTURAL WORKER OR MIGRATORY FISHER** |
| The parent/guardian/spouse or child (if the child is the worker) moved within the 36 months preceding the date of the interview  ✓ due to economic necessity, **AND**  ✓ from one residence to another residence, **AND**  ✓ from one school district to another.† | After the QUALIFYING MOVE in Factor 4a, the parent/guardian/spouse or child (if the child is the worker)  ✓ engaged in new QUALIFYING WORK (QW) soon after the move, **OR**  🞎 did NOT engage in new QW soon after the move, but he or she  🞎 actively sought new QW, **AND**  🞎 has a recent history of moves for QW.  **AND**  The work is  🞎 seasonal employment, **OR**  ✓ temporary employment, **OR**  🞎 for personal subsistence.  **AND**  The work is  ✓ agricultural **OR**  🞎 fishing. |
| \* The recruiter should find out which older children are entitled to a free public education (through grade 12) in his or her state. If a question arises (e.g., the child has a secondary school degree issued by another country or has received a certificate of completion in lieu of a diploma), the recruiter should find out from state officials whether the child is entitled to continue to pursue a high school diploma in that state. See the Migrant Education Program Non-Regulatory Guidance, Chapter II, Section A for additional information.  † In a state that is comprised of a single school district, the child moved from one administrative area to another within such district or resides in a school district of more than 15,000 square miles and migrates a distance of 20 miles or more to a temporary residence. | |

Discussion: The children are **eligible**. They are not yet 22 years old and are eligible for a free public education. They made a qualifying move with their father in which the father engaged in new qualifying work soon after the move. Mr. Butler engaged in qualifying work soon after the move, as he was told that by the employer that the job was temporary. The recruiter can document a qualifying move for qualifying work within 36 months preceeding the date of the interview. The recruiter must also document on the COE the employer’s statement that the work is temporary and will not last longer than 5 months.

# Eligibility: Scenario 3 – Key

On April 1, 2017, Jeff and Marie Bates, both 20 years old, and their daughter Donna, 3 years old, moved to Beardstown, Illinois, from Hope, Arkansas, looking for any work. Both Jeff and Marie dropped out of high school in the 11th grade and need to work to support their family. When they arrived in Beardstown, Jeff found seasonal work at a melon packing shed, while Marie found work cleaning houses.

## Does anyone in the family qualify for MEP services?

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| CHILD ELIGIBILITY CHECKLIST FOR THE MIGRANT EDUCATION PROGRAM  This checklist is intended to be a tool to determine if a child meets the basic eligibility factors of the MEP. It does not take into account all information necessary to complete a COE and document eligibility for the MEP. | |
| **FACTOR 1: CHILD’S AGE** | |
| ✓ The child is younger than 22 years old on the date of the interview. | |
| **FACTOR 2: CHILD’S SCHOOL COMPLETION STATUS** | |
| ? The child is entitled to a free public education through grade 12 under state law\*, **OR**  ✓ The child is not yet at a grade level at which the school district provides a free public education. | |
| **FACTOR 3a: CHILD’S QUALIFYING MOVE** | **FACTOR 3b: CHILD’S QUALIFYING MOVE RELATIVE TO THE MIGRATORY AGRICULTURAL WORKER OR MIGRATORY FISHER** |
| The child moved within the 36 months preceding the date of the interview  ✓ due to economic necessity, **AND**  ✓ from one residence to another residence, **AND**  ✓ from one school district to another. † | ✓ The child’s QUALIFYING MOVE in FACTOR 3a was as a migratory agricultural worker or migratory fisher, or was made with, to join or to precede a parent, guardian, or spouse who is a migratory agricultural worker or a migratory fisher (as determined in Factors 4a and 4b). |
| **FACTOR 4a: MIGRATORY AGRICULTURAL WORKER’S** **OR MIGRATORY FISHER’S QUALIFYING MOVE** | **FACTOR 4b: QUALIFYING WORK FOR THE MIGRATORY AGRICULTURAL WORKER OR MIGRATORY FISHER** |
| The parent/guardian/spouse or child (if the child is the worker) moved within the 36 months preceding the date of the interview  ✓ due to economic necessity, **AND**  ✓ from one residence to another residence, **AND**  ✓ from one school district to another.† | After the QUALIFYING MOVE in Factor 4a, the parent/guardian/spouse or child (if the child is the worker)  ✓ engaged in new QUALIFYING WORK (QW) soon after the move, **OR**  🞎 did NOT engage in new QW soon after the move, but he or she  🞎 actively sought new QW, **AND**  🞎 has a recent history of moves for QW.  **AND**  The work is  ✓ seasonal employment, **OR**  🞎 temporary employment, **OR**  🞎 for personal subsistence.  **AND**  The work is  ✓ agricultural **OR**  🞎 fishing. |
| \* The recruiter should find out which older children are entitled to a free public education (through grade 12) in his or her state. If a question arises (e.g., the child has a secondary school degree issued by another country or has received a certificate of completion in lieu of a diploma), the recruiter should find out from state officials whether the child is entitled to continue to pursue a high school diploma in that state. See the Migrant Education Program Non-Regulatory Guidance, Chapter II, Section A for additional information.  † In a state that is comprised of a single school district, the child moved from one administrative area to another within such district or resides in a school district of more than 15,000 square miles and migrates a distance of 20 miles or more to a temporary residence. | |

Discussion:The recruiter needs more information to adequately assess the eligibility factors. Both the parents and the child are younger than 22 years of age. The child is not yet at a grade level at which the school district provides a free education. The parents have not graduated from high school, but the recruiter needs to investigate the state’s educational policy for high school attendance to determine if both parents are eligible for a free public education. The family made a qualifying move, and the father engaged in work soon after the move at a melon packing shed. If both Jeff and Marie are entitled to a free public education through grade 12 under Illinois state law, then all three – Jeff, Marie and Donna, their daughter, would be eligible for the MEP.

# Eligibility: Scenario 4 – Key

On May 3, 2017, the Babenko family moved from Carnation, Washington, to work at a dairy farm near Silverton, Oregon. The dairy farm owner said that the work was expected to last five months. The parents will be feeding and milking cows, cleaning stalls, and other duties. The family typically moves throughout the Northwest to do this type of work. The Babenkos take their three children, Dmitry, 23, Denis, 16, and Alexandra, 14, with them when they move. The parents enrolled Denis and Alexandra in school. Dmitry worked with his parents on the farm. The recruiter interviewed the family when Denis and Alexandra enrolled in school in August.

## Do the children qualify for the MEP?

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| --- | --- |
| CHILD ELIGIBILITY CHECKLIST FOR THE MIGRANT EDUCATION PROGRAM  This checklist is intended to be a tool to determine if a child meets the basic eligibility factors of the MEP. It does not take into account all information necessary to complete a COE and document eligibility for the MEP. | |
| **FACTOR 1: CHILD’S AGE** | |
| ✓ The child is younger than 22 years old on the date of the interview. ***(Denis and Alexandra, not Dmitry)*** | |
| **FACTOR 2: CHILD’S SCHOOL COMPLETION STATUS** | |
| ✓ The child is entitled to a free public education through grade 12 under state law\*, **OR *(Denis and Alexandra, not Dmitry)***  🞎 The child is not yet at a grade level at which the school district provides a free public education. | |
| **FACTOR 3a: CHILD’S QUALIFYING MOVE** | **FACTOR 3b: CHILD’S QUALIFYING MOVE RELATIVE TO THE MIGRATORY AGRICULTURAL WORKER OR MIGRATORY FISHER** |
| The child moved within the 36 months preceding the date of the interview  ✓ due to economic necessity, **AND**  ✓ from one residence to another residence, **AND**  ✓ from one school district to another. † | ✓ The child’s QUALIFYING MOVE in FACTOR 3a was as a migratory agricultural worker or migratory fisher, or was made with, to join or to precede a parent, guardian, or spouse who is a migratory agricultural worker or a migratory fisher (as determined in Factors 4a and 4b). |
| **FACTOR 4a: MIGRATORY AGRICULTURAL WORKER’S** **OR MIGRATORY FISHER’S QUALIFYING MOVE** | **FACTOR 4b: QUALIFYING WORK FOR THE MIGRATORY AGRICULTURAL WORKER OR MIGRATORY FISHER** |
| The parent/guardian/spouse or child (if the child is the worker) moved within the 36 months preceding the date of the interview  ✓ due to economic necessity, **AND**  ✓ from one residence to another residence, **AND**  ✓ from one school district to another.† | After the QUALIFYING MOVE in Factor 4a, the parent/guardian/spouse or child (if the child is the worker)  ✓ engaged in new QUALIFYING WORK (QW) soon after the move, **OR**  🞎 did NOT engage in new QW soon after the move, but he or she  🞎 actively sought new QW, **AND**  🞎 has a recent history of moves for QW.  **AND**  The work is  🞎 seasonal employment, **OR**  ✓ temporary employment, **OR**  🞎 for personal subsistence.  **AND**  The work is  ✓ agricultural **OR**  🞎 fishing. |
| \* The recruiter should find out which older children are entitled to a free public education (through grade 12) in his or her state. If a question arises (e.g., the child has a secondary school degree issued by another country or has received a certificate of completion in lieu of a diploma), the recruiter should find out from state officials whether the child is entitled to continue to pursue a high school diploma in that state. See the Migrant Education Program Non-Regulatory Guidance, Chapter II, Section A for additional information.  † In a state that is comprised of a single school district, the child moved from one administrative area to another within such district or resides in a school district of more than 15,000 square miles and migrates a distance of 20 miles or more to a temporary residence. | |

Discussion:Denis and Alexandra are **eligible**. They are not yet 22 years old, and they are entitled to a free public education. They moved with their parents who made a qualifying move for qualifying work based on their temporary jobs on dairy farms. Dmitry is not eligible because he is older than 22. If Dmitry does not have a high school diploma, the recruiter should encourage him to enroll in a program to attain a high school equivalency diploma (HSED).

# Eligibility: Scenario 5 – Key

Michael Adams lives in Tacoma, Washington, with his wife and four children, all under age 18. On June 5, 2017, Michael moved to Homer, Alaska, and engaged in seasonal employment as a salmon fisherman soon after the move. Shortly thereafter, Michael’s wife was able to find work in a restaurant in Homer, Alaska. So, three months later, Michael’s wife and his children moved from Tacoma, Washington to Homer, Alaska. The recruiter interviewed the family on September 23, 2017.

## Do the Adams children qualify for the MEP?

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| CHILD ELIGIBILITY CHECKLIST FOR THE MIGRANT EDUCATION PROGRAM  This checklist is intended to be a tool to determine if a child meets the basic eligibility factors of the MEP. It does not take into account all information necessary to complete a COE and document eligibility for the MEP. | |
| **FACTOR 1: CHILD’S AGE** | |
| ✓ The child is younger than 22 years old on the date of the interview. | |
| **FACTOR 2: CHILD’S SCHOOL COMPLETION STATUS** | |
| ✓ The child is entitled to a free public education through grade 12 under state law\*, **OR**  🞎 The child is not yet at a grade level at which the school district provides a free public education. | |
| **FACTOR 3a: CHILD’S QUALIFYING MOVE** | **FACTOR 3b: CHILD’S QUALIFYING MOVE RELATIVE TO THE MIGRATORY AGRICULTURAL WORKER OR MIGRATORY FISHER** |
| The child moved within the 36 months preceding the date of the interview  ✓ due to economic necessity, **AND**  ✓ from one residence to another residence, **AND**  ✓ from one school district to another. † | ✓ The child’s QUALIFYING MOVE in FACTOR 3a was as a migratory agricultural worker or migratory fisher, or was made with, to join or to precede a parent, guardian, or spouse who is a migratory agricultural worker or a migratory fisher (as determined in Factors 4a and 4b). |
| **FACTOR 4a: MIGRATORY AGRICULTURAL WORKER’S** **OR MIGRATORY FISHER’S QUALIFYING MOVE** | **FACTOR 4b: QUALIFYING WORK FOR THE MIGRATORY AGRICULTURAL WORKER OR MIGRATORY FISHER** |
| The parent/guardian/spouse or child (if the child is the worker) moved within the 36 months preceding the date of the interview  ✓ due to economic necessity, **AND**  ✓ from one residence to another residence, **AND**  ✓ from one school district to another.† | After the QUALIFYING MOVE in Factor 4a, the parent/guardian/spouse or child (if the child is the worker)  ✓ engaged in new QUALIFYING WORK (QW) soon after the move, **OR**  🞎 did NOT engage in new QW soon after the move, but he or she  🞎 actively sought new QW, **AND**  🞎 has a recent history of moves for QW.  **AND**  The work is  ✓ seasonal employment, **OR**  🞎 temporary employment, **OR**  🞎 for personal subsistence.  **AND**  The work is  🞎 agricultural **OR**  ✓ fishing. |
| \* The recruiter should find out which older children are entitled to a free public education (through grade 12) in his or her state. If a question arises (e.g., the child has a secondary school degree issued by another country or has received a certificate of completion in lieu of a diploma), the recruiter should find out from state officials whether the child is entitled to continue to pursue a high school diploma in that state. See the Migrant Education Program Non-Regulatory Guidance, Chapter II, Section A for additional information.  † In a state that is comprised of a single school district, the child moved from one administrative area to another within such district or resides in a school district of more than 15,000 square miles and migrates a distance of 20 miles or more to a temporary residence. | |

Discussion: Based on the review of the basic eligibility factors, the children are **eligible** for services in the MEP. They are younger than 22 and eligible for a free public education, The father’s June 5th move to Homer, Alaska, after which he engaged in seasonal fishing work established him as a migratory fisher. The mother and children made a qualifying move - due to economic necessity; and from one residence to another residence; and from one school district to another school district to join Michael in Homer, Alaska. The date in September 2017 in which the children joined the father in Homer, Alaska, is the QAD – the date the worker and the children complete qualifying moves to be together.

# Level 1: Assessment

| 1. What are the four Child Eligibility Factors? |
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Factor 1.

Factor 2.

Factor 3a.

Factor 3b.

Factor 4a.

Factor 4b.

| 1. Name two resources or tools that a recruiter can use to help determine a child’s eligibility for the MEP. |
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| 1. What are five pieces of information or dates the recruiter should gather for making an eligibility determination? |
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| **4.** What is the recruiter’s role in making preliminary eligibility determinations? |
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# Level 1: Assessment Key

| **1.** What are the Basic Eligibility Factors? |
| --- |

Answer:

Factor 1: Child’s Age

Factor 2: Child’s School Completion Status

Factor 3a: Child’s Qualifying Move

Factor 3b: Child’s Qualifying Move Relative to that of the Migratory Agricultural Worker or Fisher

Factor 4a: Migratory Agricultural Worker’s or Fisher’s Qualifying Move

Factor 4b: Qualifying Work for the Migratory Agricultural Worker or Fisher

| 1. Name two resources or tools that a recruiter can use to help determine a child’s eligibility for the MEP. |
| --- |

Answer:  
Any two of the following: *The* *National ID&R Manual*, NRG, state manuals, state guidance, Child Eligibility Factors, Sample Interview Script, Certificate of Eligibility.

| 1. What are five pieces of information or dates the recruiter should gather for making an eligibility determination? |
| --- |

Answer:   
Responses may include school data, employment data, family’s work history, crop data, migratory child database data, family documents (e.g., birth certificates, health immunization records), recruiter observations, when the family moved, when the worker began work, recent history of moves, and how long the worker stayed at his or her job or plans to stay at his or her job.

| **4.** What is the recruiter’s role in making preliminary eligibility determinations? |
| --- |

Answer:  
Answer should consist of at least one of the following items: the recruiter should learn the eligibility requirements, apply that knowledge consistently (by using tools and resources), and seek the help of a supervisor whenever he or she has any questions.