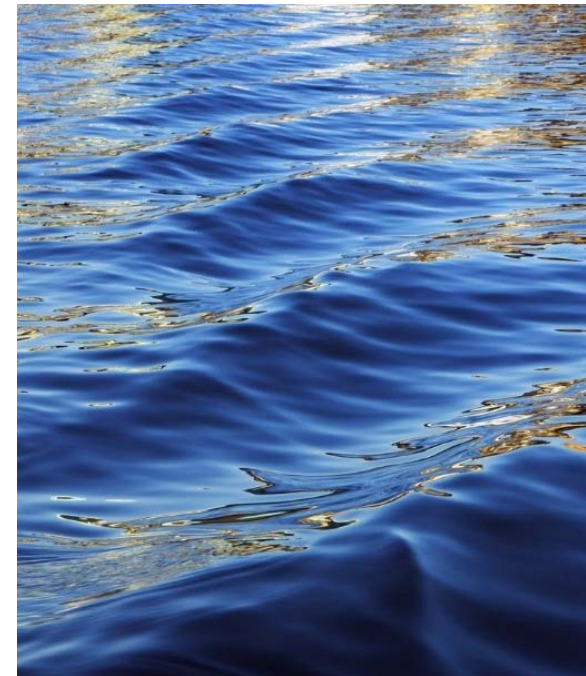




# Eligibility Fundamentals

ID&R Office

Daytona Beach, FL - April 2019



# References

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## 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)

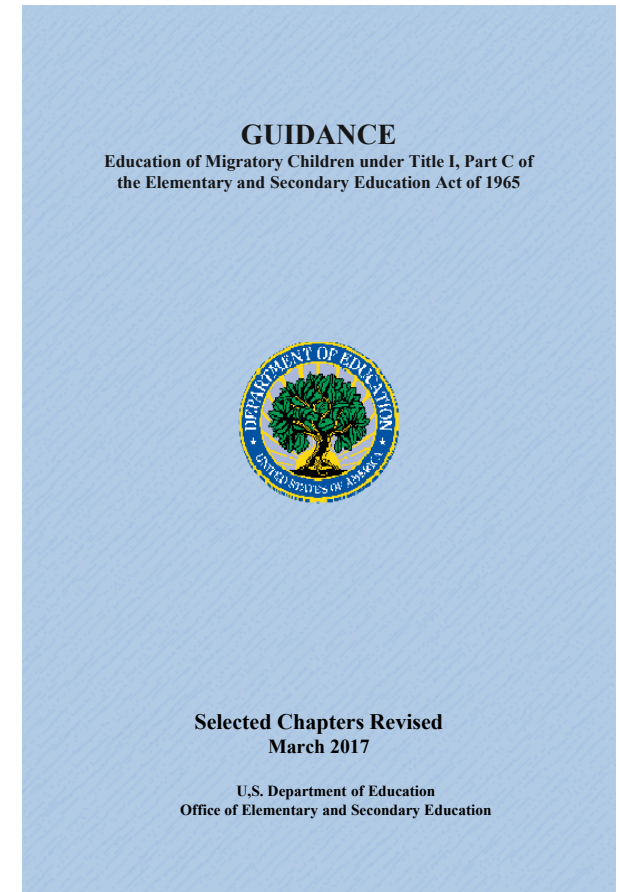


## Guidance

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

# Objectives

- Explain the basic requirements of eligibility for the Title 1, Part C, Migrant Education Program
- Review recruitment tools





# The Migratory Agricultural Worker or Fisher



# The Migratory Agricultural Worker or Fisher

---

The Migratory Qualifying Worker\* (MQW) must make a **Qualifying Move** in the preceding 36 months of the eligibility interview.

*\*A Migratory Qualifying Worker is a new term that includes a **Migratory Agricultural Worker** and a **Migratory Fisher**.*

# The Migratory Qualifying Worker's 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

# The Migratory Qualifying Worker'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 Qualifying Worker's 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 Georgia to Florida
- ▶ From Hillsborough County to Pasco County



# 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

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

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

# The Migratory Qualifying Worker

## Engaged or Previously Engaged in Qualifying Work

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### “Seasonal or Temporary”

**Seasonal** – Employment that occurs only during a certain period of the year because of the cycles of nature.



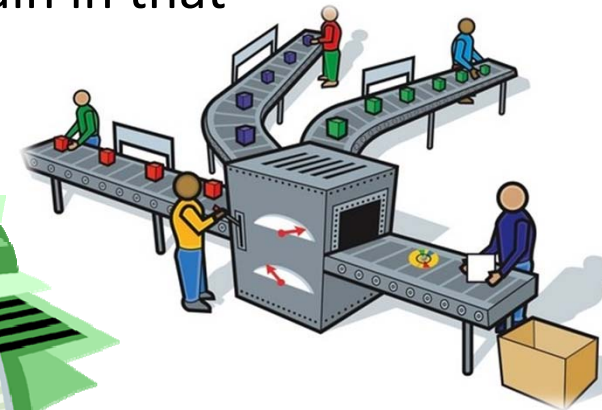
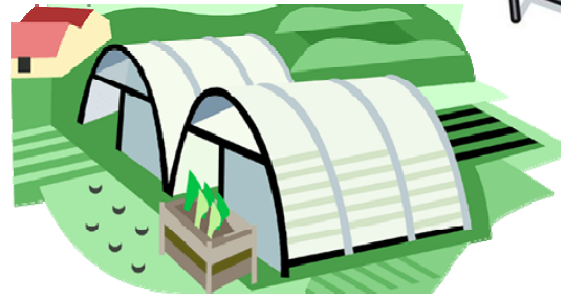
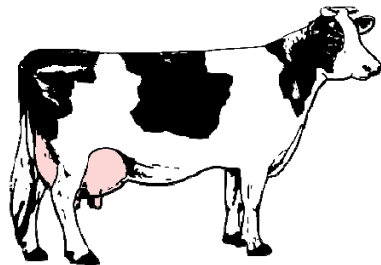
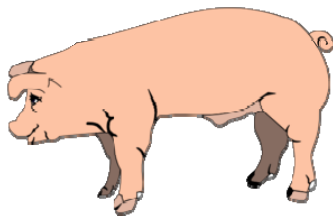
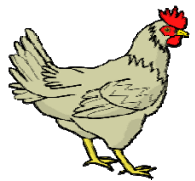
# The Migratory Qualifying Worker

## Engaged or Previously Engaged in Qualifying Work

### “Seasonal or **Temporary**”

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

- ▶ The worker states he/she does not intend to remain in that employment indefinitely.
- ▶ The employer states that worker was hired for a limited timeframe.



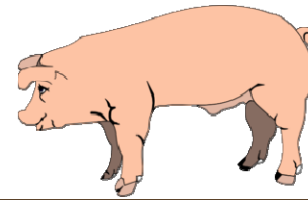
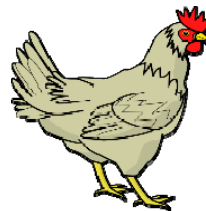
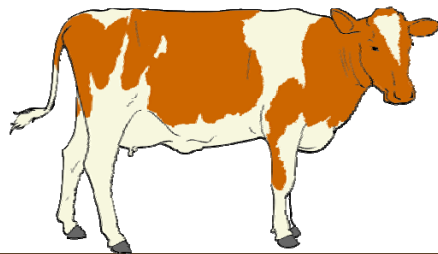
# The Migratory Qualifying Worker

## Engaged or Previously Engaged in Qualifying Work

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### “Agricultural or Fishing”

**Agricultural Work** – The production or initial processing of crops, dairy products, poultry, or livestock, and the cultivation, harvesting and initial processing of trees. It consists of work performed for wages or personal subsistence.



# The Migratory Qualifying Worker

## Engaged or Previously Engaged in Qualifying Work

---

### “Agricultural or Fishing”

**Production** – Work on farms, ranches, dairies, orchards, nurseries and greenhouses engaged in the growing and harvesting of crops, plants, or vines and the keeping, grazing, or feeding of livestock.

**Examples of production for crops:** *preparing land or greenhouse beds, planting, seeding, watering, fertilizing, staking, pruning, thinning, weeding, transplanting, applying pesticides, harvesting, picking, and gathering.*

**Examples of production for poultry and livestock:** *herding, handling, feeding, watering, caring for, branding, tagging, and assisting in the raising of livestock.*

# The Migratory Qualifying Worker

## Engaged or Previously Engaged in Qualifying Work

---

### “Agricultural or Fishing”

**Initial Processing** – Work that is beyond the production stage and precedes the transformation of the raw product into something more refined. Means working with the raw product.

*Examples of initial processing for **crops**: cleaning, weighing, cutting, grading, peeling, sorting, freezing, and enclosing raw product in a container.*

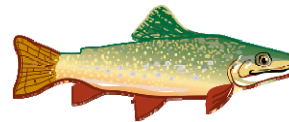
*Examples of initial processing for **poultry and livestock**: stunning, slaughtering, skinning, eviscerating, splitting carcasses, hanging, cutting, trimming, deboning, and enclosing raw product in a container.*

# The Migratory Qualifying Worker

## Engaged or Previously Engaged in Qualifying Work

“Agricultural or **Fishing**”

**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.





# The Migratory Qualifying Worker

## Engaged or Previously Engaged in Qualifying Work

---

### “Agricultural or **Fishing**”

**Production** – Work on fish farms can be a tract of water, such as a pond, floating net pen, a tank, or a raceway reserved for the raising or harvesting of fish or shellfish.

***Examples of production for **fishing**:** raising, feeding, grading, collecting, and sorting of fish, removing dead or dying fish from tanks or pens, and constructing nets and cages.*

# The Migratory Qualifying Worker

## Engaged or Previously Engaged in Qualifying Work

---

### “Agricultural or **Fishing**”

**Initial Processing** – work that is beyond the production stage and precedes the transformation of the raw product into something more refined. Means working with the raw product.

***Examples of initial processing for **fishing**: scaling, cutting, freezing, dressing, and enclosing raw product in a container.***

# Other Qualifying Activities

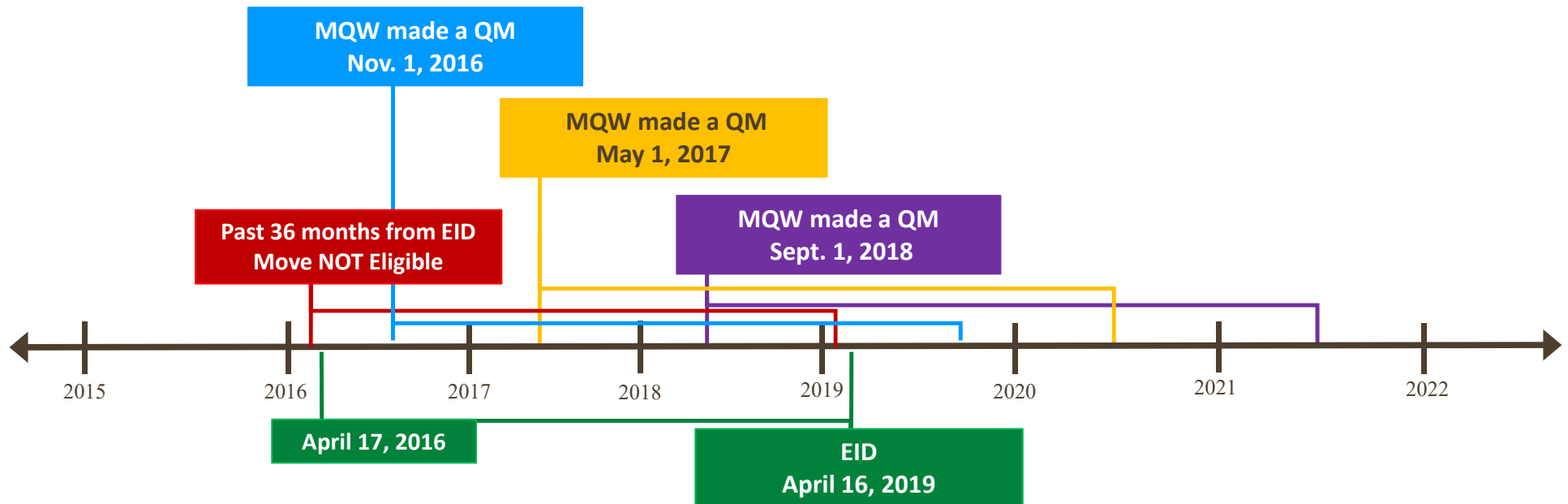
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- ▶ **REMINDER**, qualifying activity charts should be updated annually.
- ▶ Provide supporting documentation to ID&R Office when identifying new crop/qualifying activities.  
*Ex: where, when, type of activities*
- ▶ Potential new crops may include sod, bees, hemp, and bamboo.\*

***\*All eligibility criteria must be met.***

# The Migratory Qualifying Worker's Established Worker Date

To determine the **Established Worker Date (EWD)**, the recruiter must focus on Qualifying Moves (QM) that occurred within the preceding 36 months of the Eligibility Interview Date (EID).



# Individual **did not engage** in Qualifying Work

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An individual who did not engage in qualifying work soon after a move may still be considered to be a Migratory Qualifying Worker, if soon after the move the individual:

- ▶ **Actively Sought** new Qualifying Work

**AND**

- ▶ **Has a Recent History of Moves** for Qualifying Work

# Individual **did not engage** in Qualifying Work

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## Actively Sought

- ▶ The individual took positive action to seek qualifying work.
- ▶ Worker's statement is sufficient to establish that he or she actively sought qualifying work (comment needed).
- ▶ No supporting documentation is required beyond the worker's statement and the recruiter's use of the comment section.

# Individual **did not engage** in Qualifying Work

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## Actively Sought –Sample Comments

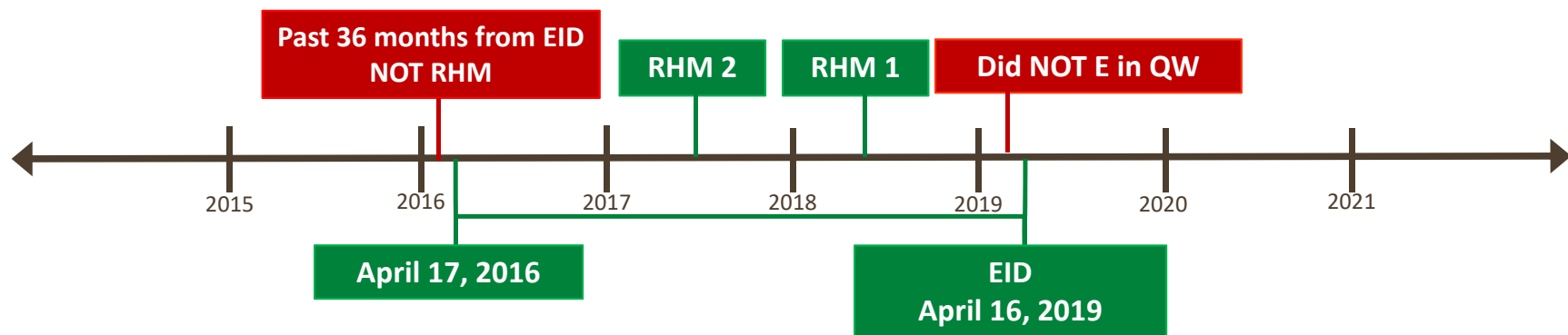
“When the worker arrived, he applied for  
(**qualifying work**) at (**location**).”

“Worker moved to the area because he heard from  
(**family/person**) that (**qualifying work**) would be  
available at (**location**).

# Individual **did not engage** in Qualifying Work

## Recent History of Moves

- ▶ Since the word “moves” is plural, at least 2 other separate moves must have been made resulting in the engagement of qualifying work.
- ▶ Within 36 months of the eligibility interview date (EID).





# Individual **did not engage** in Qualifying Work

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## Recent History of Moves

- ▶ Must be due to economic necessity and from one residence to another residence but not necessarily from one district to another.
- ▶ Do not have to be qualifying moves.
- ▶ Worker's statement is sufficient basis to establish recent history of moves (comment is needed).

# Individual **did not engage** in Qualifying Work

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## Recent History of Moves –Sample Comments

“The worker went to **Florida** to **pick strawberries** in **May of 2017** and **May 2018.**”

“The worker moved to **Georgia** in **July 2016** and **picked watermelon.** The worker also moved to **Maine** in **July 2017** and **raked blueberries.**”

“The worker **picked strawberries** in **Plant City, FL** (residence #1) in **April 2017** and also **picked squash** in **Plant City, FL** (residence #2) in **August 2017.**”

*If one of the RHM's occurs in the same month as EID, please provide the full date using mm/dd/yy format*

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What **two** components make a  
**Migratory Qualifying Worker?**



# The Migratory Qualifying Worker

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Made a Qualifying Move

Due to economic necessity, from one residence to another, and from one school district to another  
(within 36 months from EID)

**AND**

Engaged in Qualifying Work

or

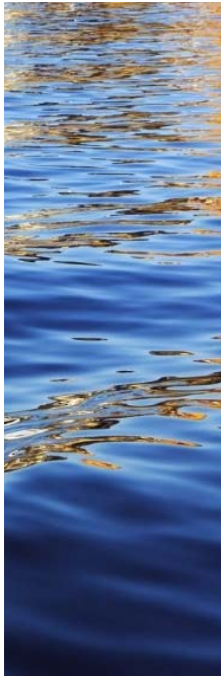
Actively Sought Qualifying Work

**AND**

Has a Recent History of Moves

**All criteria** must be met for the individual to meet the definition  
a Migratory Qualifying Worker

# The Migratory Child



# The Migratory Child

---

## Age

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

***0 to under 3 years of age – Eligible for MEP count***

***3 to under 22 years of age – Eligible for MEP count and funding***

# The Migratory Child

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## 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

---

The Migratory Child must have made a **Qualifying Move** in the preceding 36 months of the eligibility interview.



# The Migratory Child's 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

# 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

- ▶ From another country to the U.S. (or 16 territories of the U.S.)
- ▶ From Georgia to Florida
- ▶ From Hillsborough County to Pasco County

# 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 individual to meet the definition of a  
Qualifying Move

# The Migratory Child's **Move**

As,  
With,  
To join or  
Precede the  
MQW

- ▶ The Migratory Child moved and is the Migratory Qualifying Worker (MQW)
- ▶ The Migratory Child moved with a parent/guardian/spouse who is a Migratory Qualifying Worker (MQW)
- ▶ The Migratory Child moved to join or precede a parent/guardian/spouse who is a Migratory Qualifying Worker (MQW)

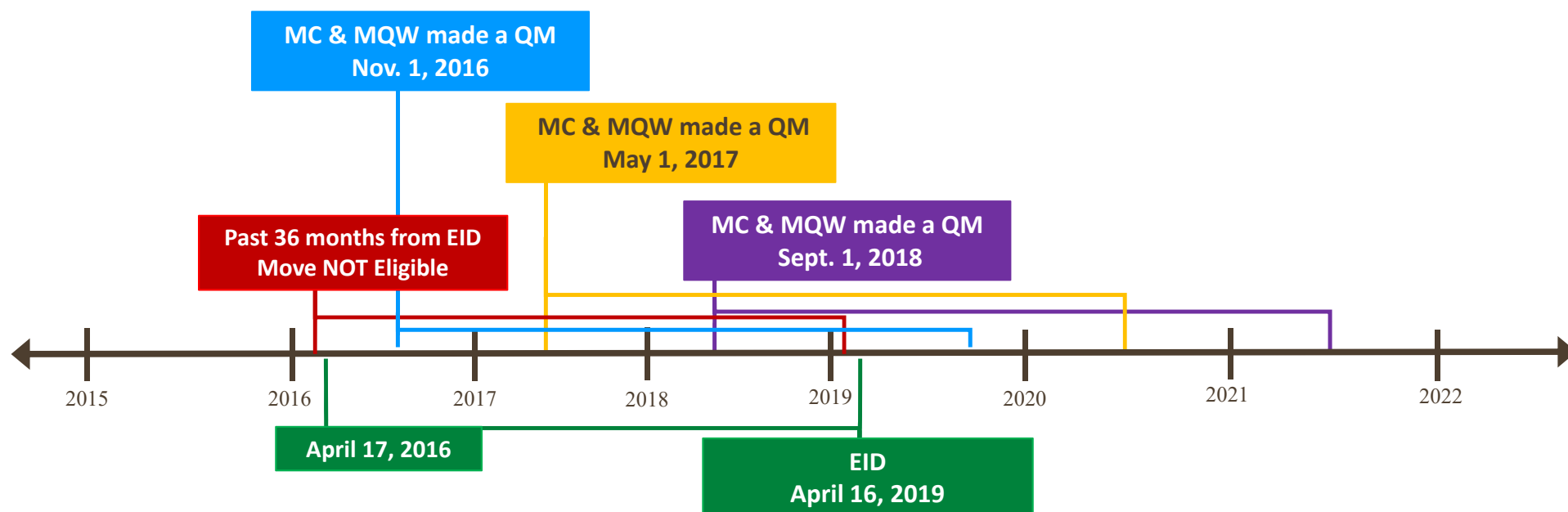
# The Migratory Child's Move

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- ▶ The migratory child's (MC) qualifying move (QM) must have occurred within 36 months of the eligibility interview date (EID).
- ▶ A child may be identified as a “migratory child” when the child and the worker complete qualifying moves. This is referred as the **Qualifying Arrival Date (QAD)**.
- ▶ Once a child is deemed eligible, they are eligible for 36 months from their Qualifying Arrival Date (QAD). **\*with exception**

# The Migratory Child's Move

To determine a **Qualifying Arrival Date (QAD)** the recruiter must focus on Qualifying Moves (QM) that occurred within the preceding 36 months of the Eligibility Interview Date (EID).





What **four** components make a  
**Migratory Child?**



# The Migratory Child

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Age (under 22)

AND

School Completion (not graduated HS or obtained GED)

AND

Made a Qualifying Move

Due to economic necessity, from one residence to another, and from one school district to another  
(within 36 months from EID)

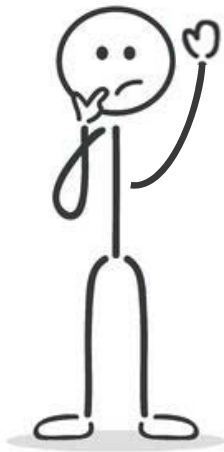
AND

Moved AS, WITH, TO JOIN or PRECEDE a MQW

**All criteria** must be met for the individual to meet the definition  
of a Migratory Child

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Do **you** have any questions regarding this material you would like answered?





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