LA Migrant Education Program
Determining Eligibility
Instructions for

Open browser
(tablet, smartphone, or laptop)

www.pollev.com/idrteam
Instructions for

Open browser (tablet, smartphone, or laptop)

[www.pollev.com/idrteam]
Results for: Which of the following statements best defines the Qualifying Arrival Date (QAD)?

Summary

<table>
<thead>
<tr>
<th>Response</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>D. It is the date the worker and child complete a qualifying move.</td>
<td>27</td>
</tr>
<tr>
<td>C. It is the date the family entered the school district.</td>
<td>2</td>
</tr>
<tr>
<td>B. It is the date the worker obtained qualifying work.</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>30</td>
</tr>
</tbody>
</table>

D. It is the date the worker and child complete a qualifying move.
Results for: Which of the following statement is correct about the Qualifying Arrival Date (QAD) and the Residency Date (RD)?

Summary

<table>
<thead>
<tr>
<th>Response</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>C. The RD must be the same or occur before the QAD.</td>
<td>13</td>
</tr>
<tr>
<td>D. The QAD must be the same or occur before the RD.</td>
<td>10</td>
</tr>
<tr>
<td>A. The QAD and the RD are always the same.</td>
<td>3</td>
</tr>
<tr>
<td>B. The QAD and the RD are never the same.</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>27</strong></td>
</tr>
</tbody>
</table>
Results for: A family has been driving across state lines every day to work in the sugarcane harvest and returning home each night. Are the children eligible for the MEP?

Summary

<table>
<thead>
<tr>
<th>Response</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>B. No, because the family never changed their residency.</td>
<td>15</td>
</tr>
<tr>
<td>C. Yes, because the family crosses school district lines due to economic necessity.</td>
<td>7</td>
</tr>
<tr>
<td>A. Yes, because the family crosses school district lines for qualifying work.</td>
<td>4</td>
</tr>
<tr>
<td>D. No, because moves across state lines are never eligible for the MEP.</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>27</td>
</tr>
</tbody>
</table>
Results for: May a worker's children be determined eligible for the MEP if the worker and his family moved across school district lines in order to obtain qualifying work, harvesting watermelons, but instead got a job driving the truck to haul watermelons to the packing house on the same field?

Summary

<table>
<thead>
<tr>
<th>Response</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>B. Yes. The recruiter would document the qualifying work as hauling watermelon.</td>
<td>16</td>
</tr>
<tr>
<td>A. Yes. The recruiter would document the qualifying work as harvesting watermelon.</td>
<td>9</td>
</tr>
<tr>
<td>D. No. The worker did not obtain the specific work he/she moved for (harvesting watermelons).</td>
<td>2</td>
</tr>
<tr>
<td>Total</td>
<td>27</td>
</tr>
</tbody>
</table>
Results for: A family of four moved from Dover, FL to Bonita, LA on October 15, 2016, in order to obtain work harvesting sweet potatoes. Unfortunately, when the worker arrived, all the workers they needed for the season were already hired. A local recruiter identifies and interviews the family on November 15, 2016. Are the children eligible for the MEP?

Summary

<table>
<thead>
<tr>
<th>Response</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>D. More information is needed.</td>
<td>17</td>
</tr>
<tr>
<td>A. Yes, because the children moved (across school district lines) with the worker.</td>
<td>6</td>
</tr>
<tr>
<td>B. No, because the worker did not obtain qualifying work.</td>
<td>3</td>
</tr>
<tr>
<td>C. Yes, because harvesting sweet potatoes is a qualifying activity.</td>
<td>2</td>
</tr>
<tr>
<td>Total</td>
<td>28</td>
</tr>
</tbody>
</table>
S.T.A.M.P. of Eligibility

S - School Completion
T - Time of Move
A - Age of Child/Youth
M - Move
P - Purpose
S.T.A.M.P. of Eligibility

School Completion

Make sure the child/youth has:

- **NOT** graduated from high school;
- **NOT** earned a GED.
S.T.A.M.P. of Eligibility

Time of move

The child and qualifying worker moved within the past 36 months.
S.T.A.M.P. of Eligibility

**Age**

Make sure the child/youth is younger than 22 years of age.
S.T.A.M.P. of Eligibility

Move

Make sure the child/youth and qualifying worker

moved due to economic necessity
ACROSS school district lines
to change from one residency to another.
MOVE*

The child and worker “moved.”

With, to join, to precede, or as the worker

From one school district to another

Change of residence

Due to economic necessity

Within the past 36 months

All criteria must be present
S.T.A.\textbf{M}.P. of Eligibility
The child and worker “moved”

- The child and worker “moved” together.
- The child “moved” to join the worker.
- The worker “moved” to join the child.
S.T.A.M.P. of Eligibility
The child and worker “moved”

Across school district lines
- From FL to LA
- Mexico to LA
- From Rapides to Terrebonne
- LA to Mexico???
S.T.A.M.P. of Eligibility

The child and worker “moved” to live and not just to visit.

Does not include:

- Visit family or friends
- Attend a wedding
- Take a vacation
- Take care of ‘legal’ matters

Change of residence
S.T.A.M.P. of Eligibility
The child and worker “moved”

Examples of Economic Necessity
- Not able to afford to stay in the current location
- Move in order to earn a living
S.T.A.M.P. of Eligibility

The child and worker “moved”

- Three years

Within the past 36 months

Date of Interview
January 24, 2017

2014  2015  2016
MOVE*
The child and worker “moved.”

With, to join, to precede, or as the worker **AND** From one school district to another **AND** Change of residence **AND** Due to economic necessity **AND** Within the past 36 months

All criteria must be present
S.T.A.M.P. of Eligibility

Purpose

“Move or Moved in Order to Obtain”

*Move or Moved* – means a change from one residence to another residence that occurs due to economic necessity.

*In Order to Obtain* – used to describe why a worker moved, means that one of the purposes of the move is to seek or obtain qualifying work.
PURPOSE

Specific Work
- Obtained Work
  - ELIGIBLE
    - Sec III. 4a
- Did NOT Obtain Work
  - Prior History?
    - ELIGIBLE
      - Sec III. 4ci
    - NOT ELIGIBLE
      - Sec III. 4ci
  - Credible Evidence?
    - ELIGIBLE
      - Sec III. 4ci
    - NOT ELIGIBLE
      - Sec III. 4ci

“Any” Work
- Obtained Work within “30 Days”
  - ELIGIBLE
    - Sec III. 4b
- Did NOT Obtain Work within “30 Days”
  - NOT ELIGIBLE
S.T.A.M.P. of Eligibility

**Purpose**

“Move or Moved in Order to Obtain”

If a worker states that one of the purposes of the move was to seek any type of employment (the worker moved with no specific intent to find work in a particular job), the worker is deemed to have moved with a purpose of obtaining qualifying work if the worker obtains qualifying work soon after the move.

Therefore, for those who moved to get “any” work and end up obtaining qualifying work soon after the move, it is enough to say that they moved to obtain qualifying work.
S.T.A.M.P. of Eligibility

**Purpose**

“Move or Moved in Order to Obtain”

A worker who did not obtain qualifying work soon after a move may be considered to have moved in order to obtain qualifying work only if the worker states that at least one purpose of the move was specifically to seek the qualifying work, and there is:

- Prior migrant history *and/or*
- Credible evidence that the worker sought qualifying work but, for reasons beyond the worker’s control, the work was not available.
S.T.A.M.P. of Eligibility

Purpose

Move or Moved in order to Obtain:

- Seasonal or Temporary, and
- Agricultural or Fishing work.
Purpose

“Seasonal or Temporary”

Seasonal – Employment that occurs only during a certain period of the year because of the cycles of nature, and that by its nature may be continuous or carried on throughout the year.
S.T.A.M.P. of Eligibility

Purpose

“Seasonal or Temporary”

Temporary – Employment that lasts for a limited period of time, usually a few months, but no longer than 12 months.

• Employer states that worker was hired for a limited timeframe.

• The worker states he/she does not intend to remain in that employment indefinitely.
S.T.A.M.P. of Eligibility

Purpose

“Agricultural or Fishing Work”

Agricultural Work – The production or initial processing of crops, dairy products, poultry, or livestock, as well as the cultivation or harvesting of trees. It consists of work performed for wages or personal subsistence.
S.T.A.M.P. of Eligibility

Purpose

“Agricultural or Fishing Work”

Fishing Work – The catching or initial processing of fish or shellfish or the raising or harvesting of fish or shellfish at fish farms. It consists of work performed for wages or personal subsistence.
S.T.A.M.P. of Eligibility

S – School Completion
T – Time of Move
A – Age of Child/Youth
M – Move
P – Purpose
In July 2016, a family with two high school age children moved from Abbeville, LA (Vermilion Parish) approximately 20 miles away to Lafayette, LA (Lafayette Parish) in order for the mother to begin seasonal work heading and deveining shrimp. The children continue to attend school in the original district from which they moved, commuting each day. Do the children qualify for the MEP?

A. Yes
B. No
C. Maybe
Answer: Yes. The children appear to have met all of the eligibility factors: they are under 22 years old, eligible for a free public education, and they made a move within 36 months, across school district lines, changing residence, in order for their mother to obtain qualifying work. The MEP statute and regulations do not require that a child attend school in a new school district or that a child’s education be interrupted, but simply have moved across school district lines.
Can you qualify a family that made their last move 24 months ago but since then has found non-agricultural/non-fishing work and bought a house?

A. No. The recruiter needs to find the family soon after they moved to determine them eligible for the MEP.

B. Yes. A recruiter needs to find the family soon after the move to determine them eligible for the MEP.

C. No. A family who purchases a house proves their intent was permanent relocation.

D. Yes. The recruiter should focus on the move and the purpose of the move.
Answer D: One of the criteria of a “migratory child” is that the child “moved within the preceding 36 months” to accompany or join the migratory worker. Children who are determined eligible for the MEP remain eligible for the duration of their 36-month eligibility period starting with their last qualifying move. See Chapter II, A1 and I20 of the Non-Regulatory Guidance, 2010
Workers are hired to trim trees and gather trimmings from the harvest site. Workers are also hired to make wreaths by assembling the trimmings. Which of these activities can be considered agricultural work?

A. Trimming trees
B. Gathering trimmings
C. Assembling Wreaths
D. Both a and b
E. a, b, and c
Answer: D. For purposes of the MEP, “harvesting” in the context of trees means the act of gathering or taking of the trees or plants. Trimming trees/plants and gathering trimmings that occur at the harvest site can be considered part of the “cultivation” and “harvest” processes. Assembling wreaths is beyond the cultivation or harvesting process and therefore does not qualify for purposes of the MEP. Only the cultivation or harvesting of plants for the purposes of wreaths may be considered qualifying work, however the assembling or making of the wreaths is not. See Chapter II, G10 and G11 of the Guidance.
In cases where a worker sought but did not obtain qualifying work, which of the following are acceptable supports for the worker’s statement that he actively sought the work?

A. A comment documenting the recruiter’s conversation with the employer, crew leader, or employment agency.

B. A comment from the worker documenting a previous move to/from a location, the date of the move, and the type of work performed.

C. A comment from the worker stating that he actively sought the work by filling out an application.

D. Both a and b
Answer: D. In cases where a worker sought, but did not obtain qualifying work, the worker must have a prior history of moves to obtain qualifying work or there must be credible evidence that the worker actively sought qualifying work soon after the move, but for reasons beyond the worker’s control, the work was not available.

Option A., documentation of a conversation between the recruiter and the employer, is acceptable “credible evidence” that the worker actively sought qualifying work, but for reasons beyond the worker’s control, the work was not available.

Option B., a comment from the worker describing a prior history of moves to obtain qualifying work, is acceptable documentation for situations where a worker has a prior history of moves to obtain qualifying work.

Option C., a comment from the worker stating that he filled out an application, is not acceptable “credible evidence” that a worker moved to seek qualifying work, AND the work was not available for reasons outside the worker’s control. “Credible evidence” would need to be in addition to the information the worker or his or her family member provided (e.g., a copy of the application versus the worker’s statement that he filled out one). See Chapter II, D19 of the Guidance.
A worker, his spouse and two children, made a move from West Monroe (Ouachita Parish) to Marion (Union Parish), on November 2015 to seek temporary gathering eggs at a poultry farm. A local recruiter identifies and interviews the family on January 2016. At the time of the interview, the worker explained that when the family arrived to Union Parish, he had applied for work at poultry farm, but had not yet obtained the work. The worker stated that if he would have obtained employment, he would have intended to stay for approximately six months. Since the worker was not able to obtain work gathering eggs at the poultry farm, he found work at a local restaurant washing dishes. Are the children eligible for the MEP?

A. Yes. The worker applied for work gathering eggs, which is a qualifying activity.
B. No. The worker is working as a dishwasher and it is not a qualifying activity
C. Maybe. The recruiter should ask about the worker’s intent of seeking work gathering eggs.
Based on the scenario described, the worker appears to meet the definition of a migratory agricultural worker in that he moved due to economic necessity in the preceding 36 months from one school district to another in order to obtain seasonal employment in agricultural work.

However, it was not clear whether the worker was found to be eligible based on #4ci (Prior History) or #4cii (Credible Evidence). As a reminder, in cases where the worker does not obtain specific qualifying work the recruiter should inquire about the worker’s intent to seek that specific qualifying work.
Does the worker have a prior history of moves to obtain qualifying work (#4ci)?

Is there credible evidence that supports that the worker sought qualifying work soon after the move but, for reasons beyond the worker’s control, the work was not available (#4cii).

In cases where the recruiter relies on other credible evidence, the recruiter should not simply rely on the worker’s word that he was looking specifically for qualifying work. “Other credible evidence” would be additional information that supports the worker’s statement that he moved in order to obtain qualifying work. The recruiter is not necessarily required to have physical evidence to meet this requirement, but he should document the basis for his decision in the comment section of the COE (see Chapter II, Question D18 of the MEP NRG).
Is cricket farming considered “qualifying work” for purposes of the Migrant Education Program (MEP)?

A. Yes.
B. No.
C. It depends.
Assuming that the worker meets all other program eligibility criteria and the work is temporary, work on a cricket farm could be considered agricultural work for the MEP. In the MEP Non-Regulatory Guidance (NRG), Chapter II, G6 and G8, discusses animals that are considered livestock, including what we consider “specialty or alternative livestock”. Crickets may fall under the category of “specialty or alternative” livestock, provided they also meet the guidelines for all livestock:

1. We do not consider livestock to include animals hunted or captured in the wild;
2. We do not consider livestock to include animals raised for sport, recreation, research, service, or pets;
3. The animals must be produced or kept primarily for breeding or slaughter purposes.

Additionally, the worker must be participating in the production or initial processing phases of cricket farming.