

Title I, Part C Migrant Education Program Kickoff Meeting – Session 2



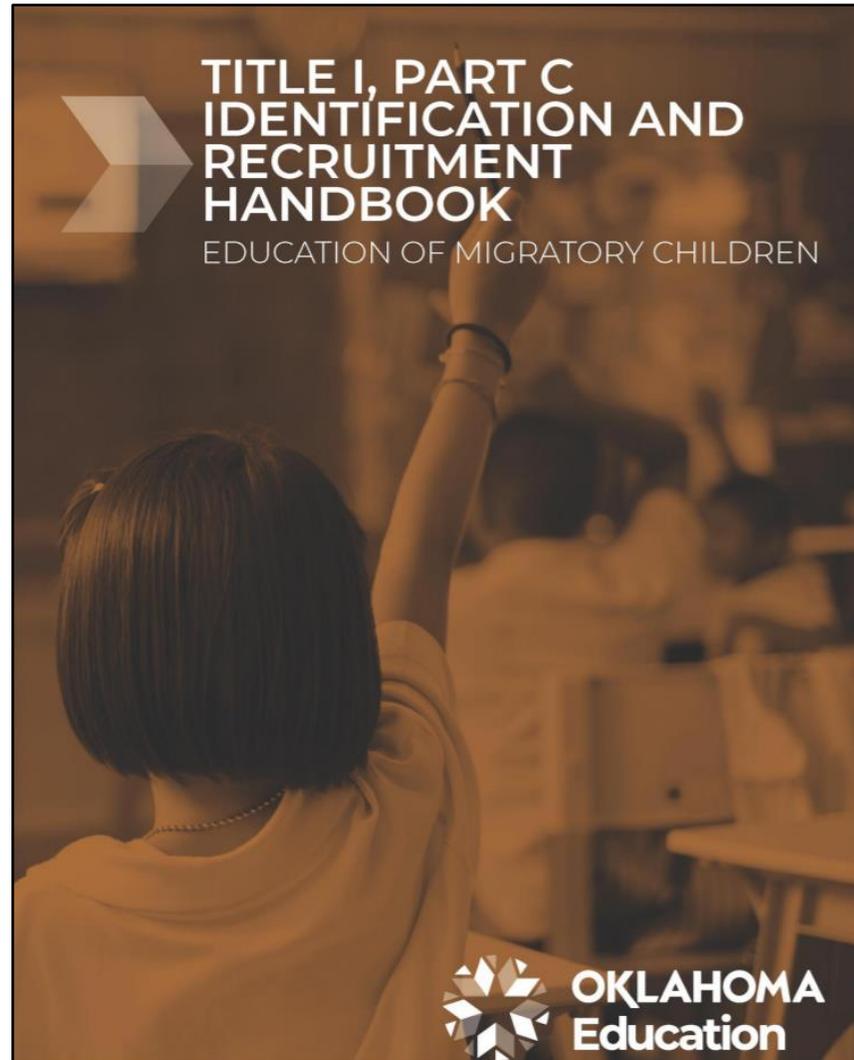
OKLAHOMA
Education



Focus on ID&R

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ID&R Handbook



ID&R Plan



State ID&R Plan

2020-2021

OSDE

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Recruitment Practice Scenarios

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Scenario 1

On January 1st, 2021 a recruiter visits a store in Evansville, IN. and sees a young woman named Sara with her 4 year old daughter. The woman moved from Detroit, MI to Evansville with her parents and her daughter on December 1st, 2020, because her family couldn't afford their rent anymore. Sara's parents are working at a factory, but Sara is working in a greenhouse at a nursery planting flowers. Sara tells the recruiter she is only 20 and never graduated high school because she got pregnant, but she wants to get her GED.

- **Is Sara eligible for the Migrant Education Program?**
- **Is Sara's daughter eligible for the Migrant Education Program?**
- **If Sara and/or her daughter are eligible for MEP, who is the migratory agricultural worker?**
- **If Sara and/or her daughter are eligible for MEP, how many COEs are needed?**

Scenario 1 Answers

Is Sara eligible for the Migrant Education Program? Yes

- Explanation: Sara meets all requirements for eligibility:
- Age: Sara is 20 years old and is under the age of 22
- School: Sara has not completed high school or a high school equivalency program
- Qualifying move: Sara made a qualifying move from one residence in Detroit, MI to another in Evansville, IN, from one school district to another, and it was due to economic necessity
- Migratory Agricultural Worker: Sara is a migratory agricultural worker because she engaged in qualifying agricultural work planting flowers within 60 days of making a qualifying move.

Is Sara's daughter eligible for the Migrant Education Program? Yes

- Explanation: Sara's daughter meets all requirements for eligibility:
- Age: Sara's daughter is 4 years old so she is under the age of 22
- School: Sara's daughter has not completed high school or a high school equivalency program
- Qualifying move: Sara's daughter made a qualifying move from one residence in Detroit, MI to another in Evansville, IN, from one school district to another, and it was due to economic necessity
- Migratory Agricultural Worker: Sara's daughter moved with a migratory agricultural worker because Sara is a migratory agricultural worker

Scenario 1 Answers - 2

If Sara and/or her daughter are eligible for MEP, who is the migratory agricultural worker?

- Sara is the migratory agricultural worker. She engaged in planting flowers within 60 days of making a qualifying move. Planting flowers in a nursery is considered seasonal agricultural work and is a qualifying activity.

If Sara and/or her daughter are eligible for MEP, how many COEs are needed?

- Two COEs are needed. One is needed for Sara and another is needed for Sara's daughter.
- Explanation: According to page 3 of the National Certificate of Eligibility Instructions a separate COE is needed for every child that has different eligibility criteria than the other children in the family. Since Sara is the migratory agricultural worker her eligibility criteria is different than her daughter's criteria so separate COEs are needed.

Scenario 2

On December 5th of 2020 a recruiter visited a dairy in New Glarus, WI. The recruiter was able to speak to the owner who told the recruiter they had just hired a new worker, Martha Sanchez, to work for a month during the holidays milking cows. The owner let the recruiter speak to Martha on her lunch break. Martha said she arrived November 1st, from Honduras. Martha has two kids, Jorge and Juan, twins age 8. Martha says that although the owner says the job is only for a month she hopes she can work longer.

- **Are Martha's children Eligible for the Migrant Education Program?**
- **If Martha's children are eligible for MEP, what is the Q.A.D.?**
- **If Martha's children are eligible for MEP, what is the qualifying activity performed by the Migratory agricultural worker? Is it seasonal or temporary**
- **If Martha's children are eligible for MEP, are comments necessary on the COE?**
- **If comments are needed on the COE, what information should they include?**

Scenario 2 Answers

Explanation: Chapter II QA1 on page 12 of the Non-Regulatory Guidance defines a migratory child as a child that is not older than 21, has not completed high school or a high school equivalency program, and has made a qualifying move with, to join, or to precede a migratory agricultural worker or as a migratory agricultural worker. Jorge and Juan meet all requirements for eligibility:

- Age: Both under the age of 21
 - School: Have not completed high school
 - Qualifying move: Made a move from one residence in Honduras to another in WI, from one school to another, and due to economic necessity
 - Migratory Agricultural Worker: Martha is a Migratory Agricultural Worker
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- **Are Martha's children Eligible for the Migrant Education Program? Yes**
 - **If Martha's children are eligible for MEP, what is the Q.A.D.?** November 1st, 2020
 - Explanation: November 1st, 2020 is the latest date the children made a qualifying move with a migratory agricultural worker.

Scenario 2 Answers - 2

If Martha's children are eligible for MEP, what is the qualifying activity performed by the Migratory agricultural worker? Is it seasonal or temporary?

- Qualifying Activity: Milking Cows
- The work is temporary work because the owner of the dairy says that Martha has only been hired for a month.
- Explanation: Milking cows is considered a qualifying agricultural activity. Martha's work milking cows is considered temporary because her employer has stated that she has been hired for only a month. The Non Regulatory Guidance Chapter 111 QG6 states that recruiters may determine work to be temporary based on an employer's statement.

If Martha's children are eligible for MEP, are comments necessary on the COE?

- Yes, a comment is required on the COE to explain how you know the work is temporary.
- Explanation: Page 12 of the National Certificate of Eligibility Instructions states that whenever a recruiter marks the qualifying activity as being temporary they must include a comment that records the information provided by the worker or employer regarding how long they expect the employment to last.

If comments are needed on the COE, what information should they include?

- The comment should include the name of the dairy and the comment from the owner explaining that Martha has only been hired for a month to help through the holidays.

Scenario 3

A father and his daughter, aged 16, moved from Charleston, SC to Naples, FL on July 2nd, 2020 and began work picking tomatoes. At the end of tomato season the family bought a boat in Naples, FL and sailed the boat along the coast to Gulfport, MS to work for a company catching oysters for four months. The family arrived in Gulfport on October 1st, 2020. After the work was over, the father and daughter liked Mississippi and moved out of their boat to a house they were renting in the same school district on December 10th, 2020. The father made sure to enroll the daughter in high school and in January 2021 began working for a local marina cleaning boats.

- **Is the daughter eligible for MEP?**
- **If the daughter is eligible, what is the QAD?**
- **If the daughter is eligible, what was the qualifying activity of the Migratory Agricultural Worker?**

Scenario 3 Answers

Is the daughter eligible for MEP?

- Yes, the daughter is eligible for the Migrant Education Program as she meets all the requirements for being considered migrant children as laid out in Chapter II QA1 of the Migrant Education Program Non-Regulatory Guidance.
- The daughter is under the age of 22, has not completed school, and made a qualifying move with her father who is a migratory agricultural worker.
- Chapter II QD9 on page 22 of the Non-Regulatory Guidance says that students and workers are allowed to make qualifying moves by boat from one school district to another as long as they are staying in the new location long enough for the move to be considered from one residence to another.

If the daughter is eligible, what is the Q.A.D?

- The Qualifying Arrival Date is October 1st, 2020 when the family arrived in Gulfport, Mississippi. The move on December 10th is not a qualifying move because it is not from one school district to another.

Scenario 3 Answers - 2

If the daughter is eligible, what was the qualifying activity of the Migratory Agricultural Worker?

- The qualifying activity of the migratory agricultural worker is "catching oysters." Oyster catching is considered fishing work and can be considered temporary or seasonal depending on the state. The worker in this scenario told the recruiter they worked catching oysters from October to January before getting another job washing boats. The worker's statements confirms the work catching oysters was in fact temporary work in fishing and makes the father a migratory agricultural worker.

Scenario 4

A recruiter in Madison, WI finds a worker who moved to the area to work on a dairy outside of the city. The worker is 18 and never completed high school. They had been hired by the dairy, but when they arrived there was an outbreak of COVID-19 amongst the workers on the dairy. The outbreak made the dairy put a hold on letting new employees begin work and as a result they could not begin working until 70 days after the move. The state has documentation allowing for migratory agricultural workers to begin working longer than 60 days after the move if it is due to Covid-19. The worker told the recruiter they only plan on working at the dairy for 10 months.

- **Is the worker eligible for MEP?**
- **If the worker is eligible, how many comments are needed on the COE?**
- **If comments are necessary, what information would the comments need to include on the COE?**

Scenario 4 Answers

Is the worker eligible for MEP?

- Yes, the OSY worker is eligible for the Migrant Education Program. The OSY meets all of the requirements laid out in Chapter II QA1 of the Migrant Education Program Non-Regulatory Guidance.
- The OSY is under the age of 22, has not completed their schooling, and made a qualifying move as the migratory agricultural worker.
- Despite not engaging in work within 60 days after the move, the OSY can still be considered to be a migratory agricultural worker because they provided a state accepted excuse for engaging in work outside of the "soon after the move" window. Chapter II QC5 pg. 16 of the Non-regulatory guidance provides the definition of "soon after the move" and states that workers can engage in work outside of the 60 days window as long as it is supported by written evidence provided by the state.

If the worker is eligible, how many comments are needed on the COE?

- Two separate comments would be needed on the COE. According to the COE comments are required for when the worker engages in new agricultural or fishing work outside of the 60 day "soon after the move" window and when the qualifying activity performed by the migratory agricultural worker is considered to be temporary.

Scenario 4 Answers - 2

If comments are necessary, what information would the comments need to include on the COE?

- The first comment to explain why the worker did not engage in new qualifying work within 60 days of the move would require a comment stating what the reason is the worker provided as to why they could not engage in qualifying work within those 60 days and any reference or link to state documentation approving the stated reason.
- A second comment would be required to explain how the recruiter knows the work is temporary. This comment should include the worker's statement that they only plan on working at the dairy for 10 months.

Scenario 5

On March 31, 2021, Mauricio Muñoz moved from Chiapas, MEX. to Cleveland, OH with his 6-year-old twin sons. Mauricio had worked for many years at a nursery in Chiapas and wanted to use his experience to find a job planting flowers in a nursery in the United States. Mauricio had heard that there were jobs at a nursery in Cleveland; however, when Mauricio arrived the nursery informed him all the jobs had been filled and they were no longer hiring for the season. Instead, Mr. Muñoz got a job working for the city sanitation department cleaning up local parks.

Do these children qualify for the Migrant Education Program?

If yes, what is the qualifying arrival date?

Scenario 5 Answers

Do these children qualify for the Migrant Education Program?

- No, the children do not qualify for the Migrant Education Program. The children do not meet all of the requirements laid out in Chapter II QA1 of the Migrant Education Program Non-Regulatory Guidance. The children are of school age and are eligible for free public education, but they did not make a qualifying move with a migratory agricultural worker. Mauricio cannot be a migratory agricultural worker because they did not engage in temporary or seasonal agricultural or fishing work in the United States and they do not have a recent history of moves.

If yes, what is the qualifying arrival date?

- There is no qualifying arrival date because the children are not eligible for the Migrant Education Program.

Scenario 6

Arturo moves with his wife Liliana to Waverly, MN from Sioux City, IA with their 4-year-old daughter Mia on May 3, 2020. Arturo and Liliana are both 19 years old. Both Arturo and Liliana dropped out of high school after Liliana got pregnant. After arriving in Waverly, Liliana gets a job planting pumpkins for a local vegetable farm. A recruiter meets Arturo and Liliana from a referral from the MSIX Move Notice on June 13, 2020. Arturo and Liliana both ask the recruiter if they know how they can enroll in night classes since neither finished high school.

- **Is there a migratory agricultural worker in this scenario? If yes, until what date will they be considered a migratory agricultural worker?**
- **Does Arturo, Liliana, or Mia qualify for the Migrant Education Program?**
- **If anyone in the scenario qualifies, how many COEs would need to be completed in this scenario?**

Scenario 6 Answers

Is there a migratory agricultural worker in this scenario? If yes, until what date will they be considered a migratory agricultural worker?

- In this scenario Liliana is considered to be the migratory agricultural worker because they made a qualifying move to Waverly, MN and soon after engaged in seasonal agricultural work planting pumpkins. Liliana became a migratory agricultural worker on May 3, 2020, and will be considered a migratory agricultural worker for 36 months so they will be a migratory agricultural worker until May 3, 2023.

Scenario 6 Answers - 2

Does Arturo, Liliana, or Mia qualify for the Migrant Education Program?

- Yes, all three qualify for the Migrant Education Program. All three meet all of the requirements laid out in Chapter II QA1 of the Migrant Education Program Non-Regulatory Guidance.
 - Liliana qualifies because they are of school age, are still eligible to receive a free public education, and made a qualifying move as the migratory agricultural worker.
 - Arturo qualifies because they are of school age, are still eligible to receive a free public education, and made a qualifying move with a migratory agricultural worker who was their spouse.
 - Mia qualifies because they are of school age, are still eligible to receive a free public education, and made a qualifying move with a migratory agricultural worker who was their parent/guardian.
 - Mia qualifies because the migratory agricultural worker is their parent/guardian.

Scenario 6 Answers - 3

If anyone in the scenario qualifies, how many COEs would need to be completed in this scenario?

- In this scenario, three COEs would be needed: one for Arturo, one for Liliana, and one for Mia. According to page 3 of the National COE Instructions, a new COE is required whenever children/students have different eligibility criteria than the other children. Arturo, Liliana, and Mia all have different eligibility criteria because the Migratory Agricultural Worker has a different relationship with all three.
- Liliana qualifies because they are the migratory agricultural worker.
- Arturo qualifies through Liliana who is their spouse.

Questions



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