

**2017 National ID&R Forum**  
**New Orleans, Louisiana**  
**Guidance for Migrant Education Program (MEP)**  
**Eligibility Under the Every Student Succeeds Act (ESSA)**  
**Scenarios**

**Scenario 1**

Jose Rodriguez, his wife and 3 children ages 5, 11 and 13, move from Weslaco, Texas, to Galveston, Indiana, to work in the tomatoes. They arrive on April 13, 2017, and Jose begins work that week. The family then moves to Buckley, Michigan, on September 15, 2017, to work in the pumpkin fields. Jose engages in work the next day. The recruiter in Michigan finds the family on September 19, 2017. Are the children eligible for the MEP? How many qualifying moves did the children make? If the children do not move again, when will MEP eligibility end for the children?

**Answers:**

**i. Are the children eligible for the MEP? YES**

➤ ***Migratory Agricultural Worker:***

- Did parent/guardian/spouse or child (if the child is the worker) make a qualifying move (made due to economic necessity; and from one residence to another residence and from one school district to another school district) within the 36 months preceding the date of the interview and engage in qualifying work soon after the move? **YES. The children's father is a migratory agricultural worker because he made a qualifying move in the preceding 36 months, soon after which he engaged in new qualifying work. If Jose does not make another qualifying move and engage in qualifying work soon after that move, he will retain the status of migratory agricultural worker from September 15, 2017 to September 14, 2020.**

➤ ***Migratory Children:***

- Are the children under age 22 and still entitled to a free public education (through grade 12) in the State? **YES. The children are not older than 21 years of age, are entitled to a free public education under state law and are not yet at a grade level for which the LEA provides a free public education.**
- Did the children move on their own 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"? **YES. The children made a move with their father who is a migratory agricultural worker.**
- Was the children's move a "qualifying move"- i.e., made due to economic necessity; and from one residence to another; and and from one school district to another? **YES. The children would be eligible for the MEP with a qualifying arrival date (QAD) of September 15, 2017.**

**ii. How many qualifying moves did the children make?**

- The children made two qualifying moves:
  1. April 13, 2017; from Weslaco, Texas to Galveston, Indiana
  2. September 15, 2017; from Galveston, Indiana to Buckley, Michigan

- iii. **If the children do not move again, when will MEP eligibility end for the children?**
  - If the children do not move again, MEP eligibility will end on September 14, 2020.

## Scenario 2

On August 24, 2016, a worker, his spouse and two children, ages 5 and 7, move from Cleveland, Ohio, to Biglerville, Pennsylvania, to engage in seasonal agricultural work picking peaches. The father begins work the next day and continues working until October 2016. After the work ends, the entire family moves on October 28, 2016, to Philadelphia, Pennsylvania, where the mother obtains work in a hotel. The recruiter finds the family in August 2017. Are the children eligible for the MEP? How many qualifying moves did the children make? If the children do not move again, when will MEP eligibility end for the children?

### Answers:

- i. **Are the children eligible for the MEP? YES**
  - **Migratory Agricultural Worker:**
    - Did parent/guardian/spouse or child (if the child is the worker) make a qualifying move (made due to economic necessity; and from one residence to another; and from one school district to another) within the 36 months preceding the date of the interview and engage in qualifying work soon after the move? **YES. The children's father is a migratory agricultural worker because he made a qualifying move in the preceding 36 months, soon after which he engaged in new qualifying work. If the father does not make another qualifying move and engage in qualifying work soon after that move, he will retain the status of migratory agricultural worker from August 24, 2016 to August 23, 2019.**
  - **Migratory Children:**
    - Are the children under age 22 and still entitled to a free public education (through grade 12) in the State? **YES. The children are not older than 21 years of age, are entitled to a free public education under state law and are not yet at a grade level for which the LEA provides a free public education.**
    - Did the children move on their own 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"? **YES. The children made a move with their father who is a migratory agricultural worker.**
    - Was the children's move a "qualifying move"- i.e., made due to economic necessity; and from one residence to another; and from one school district to another? **YES. The children would be eligible for the MEP with a QAD of October 28, 2016.**
- ii. **How many qualifying moves did the children make?**
  - The children made two qualifying moves:
    1. August 24, 2016; from Cleveland, Ohio, to Biglerville, Pennsylvania,
    2. October 28, 2016; from Biglerville, Pennsylvania to Philadelphia, Pennsylvania
- iii. **If the children do not move again, when will MEP eligibility end for the children?**

- If the children do not move again, MEP eligibility will end on October 27, 2019.

### Scenario 3

Joaquin, a 17-year old out-of-school youth, last migrated with his parents in June of 2014, when the family moved from their hometown of Eureka, California, to Yakima, Washington, to pick blueberries. Because he could not find employment in his hometown of Eureka, California, he moved on his own to Yakima, Washington, on July 11, 2017. Within a week of moving to Yakima, he applied for seasonal employment picking blueberries, but did not get the job. The recruiter in Washington interviewed Joaquin on July 17, 2017. Is Joaquin eligible for the MEP? Is Joaquin eligible for the MEP? How many qualifying moves did Joaquin make?

#### Answers:

i. **Is Joaquin eligible for the MEP?**

**NO**

➤ **Migratory Agricultural Worker:**

- Did parent/guardian/spouse or child (if the child is the worker) make a qualifying move within the 36 months preceding the date of the interview and engage in qualifying work soon after the move or did NOT engage in new qualifying work soon after the move, but actively sought new qualifying work, **AND** has a recent history of moves for qualifying work? **NO. Joaquin is NOT a migratory agricultural worker for the following reasons:**

- **Joaquin made a qualifying move in the preceding 36 months, but did NOT engage in new qualifying work soon after the move.**
- **Joaquin actively sought new qualifying work, but he does NOT have a recent history of moves for qualifying work in the last 36 months.**

➤ **Migratory Children:**

- Are the children under age 22 and still entitled to a free public education (through grade 12) in the State? **YES. The children are not older than 21 years of age, are entitled to a free public education under state law and are not yet at a grade level for which the LEA provides a free public education.**
- Did the children move on their own 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”? **NO.**
- Was the children’s move a “qualifying move”- i.e., due to economic necessity, from one residence to another, and from one school district to another? **YES.**

ii. **How many qualifying moves did Joaquin make?**

- Joaquin made one qualifying move:
  3. July 11, 2017; from Eureka, California to Yakima, Washington

### Scenario 4

Pablo, a father of 4 school-aged children, moved on his own July 15, 2016 from his family’s home in Pine Bluff, Arkansas to Bradenton, Florida in search of work picking oranges. Two weeks after his move he engages in the work and is there for 2 months. Once the harvest is

over he moves back to Arkansas. Then on January 18, 2017, he moves again on his own to Eugene, Oregon to work with his brother at a local restaurant during the slow season. On September 1, 2017, his wife and 4 children join him in Oregon while Pablo continues his work in the restaurant. The recruiter interviews the family on September 12, 2017. Are the children eligible for the MEP? How many qualifying moves did the children make? If the children do not move again, when will MEP eligibility end for the children?

**Answers:**

**i. Are the children eligible for the MEP?**

**YES**

➤ **Migratory Agricultural Worker:**

- Did parent/guardian/spouse or child (if the child is the worker) make a qualifying move within the 36 months preceding the date of the interview and engage in qualifying work soon after the move? **YES. The children's father is a migratory agricultural worker because he made a qualifying move (made due to economic necessity; and from one residence to another residence; and from one school district to another school district) in the preceding 36 months, soon after which he engaged in new qualifying work. If Pablo does not make another qualifying move and engage in qualifying work soon after that move, he will retain the status of migratory agricultural worker from July 15, 2016 to July 14, 2019.**

➤ **Migratory Children:**

- Are the children under age 22 and still entitled to a free public education (through grade 12) in the State? **YES. The children are not older than 21 years of age, are entitled to a free public education under state law and are not yet at a grade level for which the LEA provides a free public education.**
- Did the children move on their own 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"? **YES. The children made a move to join their father who is a migratory agricultural worker. (Explain: Although the worker is engaged in non-qualifying work at the time of the "to join" move, he is still considered a Migratory Agricultural Worker (as defined in the Elementary and Secondary Education Act (ESEA) as amended by the Every Student Succeeds Act (ESSA) section 1309 (2)) since he made a qualifying move and engaged in qualifying work within the preceding 36 months.)**
- Was the children's move a "qualifying move"- i.e., made due to economic necessity; and from one residence to another residence; and from one school district to another school district? **YES. The children would be eligible for the MEP with a QAD of September 1, 2017; the date the child and the worker complete the move to be together.**

**ii. How many qualifying moves did the children make?**

- The children made one qualifying move:
  1. September 1, 2017; from Pine Bluff, Arkansas to Eugene, Oregon

**iii. If the children do not move again, when will MEP eligibility end for the children?**

- If the children do not move again, MEP eligibility will end on August 31, 2020.

## Scenario 5

Pedro and María Lozano, have three children who are in elementary and middle school. The family resides most of the year in Edcouch, Texas, and considers Texas their home. They have a long history of migration; each year they travel to Fremont, Ohio for Pedro and María to work in the cucumber harvest and then to Florida to harvest tomatoes. This year, Pedro, María and their children left Edcouch and arrived in Fremont, on May 26, 2017, to begin work thinning and weeding cucumber fields. Both parents continued to work through the harvest season in late June/early July. When work with the cucumbers ended, María returned to Edcouch, Texas, on August 31, 2017, with the three children, while Pedro went by himself to harvest tomatoes in Florida. The recruiter interviews the mother on September 2, 2017. Are the children eligible for the MEP? How many qualifying moves did the children make? If the children do not move again, when will MEP eligibility end for the children?

### Answers:

#### i. Are the children eligible for the MEP?

**YES**

##### ➤ ***Migratory Agricultural Worker:***

➤ Did parent/guardian/spouse or child (if the child is the worker) make a qualifying move within the 36 months preceding the date of the interview and engage in qualifying work soon after the move? **YES. Pedro and Maria, the children's parents, are migratory agricultural workers because they made a qualifying move (made due to economic necessity; and from one residence to another residence; and from one school district to another school district) in the preceding 36 months (from the date the COE was approved), soon after which they engaged in new qualifying work. Both parents are migratory agricultural workers because they made a qualifying move in the preceding 36 months (from the date the COE was approved), soon after which they engaged in new qualifying work.**

➤ **If Maria, the mother, does not make another qualifying move and engage in qualifying work soon after that move, she will retain the status of migratory agricultural worker from May 26, 2017 to May 25, 2020.**

➤ **The father's status as a migratory agricultural worker is dependent on his qualifying move to Florida and whether he engages in new qualifying work soon as his arrival.**

##### ➤ ***Migratory Children:***

➤ Are the children under age 22 and still entitled to a free public education (through grade 12) in the State? **YES. The children are not older than 21 years of age, are entitled to a free public education under state law and are not yet at a grade level for which the LEA provides a free public education.**

➤ Did the children move on their own 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”? **YES. The children made a move with their mother who is a migratory agricultural worker.**

- Was the children’s move a “qualifying move”- i.e., made due to economic necessity; and from one residence to another residence; and from one school district to another school district? **YES. The children would be eligible for the MEP with a QAD of August 31, 2017.**

**ii. How many qualifying moves did the children make?**

- The children made two qualifying moves:
  1. May 26, 2017; from Edcouch, Texas to Fremont, Ohio
  2. August 31, 2017; from Fremont, Ohio to Edcouch, Texas

**iii. If the children do not move again, when will MEP eligibility end for the children?**

- If the children do not move again, MEP eligibility will end on August 30, 2020.