



MEP Eligibility under ESSA

Florida Statewide Training
February 2018

Eligibility Vocabulary



Vocabulary Under ESSA

Identification & Recruitment Vocabulary under ESSA



Actively Sought (AS) – having taken positive actions to look for qualifying work (**QW**).

Economic Necessity (EN) – moving because an individual (**I**) had a financial need. For example, not being able to afford to stay in the current location, moving for work or because work has ended.

Eligibility Interview (EI) – the date when the recruiter conducts an eligibility interview with an individual. Recruiters must focus on moves that occurred “within the preceding 36 months of the eligibility interview.”

Engage (E) “Engage in Qualifying Work” – to begin working or performing a new job. Having started the work.

Individual (I) – a person that could be the parent/guardian/spouse or the child/youth.

Migratory Agriculture Worker (MAW) – an individual (**I**) who, in the preceding 36 months, made a Qualifying Move (**QM**) and, soon after the move, engaged in new temporary or seasonal employment or personal subsistence in Qualifying Work (**QW**) in agriculture.

Migratory Child (MC) – a child who is; (1) younger than 22 years of age; (2) entitled to a free public education under State law; (3) made a Qualifying Move (**QM**) in the preceding 36 months as a Migratory Qualifying Worker (**MQW**), or with a Migratory Qualifying Worker (**MQW**), or to join or proceed a Migratory Qualifying Worker (**MQW**).

Migratory Fisher (MF) – an individual (**I**) who, in the preceding 36 months, made a Qualifying Move (**QM**) and, soon after the move, engaged in new temporary or seasonal employment or personal subsistence in Qualifying Work (**QW**) in fishing.

Migratory Qualifying Worker (MQW) – an individual (**I**) who is either a Migratory Agriculture Worker (**MAW**) or Migratory Fisher (**MF**).

Identification & Recruitment Vocabulary under ESSA



Move (M) – changing from one residence to another. Traveling from one residence to another. Not a Visit.

Qualifying Arrival Date (QAD) – the date that both the child and the Migratory Qualifying Worker (**MQW**) complete the Qualifying Moves (**QM**). The child must have moved as the Migratory Qualifying Worker (**MQW**), or with or to join a parent/guardian/spouse who is a Migratory Qualifying Worker (**MQW**).

Qualifying Move (QM) – a move (**M**) that an individual (**I**) made under the following conditions:

- due to economic necessity, and
- from one residency (**R**) to another, and
- from one school district to another.

The worker has to make a **QM**.

The child has to make a **QM**.

Qualifying Work (QW) – work that is temporary or seasonal employment, or for personal subsistence, in agriculture or fishing.

Residence (R) – a place where one lives and not just visits. In certain circumstances, boats, vehicles, tents, trailers, etc., may serve as a residence.

Residency Date (RD) – the date when the child moves (establish residency) into the present school district.

Recent History of Moves (RHM) – moves (**M**) that resulted in the engagement of new **QW** that occurred within the preceding 36 months of the eligibility interview.

Soon After the Move (SAM) – within 60 days.

Vocabulary Under ESSA

Qualifying Move: (both MQW and MC must make a QM)

A move that was:

- Made due to economic necessity; *and*
- From one residence to another residence; *and*
- From one school district to another school district

Economic Necessity:

Move because and Individual had a financial need.

For example, not being able to afford to stay in the current location, moving for work, or because the work ended.

Engage:

“Engage in Qualifying Work”- to begin work or performing a new job. Having **started** the work.

Vocabulary Under ESSA

Actively Sought:

Individual has taken positive actions to look for Qualifying Work.

Recent History of Moves:

Moves that resulted in the engagement of new qualifying work, that occurred within the preceding 36 months of the eligibility interview.

Residency Date:

The date the child(ren) moves/move (establishes residency) into the present school district.

Case Scenarios



Eligibility Checklist



MIGRANT ELIGIBILITY CHECKLIST

ALL boxes must be checked off in order to meet the Migratory Qualifying Worker and Migratory Child definitions (unless instructed to only check one).

Does the “individual” meet the definition of “Migratory Qualifying Worker”?

QUALIFYING MOVE FOR MIGRATORY QUALIFYING WORK

(Does not have to be dependent of child’s move)

- Due to economic necessity; AND
- From one residence to another residence; AND
- From one district to another; AND
- Took place in the preceding 36 months

QUALIFYING WORK (check one)

- engaged in new temporary or seasonal employment or personal subsistence in agriculture “soon after” the move (within 60 days); OR
- did not engage in new temporary or seasonal employment or personal subsistence
 - actively sought such new employment; **AND**
 - the individual has a recent history of moves for temporary or seasonal agriculture employment (at least two moves)

THE NEW QUALIFYING WORK IS:

- seasonal or temporary; AND
- agricultural or fishing

Does the “child(ren)” meet the definition of a “Migratory Child”?

AGE

- The child is under 22 years of age

SCHOOL COMPLETION

- The child is eligible for a free public education under State law

QUALIFYING MOVE FOR CHILD *(Does not have to be dependent of migratory qualifying worker’s move)*

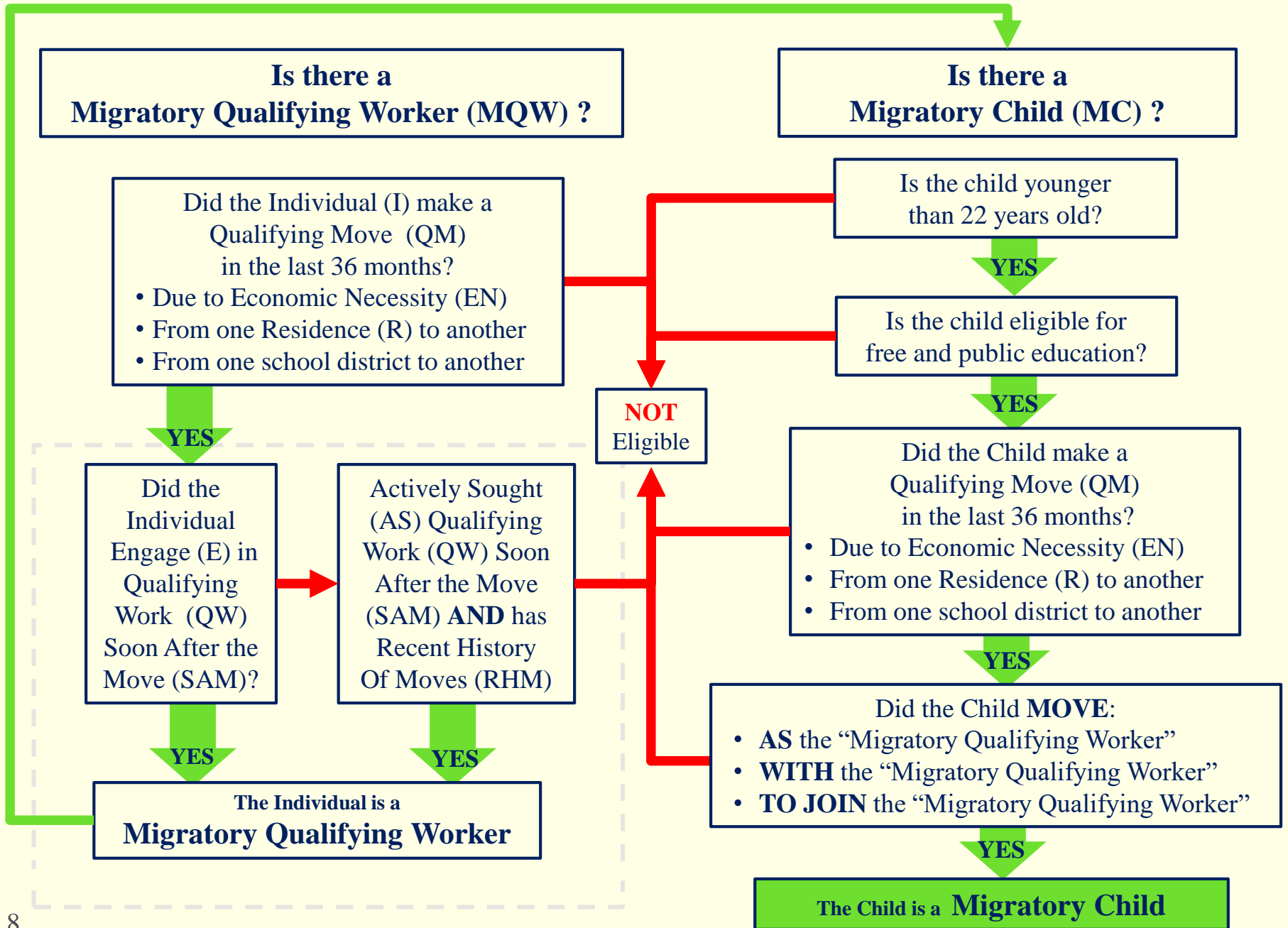
- Due to economic necessity; AND
- From one residence to another residence; AND
- From one district to another; AND
- Took place in the preceding 36 months

THE CHILD MOVED: (check one)

- as** a Migratory Qualifying Worker
- with**, a Migratory Qualifying Worker
- to join** a parent/guardian or spouse who is a Migratory Qualifying Worker

- **ALL boxes must be checked off** in order to meet the Migratory Qualifying Worker and Migratory Child definitions (unless instructed to only check one).

Eligibility Flow Chart



The Individual moved and Soon after the Move (SAM) ...

Engaged in
Qualifying Work (QW)

Did NOT Engage in
Qualifying Work (QW)

The individual
is a Migratory
Qualifying Worker
(MQW)

Actively Sought (AS)
Qualifying Work (QW)
AND has
Recent History of Moves (RHM)

The individual
is **NOT** a Migratory
Qualifying Worker
(MQW)

The individual
is a Migratory
Qualifying Worker
(MQW)

Possible Eligibility
Sec III. 4a

Possible Eligibility
Sec III. 4b

MEP Eligibility Under ESSA

Scenario 1

Robert and his mom (Anna Acosta) live in Orlando, FL. Robert is 16 years old, still in school, and has lived in Orlando for as long as he can remember. His mom has always worked in housekeeping at a local hotel but recently the hotel permanently closed. Desperate to secure some type of employment, Anna and her son move to Plant City on 05/13/16 to work in the strawberry harvest. Anna was able to work for three months. In September 2016, Anna receives news about a new hotel that has opened in Orlando. Anna moves back to Orlando on 09/15/16 to apply for the work at the hotel and secure housing. Robert then joins his mom at the end of the school semester on 12/20/16. A recruiter interviews the family in Orlando on 07/01/17.

Is Robert eligible for the FMEP?

Scenario 1

Does the ANNA meet the definition of a **Migratory Qualifying Worker**?

▶ **Qualifying Move for Migratory Qualifying Worker**

(does not have to be dependent of child's move)

- ✔ Due to economic necessity; AND
- ✔ From one residence to another residence; AND
- ✔ From one district to another district; AND
- ✔ Took place in the preceding 36 months from the eligibility interview

▶ **Qualifying Work:** *(check one)*

- ✔ **engaged** in new temporary or seasonal employment or personal subsistence in agriculture soon after the move (within 60 days); **OR**
- **did not engage** in new temporary or seasonal employment
 - actively sought such new employment; **AND**
 - has a recent history of moves for temporary or seasonal employment
- ✔ The new qualifying work is seasonal or temporary; AND
- ✔ The new qualifying work is agricultural or fishing

Scenario 1

Does ANNA meet the definition of a **Migratory Qualifying Worker**?

- Anna meets the definition of a Migratory Qualifying Worker on her move from Orlando to Plant City, which occurred in the preceding 36 months and where she engaged in qualifying work (harvesting strawberries). Anna keeps her status as a Migratory Qualifying Worker when she returns to Orlando on 09/15/16 to do non-qualifying work.
- This COE would be documented as a 4a in Section III, #4 showing the qualifying work done in Plant City.

Scenario 1

Does the ROBERT meet the definition of a **Migratory Child**?

▶ Age:

- ✔ The child is younger than 22 years of age

▶ School Completion:

- ✔ The child is eligible for a free public education under State law

▶ Qualifying Move for Child: *(does not have to be dependent of MQW's move)*

- ✔ Due to economic necessity; AND

- ✔ From one residence to another residence; AND

- ✔ From one district to another district; AND

- ✔ Took place in the preceding 36 months from the eligibility interview

▶ The child moved: *(check only one)*

- as a Migratory Qualifying Worker

- with a Migratory Qualifying Worker

- ✔ to join a parent/guardian or spouse who is a Migratory Qualifying Worker

Scenario 1

Does ROBERT meet the definition of a **Migratory Child**?

- Robert meets the definition of a Migratory Child. Even though he made the move with his mother, Anna (MQW) to Plant City, he made another Qualifying Move where he joined the MQW in Orlando on 12/20/2016. This would be the most current Qualifying Move for the child and would be documented as such in Section III, #1.
- This COE would be documented as a to-join move in Section III, #2a.

Scenario 2

Armando and his two school-aged children arrived in Florida from Maine in 08/01/2017 where Armando engaged in qualifying work (packing oranges) soon after the move. His children are currently enrolled in the FL MEP. Armando's sister Laura sent her daughter, Elisa to live with Armando since Elisa was an only child and would often be lonely at home. Laura also wanted Elisa to have a better education. Elisa arrived in Florida on 02/21/2018.

Is Elisa eligible for the FMEP?

Scenario 2

Does ARMANDO meet the definition of a **Migratory Qualifying Worker**?

▶ **Qualifying Move for Migratory Qualifying Worker**

(does not have to be dependent of child's move)

- ✔ Due to economic necessity; AND
- ✔ From one residence to another residence; AND
- ✔ From one district to another district; AND
- ✔ Took place in the preceding 36 months from the eligibility interview

▶ **Qualifying Work:** *(check one)*

- ✔ **engaged** in new temporary or seasonal employment or personal subsistence in agriculture soon after the move (within 60 days); **OR**
- **did not engage** in new temporary or seasonal employment
 - actively sought such new employment; **AND**
 - has a recent history of moves for temporary or seasonal employment
- ✔ The new qualifying work is seasonal or temporary; AND
- ✔ The new qualifying work is agricultural or fishing

Scenario 2

Does ARMANDO meet the definition of a **Migratory Qualifying Worker**?

- Armando meets the definition of a Migratory Qualifying Worker on his move from Maine to Florida, which occurred within the preceding 36 months of the eligibility interview, where he engaged in qualifying work (packing fruit at a packing house).

Scenario 2

Does ELISA meet the definition of a **Migratory Child**?

▶ **Age:**

- ✓ The child is younger than 22 years of age

▶ **School Completion:**

- ✓ The child is eligible for a free public education under State law

▶ **Qualifying Move for Child:** *(does not have to be dependent of MQW's move)*

✗ Due to economic necessity; AND

- ✓ From one residence to another residence; AND

- ✓ From one district to another district; AND

- ✓ Took place in the preceding 36 months from the eligibility interview

▶ **The child moved:** *(check only one)*

- **as** a Migratory Qualifying Worker

- **with** a Migratory Qualifying Worker

- ✓ **to join** a parent/guardian or spouse who *is* a Migratory Qualifying Worker

Scenario 2

Does ELISA meet the definition of a **Migratory Child**?

- Elisa does **not** meet the definition of a Migratory child because her move to join her uncle was not due to economic necessity. Armando's two school-aged children, however, meet the definition of Migratory Children on their move from Maine to Florida with a Migratory Qualifying Worker.
- Elisa is not eligible for the FL MEP.

According to D3. of the Non-Regulatory Guidance, economic necessity means that the child and the worker move because they could not afford to stay in the current location. Under the ESEA, economic necessity is integral to a move that makes a child a “migratory” child.

Scenario 3

Nancy (13) and her sister Sylvia (9) are sent to live with their aunt (Maria) and uncle (Ernesto) on 12/28/2016. Their aunt and uncle arrived in Manatee County from Michigan on 3/6/2016 to plant tomatoes. Maria and Ernesto have two school-aged children who reside with them who are already enrolled in the FMEP. Nancy and Sylvia were sent to live with family when mom unexpectedly lost her job in Mexico back in November 2016 and could no longer afford to take care of them.

Are Nancy and Sylvia eligible for the FMEP?

Scenario 3

Does ERNESTO meet the definition of a **Migratory Qualifying Worker**?

▶ **Qualifying Move for Migratory Qualifying Worker**

(does not have to be dependent of child's move)

- ✔ Due to economic necessity; AND
- ✔ From one residence to another residence; AND
- ✔ From one district to another district; AND
- ✔ Took place in the preceding 36 months from the eligibility interview

▶ **Qualifying Work:** *(check one)*

- ✔ **engaged** in new temporary or seasonal employment or personal subsistence in agriculture soon after the move (within 60 days); **OR**
- **did not engage** in new temporary or seasonal employment
 - actively sought such new employment; **AND**
 - has a recent history of moves for temporary or seasonal employment
- ✔ The new qualifying work is seasonal or temporary; AND
- ✔ The new qualifying work is agricultural or fishing

Scenario 3

Does ERNESTO meet the definition of a **Migratory Qualifying Worker**?

- Ernesto meets the definition of Migratory Qualifying Workers on his move to Manatee County which occurred in the preceding 36 months from the eligibility interview, where he engaged in qualifying work soon after the move (planting tomatoes).
- This COE would be documented as a 4a in Section III, #4 showing the qualifying work done Manatee County.

Scenario 3

Do NANCY & SYLVIA meet the definition of a **Migratory Child**?

▶ **Age:**

- ✔ The child is younger than 22 years of age

▶ **School Completion:**

- ✔ The child is eligible for a free public education under State law

▶ **Qualifying Move for Child:** *(does not have to be dependent of MQW's move)*

- ✔ Due to economic necessity; AND

- ✔ From one residence to another residence; AND

- ✔ From one district to another district; AND

- ✔ Took place in the preceding 36 months from the eligibility interview

▶ **The child moved:** *(check only one)*

- **as** a Migratory Qualifying Worker

- **with** a Migratory Qualifying Worker

- ✔ **to join** a parent/guardian or spouse who *is* a Migratory Qualifying Worker

Scenario 3

Do NANCY & SYLVIA meet the definition of a **Migratory Child**?

- Nancy and Sylvia meet the definition of Migratory Children. They made a Qualifying Move after they could no longer afford to stay in their home country. The children joined the Migrant Qualifying Worker 9 months after his move.
- This COE would be documented as a to-join move in Section III, #2a.

Scenario 4

Mario, his wife Isabel, and their three school-aged children moved back to their home base in Homestead, FL from Washington State after the apple season was over. The family arrived in Washington State on 05/05/2017 and moved to Florida on 08/03/2017 to get the children enrolled in school. Mario went and applied at a strawberry farm and was told the work would start sometime in the next couple of months. He eventually picked cranberries in late October as he had done in 2016 and 2015. He worked odd jobs in the meantime.

Are the children eligible for the FMEP?

Scenario 4

Does MARIO meet the definition of a **Migratory Qualifying Worker**?

▶ **Qualifying Move for Migratory Qualifying Worker**

(does not have to be dependent of child's move)

- ✔ Due to economic necessity; AND
- ✔ From one residence to another residence; AND
- ✔ From one district to another district; AND
- ✔ Took place in the preceding 36 months from the eligibility interview

▶ **Qualifying Work:** *(check one)*

- **engaged** in new temporary or seasonal employment or personal subsistence in agriculture soon after the move (within 60 days); **OR**
- ✔ **did not engage** in new temporary or seasonal employment
 - ✔ actively sought such new employment; **AND**
 - ✔ has a recent history of moves for temporary or seasonal employment
- ✔ The new qualifying work is seasonal or temporary; AND
- ✔ The new qualifying work is agricultural or fishing

Scenario 4

Does MARIO meet the definition of a **Migratory Qualifying Worker**?

- Mario meets the definition of a Migratory Qualifying Worker on his move from Washington State to Homestead, FL. The worker did not engage in qualifying work soon after the move, but instead **actively sought** qualifying work within the first 60 days of his arrival. Mario moved reasonably believing that the work picking cranberries would be available and thus shows he took positive action to seek such work. He also has at least two moves that occurred in the preceding 36 months from the eligibility interview that resulted in the engagement of qualifying work. 1) In May 2017, to Washington State to pick apples, and 2) in October 2016, to Florida to pick cranberries. He receives his MQW status upon his move to Homestead, FL.
- This COE would be documented as a **4b** in Section III.

Scenario 4

Actively Sought

According to C10. of the Non-Regulatory Guidance:

The phrase “actively sought” implies the need to take positive action to seek such work. For example, the individual (or someone on his or her behalf) may have: applied for qualifying work, applied for such employment before moving, or have moved reasonably believing, based on newspaper ads or word of mouth, that such work would be available after the move. The Department believes that the process of actively seeking new qualifying work should happen within 60 days of the move.

Recent History of Moves

According to C13. of the Non-Regulatory Guidance:

The Department interprets the phrase “recent history of moves for” qualifying work to mean recent history of moves that resulted in temporary or seasonal agricultural or fishing employment. (i.e., qualifying work).

Scenario 4

Do MARIO'S children meet the definition of a **Migratory Child**?

▶ **Age:**

- ✔ The child is younger than 22 years of age

▶ **School Completion:**

- ✔ The child is eligible for a free public education under State law

▶ **Qualifying Move for Child:** *(does not have to be dependent of MQW's move)*

- ✔ Due to economic necessity; AND

- ✔ From one residence to another residence; AND

- ✔ From one district to another district; AND

- ✔ Took place in the preceding 36 months from the eligibility interview

▶ **The child moved:** *(check only one)*

- **as** a Migratory Qualifying Worker

- ✔ **with** a Migratory Qualifying Worker

- **to join** a parent/guardian or spouse who *is* a Migratory Qualifying Worker

Scenario 4

Do MARIO'S children meet the definition of a **Migratory Child**?

- Mario's three school-aged children meet the definition of Migratory Children. They made a Qualifying Move *with* the Migratory Qualifying Worker on 08/03/2017.
- This COE should be documented in Section III, #1 as the children moving from Washington State to Florida. And **with** the worker in #2a.

Scenario 5

Fernando and his daughters Veronica (12) and Claudia (14) moved from Tennessee, where Fernando painted houses, to Florida. Upon their arrival in Florida on 02/12/2018, Fernando applied for work picking oranges but has been told that the work would begin sometime in mid-March. He will be working at a local tire shop in the meantime. This is Fernando's first time doing qualifying work.

Are Veronica and Claudia eligible for the FMEP?

Scenario 5

Does FERNANDO meet the definition of a **Migratory Qualifying Worker**?

▶ **Qualifying Move for Migratory Qualifying Worker**

(does not have to be dependent of child's move)

- ✔ Due to economic necessity; AND
- ✔ From one residence to another residence; AND
- ✔ From one district to another district; AND
- ✔ Took place in the preceding 36 months from the eligibility interview

▶ **Qualifying Work:** *(check one: engaged or did not engage)*

● **engaged** in new temporary or seasonal employment or personal subsistence in agriculture soon after the move (within 60 days); **OR**

✔ **did not engage** in new temporary or seasonal employment

✔ actively sought such new employment; **AND**

✗ has a recent history of moves for temporary or seasonal employment

✔ The new qualifying work is seasonal or temporary; AND

✔ The new qualifying work is agricultural or fishing

Scenario 5

Does FERNANDO meet the definition of a **Migratory Qualifying Worker**?

- Fernando does **not** meet the definition of a Migratory Qualifying Worker. Even though he actively sought qualifying work, he does not have two Recent History of Moves that resulted in the engagement in qualifying work.

According to C17. of the Non-Regulatory Guidance:

How many moves would be considered “a recent history of moves”?

Given the plural form of the word “moves,” an individual must have made at least two moves for qualifying work.

Scenario 5

Do VERONICA & CLAUDIA meet the definition of a **Migratory Child**?

▶ **Age:**

✓ The child is younger than 22 years of age

▶ **School Completion:**

✓ The child is eligible for a free public education under State law

▶ **Qualifying Move for Child:** *(does not have to be dependent of MQW's move)*

✓ Due to economic necessity; AND

✓ From one residence to another residence; AND

✓ From one district to another district; AND

✓ Took place in the preceding 36 months from the eligibility interview

▶ **The child moved:** *(check only one)*

✗ **as** a Migratory Qualifying Worker

✗ **with** a Migratory Qualifying Worker

✗ **to join** a parent/guardian or spouse who *is* a Migratory Qualifying Worker

Scenario 5

Do VERONICA & CLAUDIA meet the definition of a Migratory Child?

- Veronica and Claudia do **not** meet the definition of Migratory Children based on their move from Tennessee to Florida. The children were not traveling to Florida with a parent/guardian who is a Migratory Qualifying Worker.

According to A1 of the Non-Regulatory Guidance:

A child is a “migratory child” if the following conditions are met:

- 3. 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.*

Scenario 6

Lalo, Sofia and their two school-aged children arrive in Hillsborough County on 08/01/2017 after their potato picking season ended in Alabama. Lalo arrived and began working in Alabama on 06/01/2017. Sofia is currently working at Burger King and Lalo is currently working as a janitor at a local hospital. The family had no intentions of doing any qualifying work in Florida. They instead work in agriculture during the kid's school breaks.

Are the children eligible for the FMEP based on their move to Florida?

Scenario 6

Does LALO meet the definition of a Migratory Qualifying Worker?

▶ Qualifying Move for Migratory Qualifying Worker

(does not have to be dependent of child's move)

- ✓ Due to economic necessity; AND
- ✓ From one residence to another residence; AND
- ✓ From one district to another district; AND
- ✓ Took place in the preceding 36 months from the eligibility interview

▶ Qualifying Work: *(check one)*

- ✓ engaged in new temporary or seasonal employment or personal subsistence in agriculture soon after the move (within 60 days); **OR**
- did not engage in new temporary or seasonal employment
 - actively sought such new employment; AND
 - has a recent history of moves for temporary or seasonal employment
- ✓ The new qualifying work is seasonal or temporary; AND
- ✓ The new qualifying work is agricultural or fishing

Scenario 6

Does LALO meet the definition of a **Migratory Qualifying Worker**?

- Lalo meets the definition of a Migratory Qualifying Worker on his move to Alabama, which occurred within the preceding 36 months of the eligibility interview and where he engaged in Qualifying Work (picking potatoes) soon after the move on 06/01/2017.
- This COE would be documented as a **4a** in Section III, #4 showing the qualifying work done in Alabama.

Scenario 6

Do LALO'S children meet the definition of a **Migratory Child**?

▶ **Age:**

- ✔ The child is younger than 22 years of age

▶ **School Completion:**

- ✔ The child is eligible for a free public education under State law

▶ **Qualifying Move for Child:** *(does not have to be dependent of MQW's move)*

- ✔ Due to economic necessity; AND

- ✔ From one residence to another residence; AND

- ✔ From one district to another district; AND

- ✔ Took place in the preceding 36 months from the eligibility interview

▶ **The child moved:** *(check only one)*

- **as** a Migratory Qualifying Worker

- ✔ **with** a Migratory Qualifying Worker

- **to join** a parent/guardian or spouse who *is* a Migratory Qualifying Worker

Scenario 6

Do LALO'S children meet the definition of a **Migratory Child?**

- Lalo's two school-aged children meet the definition of Migratory Children based on their move from Alabama to Florida on 08/01/2017. The children were traveling to Florida with a parent/guardian who is a Migratory Qualifying Worker.
- This COE should be documented showing the children moving from Alabama TO Florida in Section III, #1 since this is the child's most recent Qualifying Move that was done with a Migratory Qualifying Worker.

Scenario 7

Jacinto, his wife, and three school-aged children arrived in Arizona on 11/27/2017 to pick lettuce. The family was in California on 07/26/2017 picking carrots. They arrived in Florida on 02/25/2018 after the lettuce season was over in Arizona. The recruiter interviews the family and finds that they have not engaged in qualifying work yet, but are living on the farm and will start grading strawberries on 03/11/2018. The recruiter interviews the family on 02/26/2018.

Are Jacinto's children eligible for the FMEP?

Scenario 7

Does JACINTO meet the definition of a **Migratory Qualifying Worker**?

▶ **Qualifying Move for Migratory Qualifying Worker**

(does not have to be dependent of child's move)

- ✓ Due to economic necessity; AND
- ✓ From one residence to another residence; AND
- ✓ From one district to another district; AND
- ✓ Took place in the preceding 36 months from the eligibility interview

▶ **Qualifying Work:** *(check one)*

● **engaged** in new temporary or seasonal employment or personal subsistence in agriculture soon after the move (within 60 days); **OR**

✓ **did not engage** in new temporary or seasonal employment

✓ actively sought such new employment; **AND**

✓ has a recent history of moves for temporary or seasonal employment

✓ The new qualifying work is seasonal or temporary; AND

✓ The new qualifying work is agricultural or fishing

Scenario 7

Does JACINTO meet the definition of a **Migratory Qualifying Worker**?

- Jacinto meets the definition of a Migratory Qualifying Worker based on his move from Arizona to Florida on 02/25/2018. The individual has not engaged in qualifying work but we can say he **actively sought** qualifying work within the first 60 days. He also has at least two moves that occurred in the preceding 36 months from the eligibility interview that resulted in the engagement of qualifying work. 1) On 07/26/2017 to California picking carrots, and 2) on 11/27/2017 to Arizona to pick lettuce.
- This COE would be documented as a 4b. move in Section III since the worker had not engaged in qualifying work at the time of the interview.

The recruiter could document this COE in three ways.

- 1) The recruiter could document this move as a 4b. *now* since the individual has not yet engaged in qualifying work at the time of the interview. This ensures the family gets recruited into the FL MEP.
- 2) The recruiter could wait to see if the individual engages in qualifying work soon after the move (within 60 days) and document this move as 4a in Section III. This gives the Migratory Qualifying Worker a more recent MQW status date.
- 3) The recruiter could use the move to Arizona on 11/27/2017 and document 4a in Section III. This option, however, does not give the Migratory Qualifying Worker his most recent MQW status date.

Scenario 7

Do JACINTO'S children meet the definition of a **Migratory Child**?

▶ **Age:**

- ✔ The child is younger than 22 years of age

▶ **School Completion:**

- ✔ The child is eligible for a free public education under State law

▶ **Qualifying Move for Child:** *(does not have to be dependent of MQW's move)*

- ✔ Due to economic necessity; AND

- ✔ From one residence to another residence; AND

- ✔ From one district to another district; AND

- ✔ Took place in the preceding 36 months from the eligibility interview

▶ **The child moved:** *(check only one)*

- **as** a Migratory Qualifying Worker

- ✔ **with** a Migratory Qualifying Worker

- **to join** a parent/guardian or spouse who *is* a Migratory Qualifying Worker

Scenario 7

Do JACINTO'S children meet the definition of a **Migratory Child**?

- Jacinto's three school-aged children meet the definition of Migratory Children based on their move from Arizona to Florida with the Migratory Qualifying Worker on 02/25/2018.
- This COE should be documented in Section III, #1 as the children moving from Arizona to Florida. And **with** the worker in #2a.

Scenario 8

Eric, Isabel, and their two school-aged children arrived in Volusia County on 02/28/2015. Upon arrival, Eric applied and was hired at a local packing house, packing vegetables. Eric traveled to Georgia to work in construction on 05/21/2017. The children stayed behind with their mother to finish their school year. The recruiter identifies the family on 02/27/2018.

Are Eric's children eligible for the FMEP?

Scenario 8

Does JACINTO meet the definition of a **Migratory Qualifying Worker**?

▶ **Qualifying Move for Migratory Qualifying Worker**

(does not have to be dependent of child's move)

- ✓ Due to economic necessity; AND
 - ✓ From one residence to another residence; AND
 - ✓ From one district to another district; AND
 - ✗ Took place in the preceding 36 months from the eligibility interview
- ▶ **Qualifying Work:** *(check one)*
- ✓ **engaged** in new temporary or seasonal employment or personal subsistence in agriculture soon after the move (within 60 days); **OR**
 - **did not engage** in new temporary or seasonal employment
 - actively sought such new employment; **AND**
 - has a recent history of moves for temporary or seasonal employment
 - ✓ The new qualifying work is seasonal or temporary; AND
 - ✓ The new qualifying work is agricultural or fishing

Scenario 8

Does ERIC meet the definition of a **Migratory Qualifying Worker**?

- Eric does not meet the definition of a Migratory Qualifying Worker. Even though he engaged in qualifying work soon after the move on 02/28/2018, the move is past 36 months from the eligibility interview on 02/27/2018 and, therefore, does not meet all eligibility criteria.

A1. of the Non-Regulatory Guidance states: A “migratory agricultural worker” is a person who, in the preceding 36 months, made a qualifying move, and after doing so, engaged in new temporary or seasonal employment or personal subsistence in agriculture.

Scenario 8

Do ERIC's children meet the definition of a **Migratory Child**?

▶ **Age:**

✓ The child is younger than 22 years of age

▶ **School Completion:**

✓ The child is eligible for a free public education under State law

▶ **Qualifying Move for Child:** *(does not have to be dependent of MQW's move)*

✗ Due to economic necessity; AND

✗ From one residence to another residence; AND

✗ From one district to another district; AND

✗ Took place in the preceding 36 months from the eligibility interview

▶ **The child moved:** *(check only one)*

✗ **as** a Migratory Qualifying Worker

✗ **with** a Migratory Qualifying Worker

✗ **to join** a parent/guardian or spouse who *is* a Migratory Qualifying Worker

Scenario 8

Do ERIC's children meet the definition of a **Migratory Child**?

- Eric's two children do not meet the definition of Migratory Children because their move was past 36 months from the eligibility interview.

According to A1 of the Non-Regulatory Guidance:

A child is a "migratory child" if the following conditions are met:

- 3. 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.*



Questions?

Contact us at:

Florida ID&R Office

10006 N. Dale Mabry Hwy.

Suite 102

Tampa, FL 33618

866-963-6677

fl-idr-office@escmail.org

Flrecruiter.org

