



Michigan Migrant Education Program (MiMEP)

Office of Field Services, Special Populations Unit



Eligibility Scenarios Questions & Answers – 2017 NCLB vs. ESSA

Scenario 1:

On June 15, 2017, Jeff and Marie Bates, both 20 years old, and their daughter Donna, 3 years old, moved to Sutton’s Bay, MI from Hillsborough, FL. Both Jeff and Marie dropped out of high school in the 11th grade and need to work to support their family. They heard that there was work in Sutton’s Bay with cherries. When they arrived in Sutton’s Bay, Jeff found part-time, night work as a janitor at an apple packing shed. Marie found work picking cherries a week after the move.

Do the children qualify for the MEP under NCLB?

(Interviews conducted before July 1, 2017 use NCLB factors.)

Yes, the children and the parents are eligible for the MEP under NCLB. Jeff, Marie and Donna are less than twenty-two years old and eligible for a free public education. Their move from Hillsborough, FL to Sutton’s Bay, MI was with a migratory worker, from one school district to another, from one residence to another, due to economic necessity and within the past 36 months (5 parts of the move). They moved to obtain qualifying work and Marie obtained work picking cherries. The qualifying work is seasonal and agricultural.

(Reminder: Two paper COEs are required – one COE for “with” and one COE for “on her own”.)

NCLB -

Hillsborough	Sutton’s Bay
	June 15, 2017 – Jeff and Marie along with their daughter, Donna, moved to obtain work picking cherries in Sutton’s Bay. (All three are eligible based on this move with Marie as the worker.)

Do the children qualify for the MEP under ESSA?

(Interviews conducted on or after July 1, 2017 use ESSA factors.)

Yes, the children are eligible for the MEP under ESSA.

Factor 1: **Age** – The children (Jeff, Marie and Donna) are under 22.

Factor 2: **School Completion** – All three are entitled to free public education.

Factor 3: **Migratory Worker and Qualifying Work** – Marie made a **qualifying move** (*change in residency, crossed school districts, due to economic necessity*) from Hillsborough, FL to Sutton’s

Bay, MI on June 15, 2017. She engaged in qualifying work soon after that move. The work was seasonal and was agricultural. Marie is established as a migratory worker based on this move.

Factor 4: **Qualifying Move for the Child** – All three made a **qualifying move** in this scenario.

The move from Hillsborough, FL to Sutton’s Bay, MI is a **qualifying move** (*change in residency, crossed school districts, due to economic necessity*).

Factor 5: **Qualifying Arrival Date (QAD)** – Jeff (spouse) and Donna’s (child) **qualifying move** was made **with** a migratory agricultural worker (Marie) and occurred in the preceding 36 months.

This **qualifying move** resulted in a qualifying arrival date (QAD).

Marie’s **qualifying move** was made **on her own**, as the migratory agricultural worker and occurred in the preceding 36 months. This **qualifying move** resulted in a qualifying arrival date (QAD).

The QAD for all three is June 15, 2017.

The MEP eligibility for all three expires on June 15, 2020.

(Reminder: Two paper COEs are required – one COE for “with” and one COE for “on her own”.)

ESSA -

Hillsborough	Sutton’s Bay
	June 15, 2017 – Jeff, Marie and Donna made a qualifying move (R,S,E) from Hillsborough, FL to Sutton’s Bay. Marie engaged in picking cherries soon after the move and established herself as a migratory worker. (All three are eligible based on this move with Marie as the worker.)

Key ESSA points –

- 1) Moves under NCLB where the worker engaged in work soon after the move will most likely qualify under ESSA. *(Think 97% rule!)*
- 2) **The purpose of the move** is no longer part of the recruiter’s interview. A worker’s migratory status is established when the worker engages in qualifying work soon after the move (60 days).
- 3) The move in this scenario **both** established the worker as a migratory worker (for 36 months) **and** resulted in a new qualifying arrival date (QAD) for the eligible youth and child.
- 4) A worker’s spouse may still qualify if all five ESSA factors are met.

Scenario 2:

On June 1, 2017, Luis Garcia moved with his two young sons to St. Johns, MI from Newberry, SC seeking work picking asparagus. This was his first move for agricultural work as he had recently lost his job in a factory and needed to find work. When he arrived in St. Johns, a storm had recently decimated the crop. He visited each farm in the area seeking work, but was not hired. The recruiter spoke to several local crew leaders who confirmed Luis’s statement.

Do the children qualify for the MEP under NCLB?

(Scenario – This interview was conducted on June 5, 2017 using NCLB factors.)

Yes, Luis’s two sons are eligible for the MEP under NCLB. The sons are less than twenty-two years old and eligible for a free public education. The move from Newberry, SC to St. Johns, MI was with a migratory worker, from one school district to another, from one residence to another, due to economic necessity and within the past 36 months (5 parts of the move). They moved seeking qualifying work and did not obtain it. There is credible evidence that Luis sought qualifying work. He sought qualifying work at the area farms and the recruiter was able to confirm this with several local crew leaders (credible evidence). The qualifying work that Luis sought is seasonal and agricultural. [Note: Prior history was not used as Luis does not have a history of moves to obtain qualifying work.]

NCLB -

Newberry	St. Johns
	June 1, 2017 – Luis’s qualifying move (R,S,E) seeking qualifying work picking asparagus was verified through the credible evidence obtained by the recruiter from several local crew leaders. (Both are eligible based on this SQW move with Luis as the worker.)

Do the children qualify for the MEP under ESSA?

(Scenario – This interview was conducted on July 5, 2017 using ESSA factors.)

No, the children are NOT eligible for the MEP under ESSA.

Factor 1: **Age** – The children are under 22. (“young”)

Factor 2: **School Completion** – Both are entitled to free public education.

Factor 3: **Migratory Worker and Qualifying Work** – Luis made a **qualifying move** (change in residency, crossed school districts, due to economic necessity) from Newberry, SC to St. Johns, MI on June 1, 2017. He did **NOT** engage in qualifying work soon after that move. Luis is **NOT** established as a migratory worker based on this move.

Factor 4: **Qualifying Move for the Child** – Both children made a **qualifying move** (*change in residency, crossed school districts, due to economic necessity*) in this scenario. The move from Newberry, SC to St. Johns, MI is a **qualifying move**.

Factor 5: **Qualifying Arrival Date (QAD)** – Luis’s sons’ **qualifying move** was **NOT** made with a migratory agricultural worker. The **qualifying move** did occur in the preceding 36 months. This **qualifying move DOES NOT** result in a qualifying arrival date (QAD).

There is no QAD for Luis’s sons. They are NOT eligible for the MEP.

ESSA -

Newberry	St. Johns
	June 1, 2017 – While Luis and his sons made a qualifying move (R,S,E) from Newberry, SC to St. Johns, MI, Luis could <u>not</u> be established as a migratory worker. Therefore, the children’s qualifying move did not result in a qualifying arrival date. The sons are NOT eligible for the MEP.

Key ESSA points –

- 1) Establishing someone as a migratory worker though seeking qualifying work requires both (1) that the worker actively sought new qualifying work **and** (2) has a recent history of moves where the worker engaged in a temporary or seasonal agricultural or fishing work. *(No third party verification of credible evidence is required under ESSA.)*
- 2) If the children were recruited prior to July 1, 2017, they would have been eligible since the interview would have been conducted using the NCLB eligibility factors.
- 3) **The purpose of the move** is not part of ESSA. To establish someone as a migratory worker, they must make a **qualifying move** and within 60 days of that move engage in qualifying work. Those who qualify through seeking qualifying work under ESSA must have a *recent* history of moves (at least two) where they engaged in qualifying work soon after the move.
- 4) **It is imperative that the recruiter follow up with this family at a later date.** If Luis engages in qualifying work within 60 days of the **qualifying move**, the sons will likely become eligible for the MEP.

Scenario 3:

Carlos Garcia moved on his own from San Antonio, TX to Shelby, MI in January 2015 and immediately engaged in temporary work, sorting apples at the processing plant. Mom and their four young children remained in San Antonio, TX until June 2016 when they moved to Shelby, MI to be with Carlos. In February 2017, Carlos took a job working at a nursery in Holland, MI transplanting seedlings. Since then, he has commuted with a co-worker to work each day. On April 10, 2017, his co-worker moved away and Carlos was left without a ride. Rather than lose his job, Carlos quickly moved his family to an apartment in Holland, MI to be closer to the nursery.

Do the children qualify for the MEP under NCLB?

(Interviews conducted before July 1, 2017 use NCLB factors.)

No, the children are not eligible for the MEP under NCLB. *The four young children are less than twenty-two years old and eligible for a free public education. There are two moves that must be examined. (working backwards)*

(1) Move from Shelby to Holland - *The move from Shelby to Holland was with a migratory worker, from one school district to another, from one residence to another, due to economic necessity and within the past 36 months (5 parts of the move). However, in this case, the purpose of the move factor was not met. The worker was not seeking work of any kind, so the worker’s children do not qualify for the MEP. The purpose of the move was a housing change and was not to obtain qualifying work. There was no change in employment. The children are not eligible for the MEP based on this move.*

(2) Move from San Antonio to Shelby – *The move from San Antonio, TX to Shelby, MI was not made with or to join a migratory worker, even though the move was from one school district to another, from one residence to another, due to economic necessity and within the past 36 months. This move did not qualify the children for the MEP because the worker and children were not joined within 12 months of the worker’s move for qualifying work. The first box under the move cannot be checked (The child moved ...to join/precede a parent...).*

NCLB -

San Antonio	Shelby	Holland
	January 2015 – Carlos moved to Shelby on his own and engaged in temporary work sorting apples.	
	June 2016 – Mom and the children move to join dad. <i>(The move to join occurred 18 months after the worker moved.)</i>	
	January 2017 – Carlos takes the job in Holland transplanting seedlings.	April 2017 – Carlos and the family moves to Holland. <i>(The worker did not move for new qualifying work.)</i>

Do the children qualify for the MEP under ESSA?

(Interviews conducted on or after July 1, 2017 use ESSA factors.)

Yes, the children are eligible for the MEP under ESSA.

Factor 1: **Age** – The children are under 22.

Factor 2: **School Completion** – The children are entitled to free public education.

Factor 3: **Migratory Worker and Qualifying Work** – Carlos made two **qualifying moves** (*change in residency, crossed school districts, due to economic necessity*). The first **qualifying move** was from San Antonio, TX to Shelby, MI in January 2015. He engaged in qualifying work soon after this move. The work was temporary and was agricultural. Carlos is now established as a migratory worker based on this move to Shelby.

The second **qualifying move** was from Shelby to Holland. However, Carlos did not engage in new qualifying work soon after the move. The move to Holland does not re-establish him as a migratory worker.

Note: He is established as migratory worker as of January 2015. This status will be in effect for 36 months or until he re-establishes himself as a migratory worker by making a new **qualifying move** in which he engages in new qualifying work soon after that move.

Factor 4: **Qualifying Move for the Child** – The children made two **qualifying moves** (*change in residency, crossed school districts, due to economic necessity*) in this scenario. The move from San Antonio to Shelby is a **qualifying move**. The move from Shelby to Holland is a **qualifying move**.

Factor 5: **Qualifying Arrival Date (QAD)** – The *first* **qualifying move** (*change in residency, crossed school districts, due to economic necessity*) from San Antonio to Shelby does not result in a qualifying arrival date (QAD) for the children. *They did not move with, to join/precede the worker within 12 months.*

The children's *second* **qualifying move** (Shelby to Holland) was made **with** a migratory agricultural worker (Carlos) and occurred in the preceding 36 months. This **qualifying move** resulted in a qualifying arrival date (QAD).

The QAD is April 10, 2017.

The MEP eligibility expires on April 10, 2020.

ESSA -

San Antonio	Shelby	Holland
	<p>January 2015 – Carlos made a qualifying move (R,S,E) to Shelby on his own and engaged in temporary work sorting apples. <i>(Carlos is established as a migratory worker. This will be true for 36 months.)</i></p>	<p>June 2016 – Mom and the children make a qualifying move to join dad. <i>(This qualifying move to join occurred 18 months after the worker moved. The children are not eligible for the MEP because the 12 month limit is exceeded.)</i></p>
	<p>April 2017 – Carlos and the children each made a qualifying move (R,S,E) from Shelby to Holland. <i>(Carlos’s move does <u>not</u> re-establish him as a migratory worker because he did not engage in new qualifying work. His status as a migratory worker is based on his January 2015 qualifying move.)</i> <i>(The children’s qualifying move (R,S,E) resulted in a new qualify arrival date (QAD) because it was made with an established migratory worker.)</i> <i>(The children are now eligible for the MEP.)</i></p>	

Key ESSA points –

- 1) It is best to first establish if the parent, guardian, spouse or self is a migratory worker.
- 2) A worker can be established as a migratory worker on a **qualifying move** (R,S,E) made without the children.
- 3) A **qualifying move** may NOT always establish a qualifying arrival date (QAD).
- 4) **The purpose of the move** is no longer part of the recruiter’s interview. A migratory worker’s status is established when the worker engages in qualifying work soon after the move.

Scenario 4:

Eduardo, Rosa and their five children, all under 15 years old, moved from Covert, MI to Northport, MI on August 15, 2016. Eduardo had heard that there was work in hops and moved for it. He began picking hops soon after the move. In October, Eduardo accepted a job in Grand Rapids, MI as a dishwasher at New Holland’s Knickerbocker. They all moved to Grand Rapids on October 11, 2016.

Do the children qualify for the MEP under NCLB?

(Interviews conducted before July 1, 2017 use NCLB factors.)

Yes, the children are eligible for the MEP under NCLB. *The five young children are less than twenty-two years old and eligible for a free public education. There are two moves that must be examined. (working backwards)*

(1) Move from Northport to Grand Rapids – *The move from Northport to Grand Rapids was with a migratory worker, from one school district to another, from one residence to another, due to economic necessity and within the past 36 months (5 parts of the move). However, in this case, the purpose of the move factor was not met. The move to Grand Rapids was not to obtain new qualifying work. The children remain eligible based on the move from Covert to Northport.*

(2) Move from Covert to Northport - *The move from Covert, MI to Northport, MI was with a migratory worker, from one school district to another, from one residence to another, due to economic necessity and within the past 36 months (5 parts of the move). Eduardo moved to obtain qualifying work picking hops. The qualifying work is seasonal and agricultural.*

The children’s QAD is August 15, 2016.

NCLB -

Covert	Northport	Grand Rapids
	August 15, 2016 – Eduardo moved to Northport in order to pick hops. The children moved with him. NEW QAD – August 15, 2016.	October 11, 2016 – Eduardo moved to Grand Rapids in order to become a dishwasher at the New Holland’s Knickerbocker. The children moved with him. No new QAD. They remain eligible and can be served by the MEP program with the QAD for August 15, 2016.

Do the children qualify for the MEP under ESSA?

(Interviews conducted on or after July 1, 2017 use ESSA factors.)

Yes, the children are eligible for the MEP under ESSA.

Factor 1: **Age** – The children are under 22.

Factor 2: **School Completion** – The children are entitled to free public education.

Factor 3: **Migratory Worker and Qualifying Work** – Eduardo made two **qualifying moves** (*change in residency, crossed school districts, due to economic necessity*). The first **qualifying move** was from Covert, MI to Northport, MI on August 15, 2016. He engaged in qualifying work soon after this move. The work was temporary and was agricultural. Eduardo is now established as a migratory worker based on this move to Northport.

The second **qualifying move** was from Northport to Grand Rapids. However, Eduardo did not engage in new qualifying work soon after the move. He engaged in work as a dishwasher.

The move to Grand Rapids does not *re-establish* him as a migratory worker.

Note: Eduardo was established as migratory worker as of August 15, 2016. This status remains in effect for 36 months or until he *re-establishes* himself as a migratory worker by making a new **qualifying move** in which he engages in new qualifying work soon after that move.

Factor 4: **Qualifying Move for the Child** – The children made two **qualifying moves** (*change in residency, crossed school districts, due to economic necessity*) in this scenario. The move from Covert to Northport was a **qualifying move**. The move from Northport to Grand Rapids was also a **qualifying move**.

Factor 5: **Qualifying Arrival Date (QAD)** – The children's *first* **qualifying move** (Covert to Northport) was made **with** a migratory agricultural worker (Eduardo) and occurred in the preceding 36 months. This **qualifying move** resulted in a **qualifying arrival date** (QAD), August 15, 2016.

The children's *second* **qualifying move** (Northport to Grand Rapids) was also made **with** a migratory agricultural worker (Eduardo) and occurred in the preceding 36 months. This **qualifying move** resulted in a **qualifying arrival date** (QAD), October 11, 2016.

The QAD for the children is October 11, 2016. (This is the most recent QAD.)

The MEP eligibility for expires on October 11, 2019.

ESSA -

Covert	Northport	Grand Rapids
	August 15, 2016 – Eduardo moved to Northport and engaged in qualifying work picking hops soon after the move. The children moved with him. NEW QAD – August 15, 2016.	October 11, 2016 – Eduardo made a qualifying move (R,S,E) to Grand Rapids and took a job as a dishwasher at the New Holland’s Knickerbocker. However, Eduardo maintains his status as migratory worker for 36 months from the date it was established (August 15, 2016). The children made a qualifying move with him to Grand Rapids. NEW QAD – October 11, 2016.

Key ESSA points –

- 1) **Qualifying moves** may or may not result in a qualifying arrival date.
- 2) **The purpose of the move** is no longer part of the recruiter’s interview. A worker’s migratory status is established when the worker engages in qualifying work soon after the move.
- 3) The first **qualifying move** in this scenario **both** established the worker as a migratory worker (for 36 months) **and** resulted in a new qualifying arrival date (QAD) for the eligible children. The second **qualifying move** in this scenario only results in a new QAD for the children.