



GENERAL ELIGIBILITY FACTORS

Recruiter Training Resource Series

KEY ELIGIBILITY FACTORS

Who is a migratory agricultural worker?

- A migratory agricultural worker is a worker that made a qualifying move within the preceding 36 months, and within 60 days, he/she engaged in a new agriculture job and the work is performed only for wages or personal subsistence.



KEY ELIGIBILITY FACTORS

Who is a Migratory Child?

- A migratory child is a child that is under the age of 22 years of age and is entitled to free public education (through grade 12) and is not yet at a grade level at which the local education agency provides free public education. Also, the child must have 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; and moved from one residence to another AND from one school district to another due to economic necessity.



KEY ELIGIBILITY FACTORS

What is a qualifying Move?

- A qualifying move is a move that is made due to economic necessity from one residence to another and from one school district to another.

How long can the job in agriculture last?

- Remember, a temporary job is a job that can not last more than 12 months. Work needs to be seasonal or temporary.



KEY ELIGIBILITY FACTORS

Does the child need to move with a migratory agricultural worker?

- Remember that the child must join the migratory worker within 12 months if they are not the worker.

What is a Qualifying Arrival Date (QAD)?

- A qualifying arrival date is the date that the child and the migratory worker complete the qualifying move.



KEY ELIGIBILITY FACTORS

What is a residency date?

- A residency date is the date when the child arrives at your school district.

What is a Subsequent move?

- A subsequent move is a move that succeeds a previous move.





KEY ELIGIBILITY FACTORS

What is a qualifying work?

- Qualifying work is agriculture work, such as the production, or initial processing of raw agricultural products, such as crops, poultry, or livestock; dairy work, as well as the cultivation or harvesting of trees, that is performed for wages or personal subsistence.

What is livestock?

- The term “livestock” refers to any animal produced or kept primarily for breeding or slaughter purposes, including, but not limited to, beef cattle, hogs, sheep, and goats.



IMPORTANT

KEY ELIGIBILITY FACTORS

What is initial processing?

Initial processing” means working with a raw agricultural or fishing product. Anything that is beyond the production stage of agricultural work or the transformation of the raw product into something more refined is **not** considered to be part of the initial processing.

What does it mean to move due to economic necessity?

This means that the child and the worker (if the child is not the worker) move because they could not afford to stay in the current location.



MIGRATORY AGRICULTURE WORKER

Recruiter Training Resource Series

WHO IS A 'MIGRATORY AGRICULTURAL WORKER'?

A migratory agriculture worker is:

1. A worker that made a qualifying move within the preceding 36 months, *and*
2. Soon after the move (usually within 60 days), he/she engaged in new temporary or seasonal employment or personal subsistence in agriculture (which may be dairy work or the initial processing of raw agricultural products). The work is performed only for wages or personal subsistence.



WHO IS A "MIGRATORY FISHER"?

1. A “migratory fisher” 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 fishing.
2. Individuals who did **not** engage in such new employment soon after a qualifying move may still be considered a “migratory fisher” if he or she meets both of the following criteria:
 1. The individual actively sought such new employment; *and*
 2. The individual has a recent history of moves for temporary or seasonal agricultural employment.





SOON AFTER THE MOVE

While States may interpret the wording “soon after” to mean more or less than 60 days, each State should establish a written standard that all recruiters are to apply, and which the State can rely upon in the event of an audit or investigation questioning the reasonableness of the State’s policy.

IF THE WORKER DOES NOT GET THE WORK RIGHT AWAY

Individuals 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:

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



If it takes a while (over 60 days to get a job in agriculture) may the individual be considered a migratory agricultural worker without a recent history of moves for qualifying work?

No. Under the definitions of “migratory agricultural worker” and “migratory fisher,” an individual who, for whatever reason, does not engage in new qualifying work soon after a qualifying move may only be considered a migratory agricultural worker or migratory fisher worker if that individual has both:

1. Actively sought new qualifying work; and
2. A recent history of moves for qualifying work.



WHAT IS CONSIDERED A RECENT HISTORY OF MOVES?

The phrase “recent history of moves” means that the moves resulted in qualifying temporary or seasonal agricultural or fishing employment (*i.e.*, qualifying work).

An individual’s recent history of moves for qualifying work does not have to be from one school district to another. But each move must meet the definition of a “move” which requires a change from one residence to another residence that occurs due to economic necessity.

The recruiter should ask whether the worker has ever moved before and request information on the dates of the moves and whether the worker or his or her parent/guardian or spouse, engaged in qualifying work after those moves

HOW FAR BACK CAN I LOOK FOR RECENT HISTORY OF WORK?

The “recent history” should not exceed 36 months prior to the date of the recruiter’s interview.

Given the plural form of the word “moves,” an individual must have made **at least two moves** for qualifying work within the time period the State establishes in which the “recent history of moves” must have occurred.



REMINDER



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 (which may be dairy work or the initial processing of raw agricultural products).

If an individual 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:

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



MIGRATORY CHILD AND GUARDIAN

Recruiter Training Resource Series



DEFINITION OF A MIGRATORY CHILD

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

- A child that is not older than 21 years of age; and
- The child is entitled to free public education (through grade 12) under State law, or a child that is not yet at a grade level at which the local education agency (LEA) provides free public education; 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; and
- The child moved from one residence to another AND from one school district to another due to economic necessity.

WHO ARE 'OUT-OF-SCHOOL YOUTH'?

- The term “out-of-school youth” means children through age 21 who are entitled to free public education in the State and who meet the definition of a “migratory child,” but who are not currently enrolled in a K-12 institution. This term could include students who have dropped out of school, youth who are working on a high school equivalency diploma (HSED) outside of a K-12 institution, and youth who are “here-to-work” only.
- Enrollment in school is not a condition affecting eligibility for the MEP. Therefore, out-of-school youth who meet the definition of a “migratory child” are eligible for the MEP.



WHAT ABOUT 'EMANCIPATED YOUTH'?

Emancipated youth are children who have not yet reached adult age (in accordance with State law), who are no longer under the control of a parent/guardian, and who are solely responsible for their own welfare. Emancipated youth are eligible for the MEP if they meet the definition of a “migratory child.” Some out-of-school youth may be “emancipated youth.”



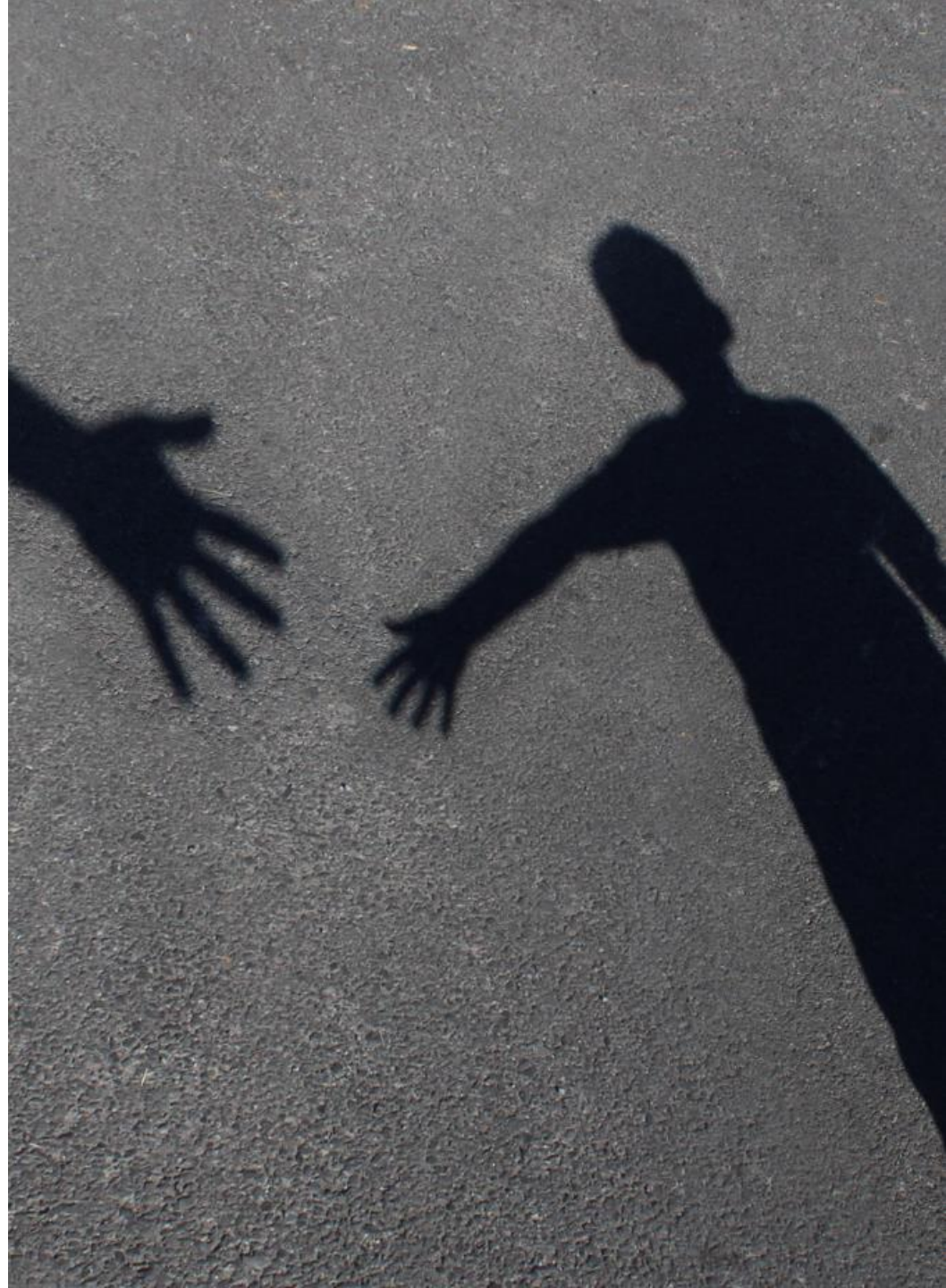
WHAT HAPPENS IF A CHILD LIVES WITH A GUARDIAN THAT IS A MIGRATORY AGRICULTURAL WORKER?



Section 8101(38) of the ESEA defines “parent” as a legal guardian or other person standing *in loco parentis* (i.e., in place of the parent), such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child’s welfare. The MEP guidance and the national COE use the term “parent/guardian” to include guardian within this statutory definition of a parent. So, if this person is a migratory agricultural worker or migratory fisher if the child moves with or moves to join this guardian than this can be considered for eligibility in the Migrant Education Program. In some cases a sibling can be a guardian.

IS A LEGAL DOCUMENT NECESSARY TO ESTABLISH GUARDIANSHIP?

As long as the guardian stands in the place of the child's parent and accepts responsibility for the child's welfare, a legal document establishing guardianship is not necessary.





IF ELIGIBILITY OF AN OUT-OF-SCHOOL YOUTH IS BASED ON A SPOUSES' STATUS AS A MIGRATORY WORKER IS A MARRIAGE CERTIFICATE NEEDED?

A marriage certificate is NOT needed to establish a spousal relationship.



QUALIFYING MOVES AND ECONOMIC NECESSITY

Recruiter Training Resource Series

DEFINITION OF A QUALIFYING MOVE

1. made due to economic necessity; *and*
2. from one residence to another residence; *and*
3. from one school district to another school district.*



*In a State that is comprised of a single school district, a move qualifies if it is from one administrative area to another within the district. In addition, in a school district of more than 15,000 square miles, a move qualifies if it is over a distance of 20 miles or more to a temporary residence.

WHAT IS A "RESIDENCE"?

There is no statutory or regulatory definition of a residence for purposes of the MEP. However, the Department views a "residence" as a place where one lives and not just visits. In certain circumstances, boats, vehicles, tents, trailers, etc., may serve as a residence.



ACROSS SCHOOL DISTRICT LINES

School district lines, also called attendance zones, define a **geographic zone within which a student is eligible to attend that designated school.**

Consequently, most students attend a school based on their address. If a student moves from one residence to another and the child is no longer eligible to go to the same school district, then that student is considered to have moved across school district lines.



WHAT DOES IT MEAN TO MOVE 'DUE TO ECONOMIC NECESSITY'?



This means that the child and the worker (if the child is not the worker) move because they could not afford to stay in the current location or because of a better economic opportunity. The MEP is premised on the Federal government's understanding that migratory children have unique needs in view of their mobility, and generally are in low-income families. However, the statutory requirement that a qualifying move be made due to economic necessity clarifies that, under ESEA, economic necessity is integral to a move that makes a child a "migratory" child.

WHAT ABOUT VACATION?

A move for a vacation (*e.g.*, a visit to family and friends, a trip for entertainment purposes, etc.) is not a move due to economic necessity. In these cases, the family is not moving because it cannot afford to stay and live in the current location (or any other reason based on economic need). Therefore, even if the worker engages in qualifying work, that work did not follow the definition of a “qualifying move.”



IS THERE A MINIMUM DURATION OF A MOVE?

Although the statute and regulations are silent on the duration of a qualifying move, a migratory worker and a migratory child must stay in a new place long enough to show that the worker and child “moved,” *i.e.*, changed residence due to economic necessity.



MINIMUM DISTANCE OF A MOVE?

Is there a minimum distance requirement for a qualifying move?

The only minimum-distance requirement governing a qualifying move is for a move of at least 20 miles to a temporary residence within a school district of more than 15,000 square miles. Students must cross school district boundaries in all over cases.



WHAT ABOUT WORKERS THAT TRAVEL BACK AND FORTH EACH DAY?

If a worker travels back and forth between a residence and an agricultural or fishing job within the same day this person is a day haul worker. This traveling does not qualify since it does not involve a change of residence.

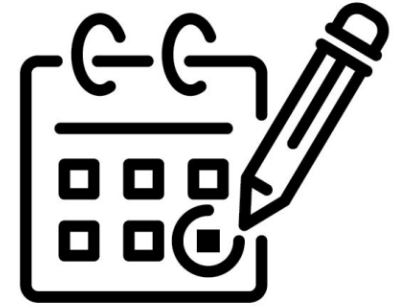




QUALIFYING ARRIVAL DATES (QAD) AND "TO JOIN MOVES"

Recruiter Training Resource Series

WHAT IS A QUALIFYING ARRIVAL DATE (QAD)?



The qualifying arrival date is the date that a Migratory Child and the Migratory Agricultural 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.

WHAT IS A QUALIFYING MOVE?

1. made due to economic necessity; *and*
2. from one residence to another residence; *and*
3. from one school district to another school district.*

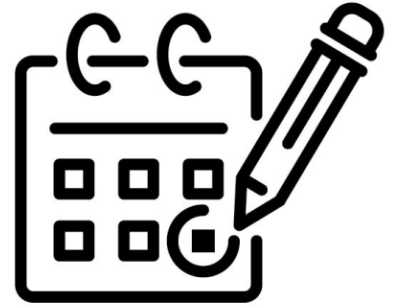


*In a State that is comprised of a single school district, a move qualifies if it is from one administrative area to another within the district. In addition, in a school district of more than 15,000 square miles, a move qualifies if it is over a distance of 20 miles or more to a temporary residence.

WHAT HAPPENS IF THEY DON'T MOVE AT THE SAME TIME?

- 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. This means the child's move may either precede or follow the worker's move. This needs to happen within 12 months of when the worker moves.

WHEN IS THE QAD IN THESE CASES?



In situations where the child and worker do not move at the same time, QAD is the day the child and worker complete the move to be together. That is, if the child's move precedes the worker's move, the QAD is the date that the worker arrived. If the child's move follows the worker's move, the QAD is when the child arrives.

REMINDER!

The child's move should generally occur within 12 months of the worker's move, and that after one year, it is difficult to link the child's move to the worker's move.



reminder



QUALIFYING WORK

Recruiter Training Resource Series

WHAT IS A QUALIFYING WORK?



Qualifying work is an agriculture or fishing related work, such as the production, or initial processing of raw agricultural products, such as crops, poultry, or livestock; dairy work, as well as the cultivation or harvesting of trees, that is performed for wages or personal subsistence.

Some examples of agricultural production are:

- Dairies, orchards, nurseries, and greenhouses engaged in the growing and harvesting of crops, plants, or vines and the keeping, grazing, or feeding of livestock or livestock products for sale. The term also includes, among other things, the production of bulbs, flower seeds, vegetable seeds, and specialty operations such as sod farms, mushroom cellars, and cranberry bogs.

AGRICULTURE WORK RELATED TO THE PRODUCTION OF CROPS

The production of crops involves work such as preparing land or greenhouse beds, planting, seeding, watering, fertilizing, staking, pruning, thinning, weeding, transplanting, applying pesticides, harvesting, picking, and gathering.

In addition, working with plants can include decorative greens or ferns grown for the purpose of floral arrangements, wreaths, etc. The collection of these plants can be considered agricultural work. Collecting these greens for recreation or personal use would not be considered agricultural work.



WHAT IS LIVESTOCK?

The term “livestock” refers to any animal produced or kept primarily for breeding or slaughter purposes, including, but not limited to, beef cattle, hogs, sheep, and goats. For purposes of the MEP, livestock does not include animals that are raised for sport, recreation, research, service, or pets. The term “livestock” does not include animals hunted or captured in the wild. It does include specialty or alternative livestock that are raised for breeding or slaughter purposes (ex. Deer, elk, bison).

Examples of agricultural work related to the production of livestock?

Herding; handling; feeding; watering; caring for; branding; tagging and assisting in the raising of livestock.



WHAT IS 'INITIAL PROCESSING'?

“Initial processing” means working with a raw agricultural or fishing product. Anything that is beyond the production stage of agricultural work or the transformation of the raw product into something more refined is **not** considered to be part of the initial processing.



WHAT IS 'INITIAL PROCESSING'?

- **Examples of “initial processing” work in the poultry and livestock industries?**

“Initial processing” work in the poultry and livestock industries includes, but is not limited to, stunning; slaughtering; skinning; eviscerating; splitting carcasses; hanging; cutting; trimming; deboning; and enclosing the raw product in a container.

Examples of “initial processing” work in the crop industry?

“Initial processing” work in the crop industry includes but is not limited to cleaning; weighing; cutting; grading; peeling; sorting; freezing, and enclosing the raw product in a container.

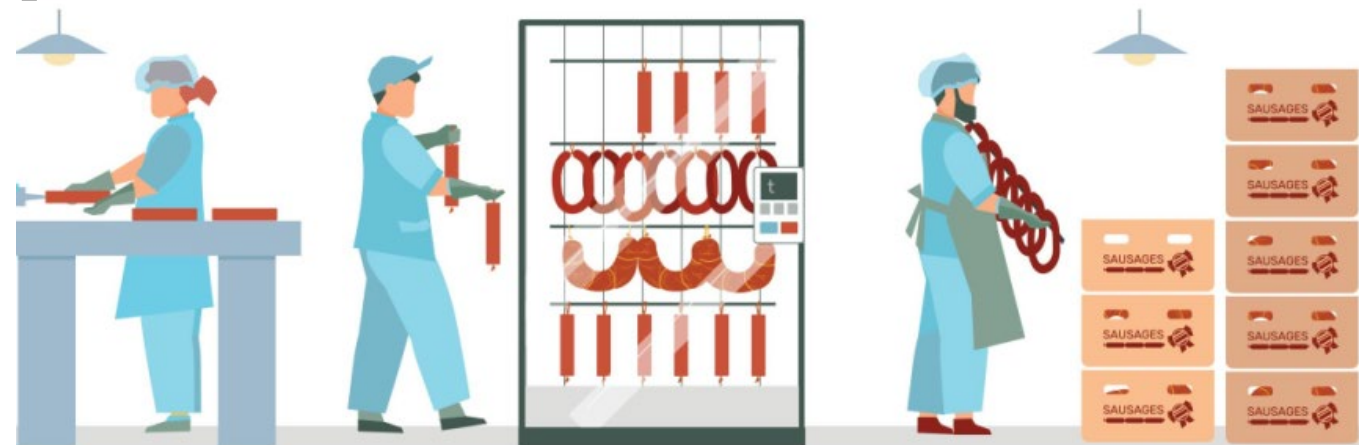


WHAT WORK IS NOT CONSIDERED PRODUCTION OR INITIAL PROCESSING?

Work such as cooking; baking; curing; fermenting; dehydrating; breading; marinating; and mixing ingredients involves transforming a raw product into a more refined product. Therefore, the Department does not consider this work to be production or initial processing. In addition, the Department does not consider the following work to be production or processing: placing labels on boxes of refined products; selling an agricultural or fishing product; landscaping; managing a farm or processing plant; providing accounting, bookkeeping, or clerical services; providing babysitting or childcare services for farmworkers; or working at a bakery or restaurant. **With regard to work such as repairing or maintaining equipment used for production or processing, or cleaning or sterilizing farm machinery or processing equipment, the Department does not consider individuals whose *profession* is to do this work, or who were hired solely to perform this work, to be performing agricultural work.**

WHEN DOES 'INITIAL PROCESSING' END?

The Department considers a product no longer to be in the stage of “initial processing” once the transformation of the raw product into something more refined begins. The Department believes that work up to, but not including, the start of the transformation process is agricultural or fishing work for purposes of the MEP. However, work such as placing raw chicken breasts into the oven for cooking, adding starter cultures to milk to make cheese, or applying necessary ingredients to a raw pork belly to begin the curing process is the beginning of the transformation process and therefore is not agricultural or fishing work for purposes of the MEP.



HARVESTING TREES

What are examples of work that can be considered the cultivation of trees?

Examples of work that can be considered the cultivation of trees include but are not limited to soil preparation; plowing or fertilizing land; sorting seedlings; planting seedlings; transplanting; staking; watering; removing diseased or undesirable trees; applying insecticides; shearing tops and limbs; and tending, pruning, or trimming trees.

What does “harvesting” mean in the context of trees?

“Harvesting” refers to the act of gathering or taking of the trees.



HARVESTING TREES



What are examples of work that can be considered the harvesting of trees?

Harvesting of trees includes work such as topping, felling and skidding.

What types of work are not considered part of the cultivation or harvesting of trees?

Cutting trees in preparation for construction, trimming trees around electric power lines and cutting logs for firewood.

Does Transporting Trees Qualify?

Transporting trees is not agricultural work for purposes of the MEP because it occurs after the cultivation and harvesting of trees.

Initial Processing of Trees

Because trees are raw agricultural products, the initial processing of trees is considered agricultural work.



FISHING WORK

- Fishing work is the catching or initial processing of fish or shellfish; as well as the raising or harvesting of fish or shellfish at fish farms. **This includes** but are not limited to, raising, feeding, grading, collecting, and sorting of fish, removing dead or dying fish from tanks or pens, and constructing nets and cages.
- Initial Processing in the fishing industry would include scaling; cutting; freezing; dressing; and enclosing the raw product in a container.

HAULING OR WORKING IN NON-QUALIFYING WORK

Hauling a product on a farm, ranch, or another facility an integral part of production or initial processing and, therefore, is agricultural work.

May a worker performing qualifying and non-qualifying work still be eligible for the MEP?

Yes. A worker is only required to meet the definition of a migratory agricultural worker or migratory fisher. Provided that the move was a qualifying move, the fact that the worker performs non-qualifying work in addition to qualifying work has no bearing on his or her eligibility for the MEP.





TEMPORARY WORK

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TEMPORARY VS SEASONAL EMPLOYMENT

Temporary employment means “employment that lasts for a limited period of time, usually a few months, but no longer than 12 months.”

Seasonal employment is employment that occurs only during a certain period of the year because of the cycles of nature and that, by its nature, may not be continuous or carried on throughout the year.



3 WAYS TO DETERMINE TEMPORARY EMPLOYMENT



TEMPORARY

There are three ways in which an SEA may determine that employment is temporary:

- a. **Employer Statement** - The employer states that the worker was hired for a limited time frame, not to exceed 12 months;
- b. **Worker Statement** - The worker states that he or she does not intend to remain in that employment indefinitely (the worker's employment will not last longer than 12 months);
- c. **State Determination** - The SEA has determined on some other reasonable basis that the employment will not last longer than 12 months.

EMPLOYERS STATEMENT

What is an example of an employer's statement indicating that the employment is temporary?

An example of a statement from an employer who harvests ferns for the floral industry might be: "employer _____ (name) stated that she will hire the worker only for the months of February through May to accommodate the increase in floral gifting around Valentine's Day, Easter, and Mother's Day." In this example, the employer stated that she is hiring the worker for a short period of time that will not exceed 12 months.



TEMPORARY

WORKERS STATEMENT

What is an example of a statement from a worker that indicates that the employment is temporary?

An example of a worker's statement might be: "the worker stated that he plans to leave the job after seven months in order to return to his home with his family." Similar to the employer's statement, the worker's statement indicates that he will only remain in the job for a short period of time that will not exceed 12 months.



TEMPORARY

STATE DETERMINATION

- For employment that is constant and available year-round only if, within 18 months after the effective date of this regulation and at least once every three years thereafter, the SEA documents that, given the nature of the work, of those agricultural and fishing workers whose [children](#) the SEA determined to be eligible using some other reasonable basis, virtually none remained employed by the same employer more than 12 months.



TEMPORARY

WHAT IF THEY WORK A SERIES OF JOBS?

Is a worker who was hired to perform a series of different jobs, which together lead to the worker being employed by the same employer for more than 12 months, employed on a temporary or seasonal basis?



No. Workers who are hired to work for more than 12 months by the same employer, regardless of how many different jobs they perform, are not “engaged in new temporary or seasonal employment,” as provided in the definitions of migratory agricultural worker and migratory fisher.

MAKE SURE TO DETERMINE

Agriculture workers must work at eligible qualifying work that is seasonal or temporary in nature. **Temporary employment means “employment that lasts for a limited period of time, usually a few months, but no longer than 12 months.”**

Recruiters should make sure they can show that the eligible work is temporary through a worker or employers' statement or through a state determination.





SUBSEQUENT MOVES

Recruiter Training Resource Series

WHAT IS A SUBSEQUENT MOVE?

A subsequent move is a move that succeeds a previous move. It may or may not meet the definition of a “qualifying move” for the purpose of the MEP.

Remember that a “qualifying move” is a move:

1. Made due to economic necessity.
2. From one residence to another residence.
3. From one school district to another school district.*



*In a State that is comprised of a single school district, a move qualifies if it is from one administrative area to another within the district. In addition, in a school district of more than 15,000 square miles, a move qualifies if it is over a distance of 20 miles or more to a temporary residence.

WHAT IS A QUALIFYING MOVE?

1. made due to economic necessity; *and*
2. from one residence to another residence; *and*
3. from one school district to another school district.*



*In a State that is comprised of a single school district, a move qualifies if it is from one administrative area to another within the district. In addition, in a school district of more than 15,000 square miles, a move qualifies if it is over a distance of 20 miles or more to a temporary residence.

EXAMPLES OF QUALIFYING SUBSEQUENT MOVES



- A family that moves from one place to another for cheaper housing.
- An OSY moves from one place to another for work.
- A family moves to save on gas.
- A family that moves to save money on childcare so a family member can take care of the child when they work.

Basically, any situation that constitutes economic necessity and meets the other criteria of a qualifying move.

In order for a child or youth to have a new qualifying arrival date they need to make these moves with a Migratory Agricultural Worker.

EXAMPLES OF NON-QUALIFYING SUBSEQUENT MOVES

- A family moves to visit a family member or friends.
- A youth or family goes to attend a wedding or other event.
- Families that go to take a vacation.
- Having an educational or recreational experience.
- Families that move to take care of a legal matter.



A SCENARIO OF A FAMILY THAT QUALIFIES ON A SUBSEQUENT MOVE.



Timoteo, Roxana, and their three school-age children moved from Managua, Nicaragua, to Amarillo, Texas, on November 10, 2021. A month later, Timoteo starts to work at a dairy farm milking cows. After working ten months at the dairy farm on October 20, 2022, the family moved to San Francisco, California, because Timoteo did not make enough money and a company offered him a job as a welder. A recruiter found the family on January 5, 2023, and signed the children up for the MEP.

The move to **San Francisco, California** is the qualifying subsequent move. The family moved due to economic necessity, from one residence to another residence and from one school district to another school district.

Keep in mind that a "**subsequent move**" is a move that occurs after another move. It does not always have to be a move to work in agriculture.

WOULD THIS STUDENT BE ELIGIBLE FOR A NEW QUALIFYING ARRIVAL DATE?

On August 1, 2022, after dropping out of school, 18-year-old Ramon moved from Greenville, South Carolina, to Prairieville, Louisiana, to work at a local nursery replanting flowers. On December 5, 2022, Raul started to feel homesick and moved back to Greenville, South Carolina, to be close to his family.

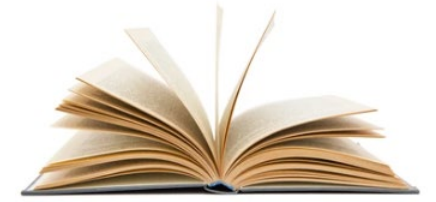
X In this scenario, Raul's move to South Carolina does not meet the definition of a qualifying move. But he can still qualify under the previous move to Prairieville, Louisiana, but not under the **subsequent** move to South Carolina.



COE GENERAL INSTRUCTIONS

Recruiter Training Resource Series

THE PURPOSE OF THE COE



The COE should be like a storybook that tells the story of a migratory family.

- The recruiter obtains the information needed to complete the COE by conducting a personal interview with a migratory worker or credible family member and collects supporting documentation.
- The recruiter should only enter data on a COE if the recruiter finds the source to be credible and believable since the COE serves as the primary record of eligibility when an auditor or reviewer checks the child's eligibility.
- States often use the information from the COE to determine the number of migratory children who live in the state each year and to compile demographic information about these migratory children.
- States are required to complete a COE before the MEP provides services to a child. For these reasons, the COE is the most important document generated by the MEP, and it is vital that it is completed adequately and accurately.

INSTRUCTIONS FOR THE NATIONAL COE



- A COE must be completed every time a child makes a new qualifying move that would renew the child’s eligibility for the MEP.
- All attempts should be made to complete all data elements and sections of the COE. In cases where a response may not be required or does not apply the recruiter must write a dash (-) or “N/A” in the appropriate blank. All other information must be provided.
- [Refer to the full guidance on filling out the COE here.](#)

TIPS ON FILLING OUT THE COE



If the recruiter completes a COE for a family, the recruiter must fill out a separate COE for any child who has a different qualifying arrival date (QAD) or for any child who has different eligibility criteria than the rest of the children in the family, such as an OSY who may have moved as the worker.

- The recruiter must not include any child who:
 - Was born after the qualifying move described on the COE in #1 of the Qualifying Moves and Work section.
 - Is not eligible to receive a free public school education through grade 12 under state law; or
 - Did not make the qualifying move described on the COE in #1 of the Qualifying moves and Work section.

REQUIRED DATA ELEMENTS

Family Data

Parent/Guardian 1 Last Name
Parent/Guardian 1 First Name

Parent/Guardian 2 Last Name
Parent/Guardian 2 First Name

Current Address / City / State / Zip code
Phone Number

Child Data

Last Name 1
Last Name 2
Suffix
First Name
Middle Name
Sex
Birth Date
Multiple Birth (MB)
Birth Date Verification
Code

Birth Date Verification Codes

1003 – baptismal or church certificate
1004 – birth certificate
1005 – entry in the family Bible
1006 – hospital certificate
1007 – parent’s affidavit
1008 – passport
1009 – physician’s certificate
1010 – previously verified school records
1011 – State-issued ID
1012 – driver’s license
1013 – immigration document
2382 – life insurance policy
9999 – other.

TIPS ON FILLING OUT THE COE



Family Data

In this section of the COE, the recruiter will record the contact information for the child(ren) and the name of the child(ren)'s parent(s)/guardian(s).

Current Address

Record the physical address, including the complete name of the street or road where the child(ren) currently resides. In cases where a formal physical address is unavailable, include as much other identifying information as possible (e.g., trailer number, rural route, migrant camp, landmark). If the physical address differs from the mailing address, ED recommends providing the mailing address in the Comments section of the COE.

Child Data

Child data includes the name, sex, birth date, etc., of each child. A recruiter should include all children with the same family and eligibility data on the same COE. Any child who has a different (1) current family [see “Family Data” above for additional definition] or (2) eligibility data—including a different QAD—must be documented on a separate COE.

QUALIFYING MOVES SECTION

This section clearly outlines what work and moves the migratory agricultural worker made as well as when the children made a move with or to join or precede this worker in a move. Be sure to review this section clearly before you fill it out the first few times.



III. QUALIFYING MOVES & WORK

1. The child(ren) listed on this form moved due to economic necessity from a residence in School district / City / State / Country to a residence in School district / City / State .
2. The child(ren) moved (complete both a. and b.):
 - a. as the worker, OR with the worker, OR to join or precede the worker.
 - b. The worker, First Name and Last Name of Worker , is the child or the child's parent/guardian spouse.
 - i. (Complete if "to join or precede" is checked in 2a.) The child(ren) moved on MM/DD/YY . The worker moved on MM/DD/YY . (provide comment)
3. The Qualifying Arrival Date was MM/DD/YY .
4. The worker moved due to economic necessity on MM/DD/YY from a residence in School district / City / State / Country to a residence in School district / City / State , and:
 - a. engaged in new qualifying work soon after the move (provide comment if worker engaged more than 60 days after the move); OR
 - b. actively sought new qualifying work, AND has a recent history of moves for qualifying work (provide comment)
5. The qualifying work,* describe agricultural or fishing work , was (make a selection in both a. and b.):
 - a. seasonal OR temporary employment
 - b. agricultural OR fishing work

*If applicable, check:
 personal subsistence (provide comment)
6. (Complete if "temporary" is checked in #5a) The work was determined to be temporary employment based on:
 - a. worker's statement (provide comment), OR
 - b. employer's statement (provide comment), OR
 - c. State documentation for Employer .

COMMENT REMINDERS

Make sure to note comments are needed for sections 2bi, 4a, 4b, 5, 6a, and 6b of the Qualifying Moves & Work Section, if applicable.

The “Comments section” of the COE allows the recruiter to provide additional information or details that clarify the reasons for the recruiter’s eligibility determination. The recruiter should write clear and detailed comments so an independent party who has no prior knowledge of the eligibility determination can understand the recruiter’s reasoning for determining that the child(ren) is eligible.

III. QUALIFYING MOVES & WORK

1. The child(ren) listed on this form moved due to economic necessity from a residence in School district / City / State / Country to a residence in School district / City / State .
2. The child(ren) moved (complete both a. and b.):
 - a. as the worker, OR with the worker, OR to join or precede the worker.
 - b. The worker, First Name and Last Name of Worker , is the child or the child’s parent/guardian spouse.
 - i. (Complete if “to join or precede” is checked in 2a.) The child(ren) moved on MM/DD/YY . The worker moved on MM/DD/YY . (provide comment)
3. The Qualifying Arrival Date was MM/DD/YY .
4. The worker moved due to economic necessity on MM/DD/YY from a residence in School district / City / State / Country to a residence in School district / City / State , and:
 - a. engaged in new qualifying work soon after the move (provide comment if worker engaged more than 60 days after the move); OR
 - b. actively sought new qualifying work, AND has a recent history of moves for qualifying work (provide comment)
5. The qualifying work,* describe agricultural or fishing work , was (make a selection in both a. and b.):
 - a. seasonal OR temporary employment
 - b. agricultural OR fishing work

*If applicable, check:
 personal subsistence (provide comment)
6. (Complete if “temporary” is checked in #5a) The work was determined to be temporary employment based on:
 - a. worker’s statement (provide comment), OR
 - b. employer’s statement (provide comment), OR
 - c. State documentation for Employer .

ADDITIONAL COMMENT REMINDERS

Additionally, a recruiter should provide comments in the following circumstances and any other circumstances in which a third party may question the eligibility determination:



- ✓ The information on the COE needs additional explanation to be clearly understood by an independent outside reviewer.
- ✓ The basis for the preliminary eligibility determination is not obvious. For example, the work is unusual enough that an independent reviewer is unlikely to understand that it is qualifying work. An explanation is needed to enable a reviewer to understand how the preliminary eligibility determination was made.
- ✓ The work could be part of a “series of activities” that, viewed together, would constitute year-round employment (e.g., mending fences on a dairy farm and bailing hay could be two parts of year-round ranching with one employer).
- ✓ An independent reviewer may view the work as either temporary or year-round employment (e.g., collecting eggs or milking cows).

ADDITIONAL COMMENT REMINDERS

- ✓ An interviewee uses a symbol such as an “X” or another valid mark as a signature.
- ✓ The person who provided the information on the COE form (interviewee) is not the worker.
- ✓ The mailing address is different from the child(ren)’s physical residence.
- ✓ The child(ren)’s legal parent/guardian(s) differ from the current parent/guardian(s) listed.



Interviewee Signature Section.

The interviewee signs and dates the COE on the day the interview is conducted. The interviewee must also write his or her relationship to the child.

Signature
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