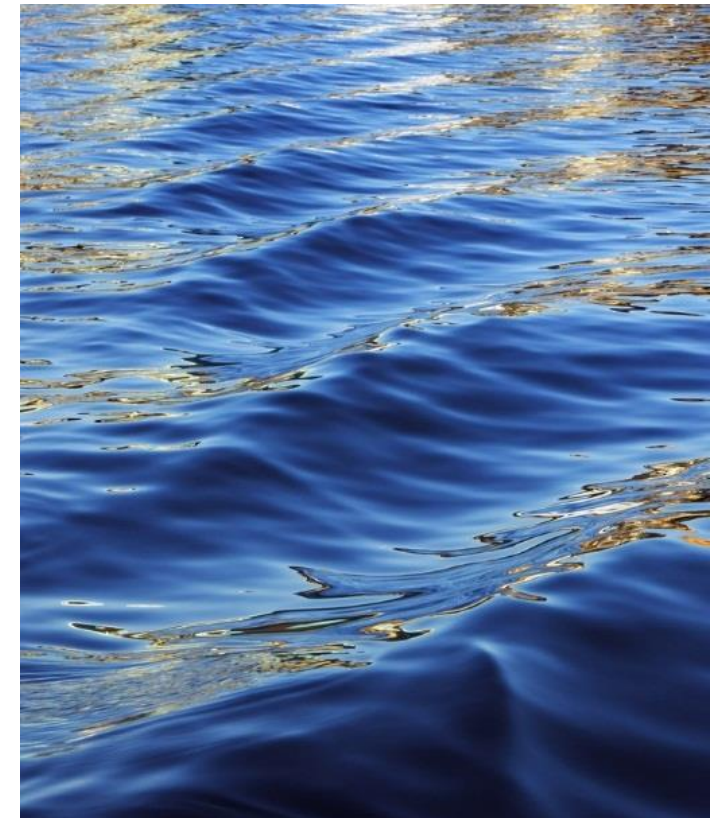




Eligibility Fundamentals Refresher

Statewide Training Event
ID&R Office – March 1, 2022



References



Statute

Sections 1115(b) and (c), 1304(c)(2), and 1309 of the Elementary and Secondary Education Act (ESEA) of 1965, as amended by the Every Student Succeeds Act (ESSA) of 2015



Code of Federal Regulations

34 C.F.R. 20.81, 200.103, and 200.89(c)

National Certificate of Eligibility (COE) Instructions (OMB Control Number 1810-0662)

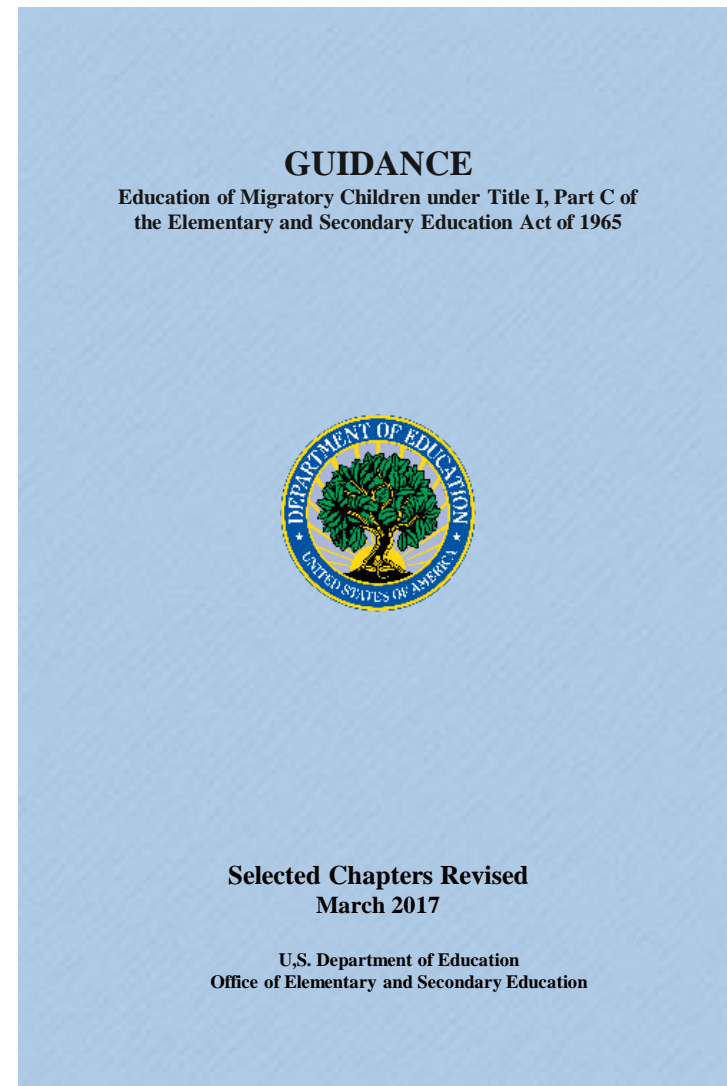


Guidance

Chapter II of the Non-Regulatory Guidance for the Title I, Part C Education of Migratory Children

Objectives

- ▶ Review the basic requirements of eligibility for the Title I, Part C, Migrant Education Program
- ▶ Vocabulary Under ESSA
 - ✓ Qualifying Move
 - ✓ Migratory Qualifying Worker
 - ✓ Migratory Child
- ▶ Scenarios
 - ✓ The QAD
 - ✓ To join moves



Eligibility Terminology



- Actively Sought (AS)** – having taken positive actions to look for new qualifying work (QW).
- Agricultural Work (AW)** – the production or initial processing of raw agricultural products, such as crops, poultry, livestock; dairy work; as well as the cultivation or harvesting of trees that is performed for wages or personal subsistence.
- 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 Date (EID)** – 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 Date (EID).”
- End of Eligibility (EOE)** – the child(ren)’s 36-month eligibility time frame has expired or they no longer meet the definition of migratory child.
- Engage (E)** “Engage in Qualifying Work” – to begin working or performing a new job. Having started the physical labor OR participated in orientation.
- Established Worker Date (EWD)** – the date the individual established him/herself as a Migratory Qualifying Worker (MQW).
- Fishing Work (FW)** – is the catching or initial processing of fish or shellfish; as well as the raising or harvesting of fish or shellfish at fish farms that is performed for wages or personal subsistence.
- Individual (I)** – a parent/guardian/spouse or the child/youth. Someone who has not been determined a Migratory Qualifying Worker (MQW) or a Migratory Child (MC).
- Migratory Agricultural Worker (MAW)** – a person 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)** – a person 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)** – a person who is either a Migratory Agricultural Worker (MAW) or Migratory Fisher (MF).
- Move (M)** – changing from one residence to another. Traveling from one residence to another. Not a Visit.
- Qualifying Activity (QA)** – the “ing” form of the verb, and crop. (e.g., picking strawberries).
- Qualifying Arrival Date (QAD)** – the date that both the Migratory Child (MC) and the Migratory Qualifying Worker (MQW) complete the Qualifying Moves (QM). The child must have moved as the Migratory Qualifying Worker (MQW), with or to join a parent/guardian/ spouse who is a Migratory Qualifying Worker (MQW).
- Qualifying Move (QM)** – a move made under the following conditions:
- due to economic necessity, (EN) and
 - from one residency (R) to another, and
 - from one school district to another.
- Both the MQW and the MC must 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 qualifying work (QW) that occurred within the preceding 36 months of the eligibility interview date (EID).
- Soon After the Move (SAM)** – within 60 days.

Qualifying Move



Both worker and child must make a Qualifying Move

Due to
economic
necessity

A
N
D

From one
residence to
another

A
N
D

From one
school
district to
another

All criteria must be met.

Both worker and child must make a Qualifying Move

Due to
economic
necessity

must have been
due to financial needs

- ▶ Not able to afford to stay in the current location
- ▶ Move in order to earn a living

Both worker and child must make a Qualifying Move

From one
residence to
another

must have been
to live not just to visit

Does not include:

- ▶ Visit family or friends – stopover sites
- ▶ Attend a wedding
- ▶ Take a vacation
- ▶ Taking care of “legal” matters

Both worker and child must make a Qualifying Move

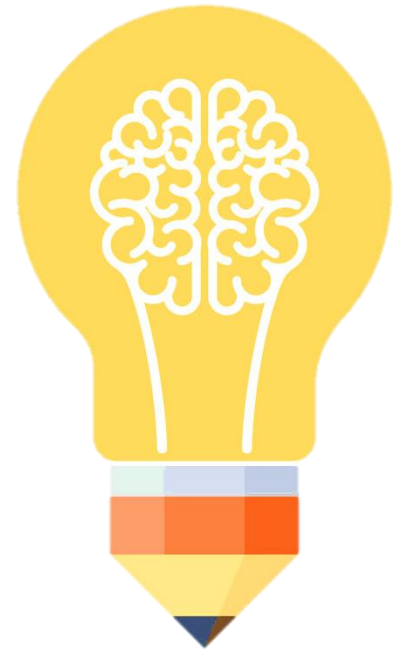
From one
school district
to another

must have been
across school district lines

- ▶ From another country to the U.S. (or 16 territories of the U.S.)
- ▶ From State A to State B
- ▶ From School District A to School District B

Can a child make a qualifying move
without moving with, to join/precede a
worker?

Knowledge Check



Knowledge Check

Can a child make a qualifying move without moving with, to join/precede a worker?

Yes. Anyone can make a move due to economic necessity, from one residence to another and from one school district to another.

What is a “qualifying move”?

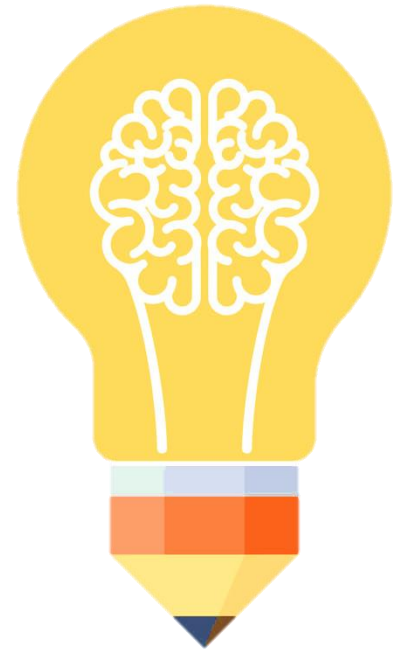
Under section 1309(5) of the ESEA, a qualifying move is:

- ✓ made due to economic necessity; *and*
- ✓ from one residence to another residence; *and*
- ✓ from one school district to another school district.*

Non-Regulatory Guidance, D1

Can an individual meet the definition of a migratory qualifying worker by only making a qualifying move?

Knowledge Check



Knowledge Check

Can an individual meet the definition of a migratory qualifying worker by only making a qualifying move?

No. An individual must meet all eligibility criteria in order to meet the definition of a migratory qualifying worker.

Who is a “migratory agricultural worker”?

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.

Non-Regulatory Guidance, C1

Knowledge Check

Can an individual meet the definition of a migratory qualifying worker by only making a qualifying move?

No. An individual must meet all eligibility criteria in order to meet the definition of a migratory qualifying worker.

Who is a “migratory agricultural worker”?

Section 1309(2) provides that an individual who did not engage in such new employment soon after a qualifying move may still be considered a “migratory agricultural worker” if he or she meets both of the following criteria:

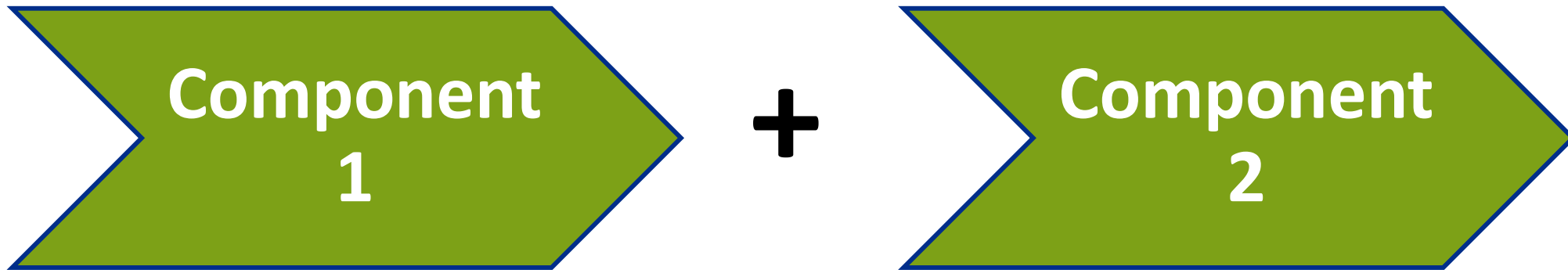
- ✓ The individual actively sought such new employment; *and*
- ✓ The individual has a recent history of moves for temporary or seasonal agricultural employment.

Non-Regulatory Guidance, C1

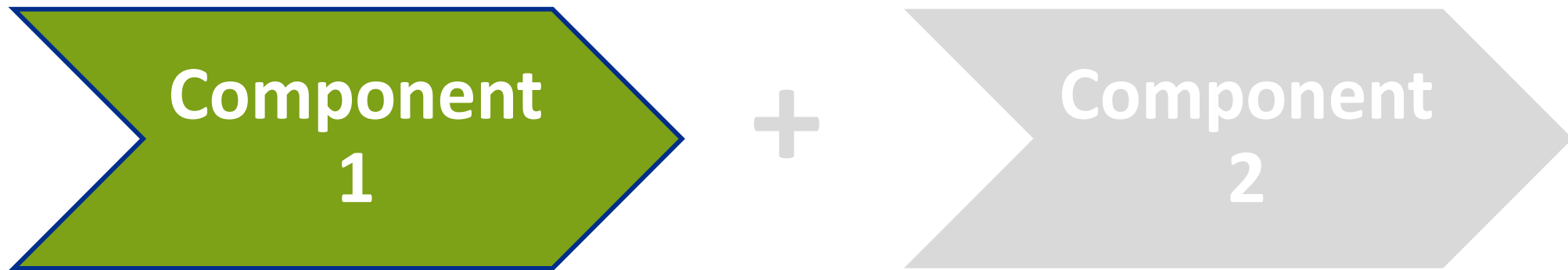
The Migratory Qualifying Worker



The Migratory Qualifying Worker



The Migratory Qualifying Worker: Qualifying Move



The Migratory Qualifying Worker's Qualifying Move

Due to
economic
necessity

A
N
D

From one
residence to
another

A
N
D

From one
school
district to
another

All criteria must be met for the individual to meet the definition of a Qualifying Move.

The Migratory Qualifying Worker: Engaged or Previously Engaged in Qualifying Work



The Migratory Qualifying Worker

Engaged or Previously Engaged in Qualifying Work

Soon After the Move (*within 60 days*),
the individual **engaged** in new Qualifying Work:

- ▶ Seasonal or Temporary;
- ▶ Agricultural or Fishing work

Any moves, work engaged in/actively sought, recent history of moves must be within U.S. (or territories).

The Migratory Qualifying Worker

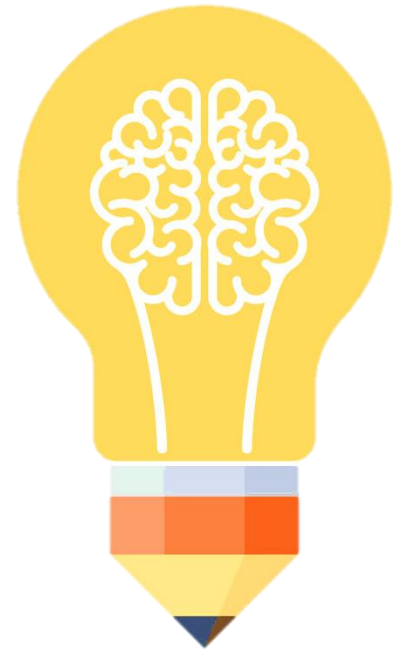
Actively Sought Qualifying Work

Soon After the Move (*within 60 days*),
the individual **actively sought** new Qualifying Work:

- ▶ Has a recent history of moves for qualifying work

How many components make up a Migratory Qualifying Worker?

Knowledge Check



Knowledge Check

How many components make up a Migratory Qualifying Worker?

There are two (2) components to a Migratory Qualifying Worker.

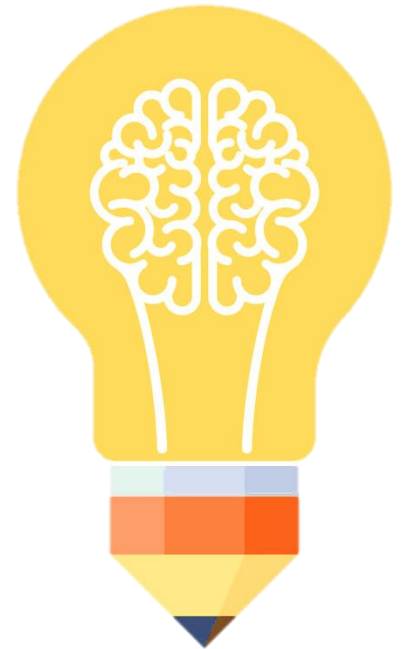
Who is a “migratory agricultural worker”?

A “migratory agricultural worker” is a person who, in the preceding 36 months made a qualifying move and, after doing so, engaged or actively sought qualifying work in new temporary or seasonal employment or personal subsistence in agriculture.

Non-Regulatory Guidance, C1

Can an individual (worker) make a qualifying move without engaging in qualifying work?

Knowledge Check



Knowledge Check



Can an individual (worker) make a qualifying move without engaging in qualifying work?

Yes. Anyone can make a move due to economic necessity, from one residence to another and from one school district to another.

What is a “qualifying move”?

Under section 1309(5) of the ESEA, a qualifying move is:

- ✓ made due to economic necessity; *and*
- ✓ from one residence to another residence; *and*
- ✓ from one school district to another school district.*

Non-Regulatory Guidance, D1

The Migratory Child



The Migratory Child:

Age



The Migratory Child

Age

Make sure the child/youth is younger than 22 years of age.

Ensure that you are inquiring about all of the children in the home.

How many children reside in the home?

The Migratory Child: School Completion



The Migratory Child

School Completion

Make sure the child/youth has:

- ▶ **Not** graduated from high school;
- ▶ **Not** earned a GED.

The child must still be eligible for free & public education in Florida.

The Migratory Child: Qualifying Move



The Migratory Child's Qualifying Move

Due to
economic
necessity

A
N
D

From one
residence to
another

A
N
D

From one
school
district to
another

All criteria must be met for the child to have made a Qualifying Move

The Migratory Child's Qualifying Move

Due to
economic
necessity

must have been
due to financial needs

Remember

- ▶ Children that return to your district to enroll in school.
 - ▶ Did these children leave their place of employment specifically to attend school?
 - ▶ Did the work end and prompt their return?

The Migratory Child's Qualifying Move

From one
residence to
another

must have been
to live not just to visit

Does not include:

- ▶ Visit family or friends – stopover sites
- ▶ Attend a wedding
- ▶ Take a vacation
- ▶ Taking care of “legal” matters

The Migratory Child's Qualifying Move

From one
school district
to another

must have been
across school district lines

Remember

- ▶ School district of **residence** vs
school district of **attendance**

The Migratory Child's Qualifying Move

The child's qualifying move is NOT dependent of the worker's qualifying work location.

Due to
economic
necessity

A
N
D

From one
residence to
another

A
N
D

From one
school
district to
another

The Migratory Child:

Moving as, with, to join/precede



The Migratory Child **Moved...**

**As,
With,
To join or
Precede the
MQW**

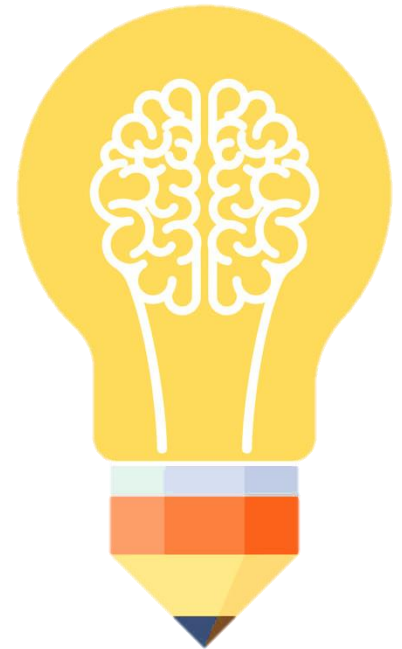
As the Migratory Qualifying Worker.

With a parent/guardian/spouse who is a Migratory Qualifying Worker.

To join or precede a parent/guardian/spouse who is a Migratory Qualifying Worker.

Can a child meet the definition of a migratory child by only making a qualifying move?

Knowledge Check



Knowledge Check

Can a child meet the definition of a migratory child by only making a qualifying move?

No. A child must meet all eligibility criteria in order to meet the definition of a migratory child.

What is the definition of a “migratory child”?

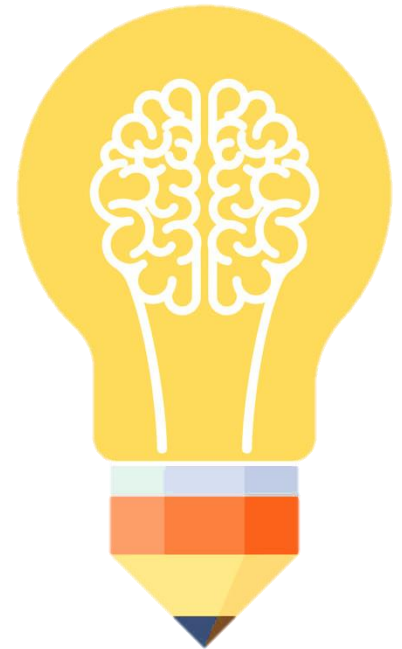
A child is a “migratory child” if the following conditions are met:

- ▶ The child is **not older than 21 years of age**; *and*
- ▶ The child is **entitled to a free public education** (through grade 12) under State law; *and*
- ▶ 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**

Non-Regulatory Guidance, A1

How many components make up a Migratory Child?

Knowledge Check



Knowledge Check

How many components make up a Migratory Child?

There are four (4) components to a Migratory Child.

What is the definition of a “migratory child”?

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

- ▶ The child is **not older than 21 years of age**; *and*
- ▶ The child is **entitled to a free public education** under State law
- ▶ The child **made a qualifying move** in the preceding 36 months and did so;
- ▶ **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**

Non-Regulatory Guidance, A1

When does a child's eligibility for the MEP begin?

A child may be identified as a “migratory child” **when the child and the worker (if the child is not the worker) complete qualifying moves.** This is often referred to as the qualifying arrival date, or QAD, for purposes of the COE.

Non-Regulatory Guidance, E1

As,
With,
To join or
Precede the
MQW

The Migratory Child moved and is the
Migratory Qualifying Worker



The QAD

As,
With,
To join or
Precede the
MQW

The Migratory Child moved with a parent/guardian/spouse who is a Migratory Qualifying Worker



Both worker and child move from the same place of residence

As,
With,
To join or
Precede the
MQW

The Migratory Child moved to join or precede
a parent/guardian/spouse who is a
Migratory Qualifying Worker

To Join Moves and the QAD

Must a child move at the same time as the worker to be eligible for the MEP?

No. Section 1309(3) of the ESEA provides that if the child is not the migratory agricultural worker or migratory fisher, the child must move "with, or to join" a parent/guardian or spouse who is a migratory agricultural worker or fisher. **The Department considers this provision to mean that the child's move may either precede or follow the worker's move. For example, the child may move before the worker in order to start the school year on time, or the worker may move before the child in order to secure housing. In either case, the fact that the child and his or her parent/guardian or spouse do not move at the same time does not nullify the child's eligibility for the MEP.** Consistent with the COE instructions, the Department requires an explanation in the Comment section of the COE if the child preceded the worker, or joined the worker at a later date.

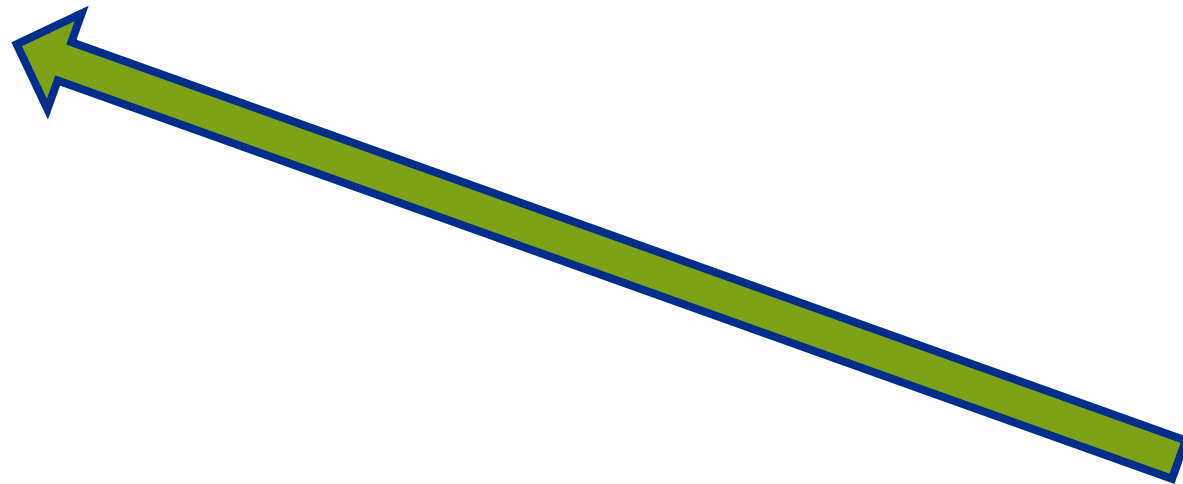
Non-Regulatory Guidance, E2

Types of to Join Moves



Worker moves from Georgia to Florida to secure work and housing before bringing his family. The qualifying move is not complete until the child joins the worker.

Child then moves to Florida with mom to join the worker (within 12 months of the worker's move). **The qualifying moves are now complete.**

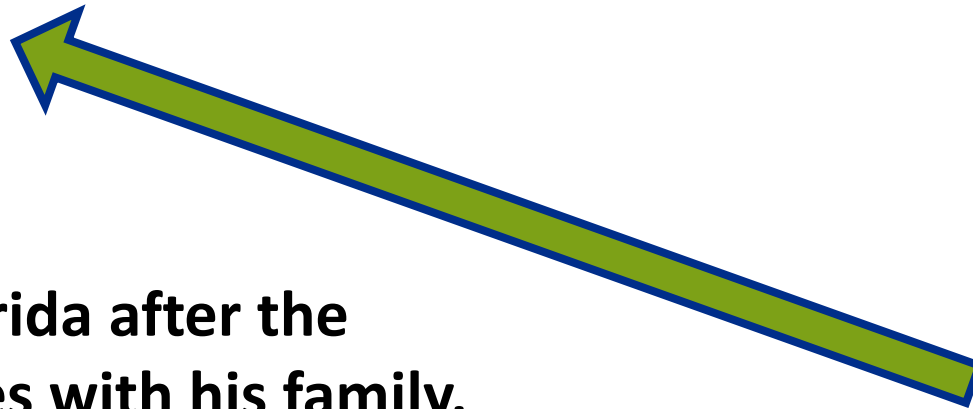


Types of to Join Moves



Mom and **children** move from Georgia to Florida so that kids can start school on time. They are preceding the worker and the move is not complete until the worker arrives.

Worker then moves to Florida after the harvest is over and reunites with his family.
The qualifying moves are now complete.

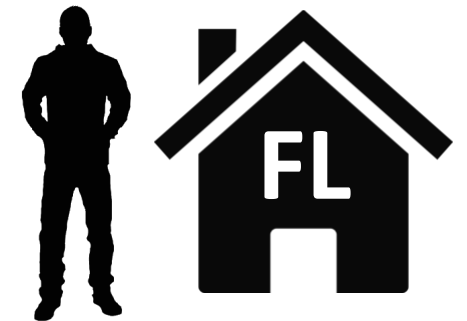


Types of to Join Moves



Child moves to join worker (within 12 months of the worker's move). **The qualifying moves are now complete.**

Worker resides in Florida and meets all definitions of a MQW. He is notified that his niece will be coming to reside with him since her father is no longer able to provide for her.



Types of to Join Moves



Worker leaves his place of residence in Georgia and **PICKS UP** his family in California.



To Join Move

Worker came from a residence in Georgia.
Children came from a residence in California.
The qualifying moves are now complete.



Worker and family travel together to their new place of **residence** in Florida.





Scenarios

Eligibility at work



Scenario 1

Miguel and his wife made a qualifying move from Michigan to Florida on July 3, 2020 so that Miguel could cut strawberries. Two months later Miguel's brother calls hoping that he could take in his niece (12) and nephew (9) since he lost his job and is having a very difficult time financially. The children arrive from Michigan on September 17, 2020.

On December 18, 2020 the children go to Michigan to see their parents and return to Florida on January 7, 2021. The recruiter interviews the family on February 21, 2021.

Are the children eligible? If so, what is their QAD – when was the move complete?

Does Miguel meet the definition of a Migratory Qualifying Worker?

Most Recent Move: Michigan to Florida on July 3, 2020 to cut strawberry

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 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
- ✓ agricultural or ○ fishing



**This is the information
documented in
Section III, 4-6 of the COE.**

Do the children meet the definition of a Migratory Child?

Most Recent Move: Michigan to Florida on January 7, 2021 – returning from visit

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 MAW'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 one)

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



Children did not meet the definition of a MC on this move.

Do the children meet the definition of a Migratory Child?

Prior Move: Michigan to Florida on September 17, 2020

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 MAW'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 one)

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



This is the information
documented in
Section III, 1-3 of the COE.

Are the children eligible? If so, what is their QAD – when was the move complete?

Miguel keeps his original move date of July 3, 2020 since he did not make any additional moves.

The qualifying moves were completed when the children moved to join the worker on **September 17, 2020**. We cannot count the return from Michigan on January 7, 2021 because the worker did not make any additional moves.

The children's QAD is September 17, 2020.



Scenario 2

Miguel finds a job in Marietta, Georgia over the summer at a camp picking watermelons. He realizes that both he and his wife could work during the summer and make more money. Miguel contacts his brother and tells him that the children will have to go back to Grand Rapids, Michigan for the summer because they cannot provide for childcare in Georgia. He tells his brother that the children can return to Florida once the harvesting season is over.

Miguel and his wife arrive in Florida after the harvest on August 3, 2021 and Miguel starts picking tomato, the children arrive on August 6, 2021. The recruiter interviews the family on August 20, 2021.

Are the children eligible? If so, what is their QAD

Does Miguel meet the definition of a Migratory Qualifying Worker?

Most Recent Move: Georgia to Florida on August 3, 2021 to pick tomato

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 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
- ✓ agricultural or ○ fishing



This is the information documented in Section III, 4-6 of the COE.

Do the children meet the definition of a Migratory Child?

Most Recent Move: Michigan to Florida on August 6, 2021 –to join worker

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 MAW'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 one)

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



This is the information documented in Section III, 1-3 of the COE.

Are the children eligible? If so, what is their QAD – when was the move complete?

Miguel establishes himself as a worker based on his qualifying move from Georgia to Florida on August 3, 2021 to pick tomato.

The qualifying move was complete when the children moved from Michigan to join the worker in Florida on **August 6, 2021**.

The children's QAD is August 6, 2021.





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