Florida Migrant Education Program

Florida ID&R Guidance: Continued Eligibility

Q. How should a Florida Local (District B) Migrant Education Program (MEP) update a Certificate of Eligibility (COE) originally completed by another Florida Local (District A) MEP and continue serving a migrant child for the remainder of their eligibility that was based on the worker's statement of temporary employment, which was provided during the original eligibility interview (Florida COE Section VI Comments) if the employment ends up lasting more than 12 months?

Sample Scenario

- During the 2019-2020 performance period, a mother and her three school-aged children (ages 13, 11, and 9) made a qualifying move to District A, FL on 09/08/19. Soon after the move, the mother engaged in qualifying work raking pine straw.
- The District A recruiter conducted an eligibility interview on 09/10/19. At the time of the eligibility interview, the worker stated that the employment will last seven months. The Designated SEA Reviewer in District A approved the COE on 09/15/19. The children's qualifying arrival date (QAD) to District A is 09/08/19; therefore, their 36-months of MEP eligibility ends on 09/07/22, as long as they continue meeting all MEP criteria. The worker's employment lasts 16 months.
- On February 1, 2021, the family moved to District B, FL, and the worker engaged in non-qualifying work. District B MEP found out about the family from the school survey.

A. District B may not complete a new COE since the worker remained employed in raking pine straw in District A for more than 12 months, no longer meeting the definition of a migratory qualifying worker (MQW). However, based on the Office of Migrant Education (OME) Policy Q&A, the children may retain MEP eligibility in the state for the full 36 months from the previously established QAD for their move to District A, if the original eligibility determination was valid and reliable at that time (*see OME Q125 on page 2*).

For MEP eligibility to be continued, District B should follow these procedures:

- **District B should contact the ID&R Office for assistance in conducting a COE recertification if during the eligibility interview the worker no longer meets the definition of a MQW but the child still has eligibility remaining based on the move to District A.**
- **District B should obtain a copy of the original COE that was completed by District A from the ID&R Office. Reminder – a new COE <u>may not</u> be completed.**
- **District B should update the following sections of the COE in Red ink.**
    - **District/Agency – Cross out District A and write District B name.**
    - **Section III: Qualifying Moves & Work No. 7 – Change the Residency Date to the date when the child moved to District B.**

- **Section III: Qualifying Moves & Work No. 9 – Enter the Recertification Date, the Interviewer's initials, and the SEA Reviewer's initials.**
- **Section IV: Comments – Add a comment that explains the family made a non-qualifying move to District B but the child remains eligible based on the original QAD for their move to District A.**

- **District B should submit a copy of the recertified COE to the ID&R Office with the monthly COE submissions.**

Office of Migrant Education Policy Q&A ***Q125 Topic: Child Eligibility***

Q. A migratory agricultural worker moved with his child to District A with the intent of engaging in temporary employment for less than 12 months. After the migratory agricultural worker and child make an intrastate move to District B, the recruiter in District B finds out the "temporary" employment in District A really lasted two years. Would the parent still be considered a migratory agricultural worker if the work wasn't really "temporary"? Would the child's eligibility continue for the full 36 months from the original qualifying arrival date (QAD) in District A?

A. The answers to these questions depend on when the family is identified by the MEP, and the information available at that time. If the MEP identified the family after they made a qualifying move to District A, and, soon after that move, the child's parent engaged in employment he described as temporary (and at the time, he had been employed for less than 12 months), the recruiter may consider the parent to be engaged in temporary employment based on the information available at that time. Assuming all other MEP eligibility criteria are met, the recruiter may establish a qualifying arrival date (QAD) for the child based on that move. Even if the MEP later learns that the parent remained employed for longer than 12 months, as long as the information on which the original eligibility determination was based was valid and reliable (i.e., the MEP has no reason to believe that the parent purposely provided misleading or inaccurate information), the child may retain MEP eligibility for the full 36 months from his or her last QAD.

If the family made a subsequent qualifying move to District B, the MEP may only complete a new COE for the child with a new QAD for the move to District B if, at the time, the recruiter is able to determine that the child made that move with a parent who is a migratory agricultural worker. If the recruiter has reliable information (e.g., information provided by the worker or employer) that the parent remained employed in his previously qualifying work for more than 12 months, then the parent does not meet the definition of a "migratory agricultural worker" based on his employment in District A, and a new COE cannot be completed for the child for the move to District B. Again, this would not impact the previously established QAD for the move to District A, because that COE was based on the facts available at the time.

Migrant Education Program (MEP)
Legislation & Policy
MEP Policy Q&A's
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