

ELIGIBILITY REFRESHER



**MAKE SURE TO
USE THE
GUIDANCE AND
THE
REGULATIONS**

GUIDANCE

**Education of Migratory Children under Title I, Part C of the
Elementary and Secondary Education Act of 1965**



**SELECTED CHAPTERS REVISED
March 2017**

3 MAIN FOCUS AREAS WE USE WHEN THINKING ABOUT ELIGIBILITY

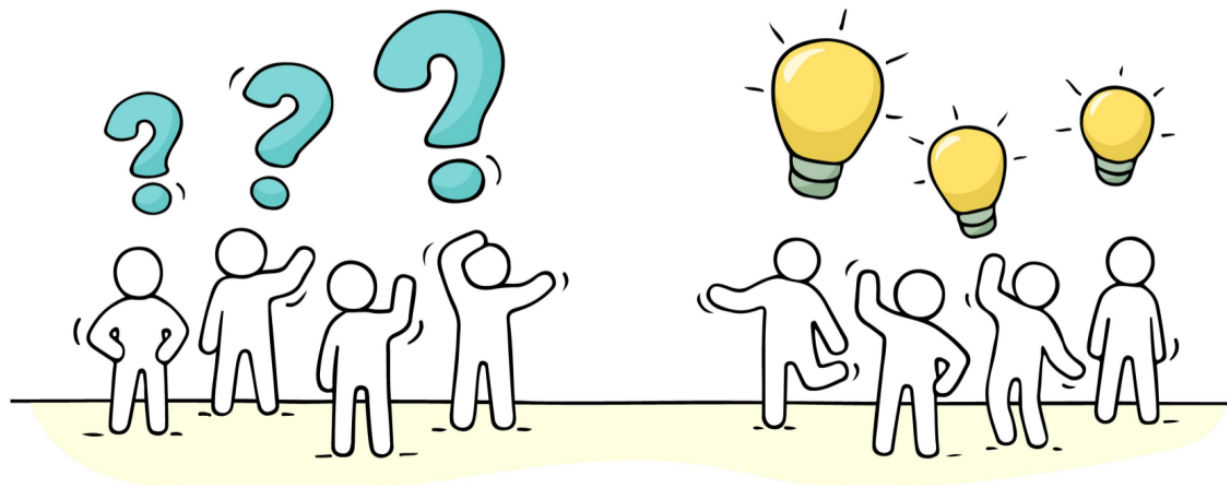
Is there a
Migratory
Worker?



Are there
children eligible
for the program?



What is the
QAD?



MIGRATORY AGRICULTURAL WORKER (MAW)



Qualifying move for MAW is due to 3 factors- due to economic necessity, from one residence to another residence, and one school district to another.

Temporary jobs need to last less than 12 months.

Did they make a qualifying move in the last 36 months?

Did they “engage” in new qualifying work within 60 days of the move?

Was the work in temporary or seasonal agriculture or fishing work?

They need to start the work not just apply.

MIGRATORY AGRICULTURAL WORKER (MAW)



If they say no, I did not get the work...

Did they make a
qualifying move in the
last 36 months?

Did they “engage” in
new qualifying work
within 60 days of the
move?

Was the work in
temporary or seasonal
agriculture or fishing
work?



If they did not engage in the work, they need to have sought work in agriculture, and had at least 2 other moves in the last 36 months that resulted in new qualifying work after the move.



ONCE YOU DETERMINE THERE IS A MIGRATORY AGRICULTURAL WORKER MAKE NOTE OF...

- The date they were established as a migratory worker. Then remember they are the considered to be a migratory agriculture worker from that date forward for 36 months!
- *Example May 5th, 2022, they made a move and got a job in agriculture. They would be considered a MAW until May 5, 2025*

3 years- 36 months!



ARE THERE ELIGIBLE CHILDREN?



Are they under the age of 22 and not yet graduated?

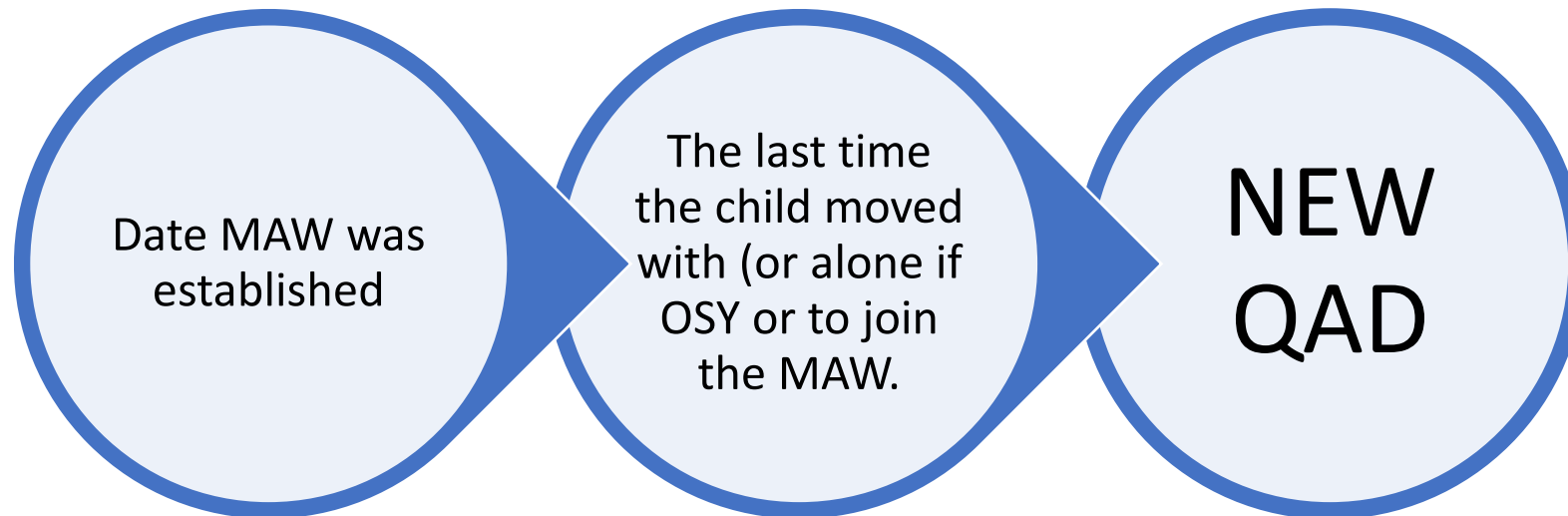
Have they **moved** as a **MAW** or with or to join/precede (within 12 months) a parent or spouse who is a **MAW**?

Was the move due to **economic necessity** and from one district to another across school district lines?

Always check back the full 36 months to determine their full history!

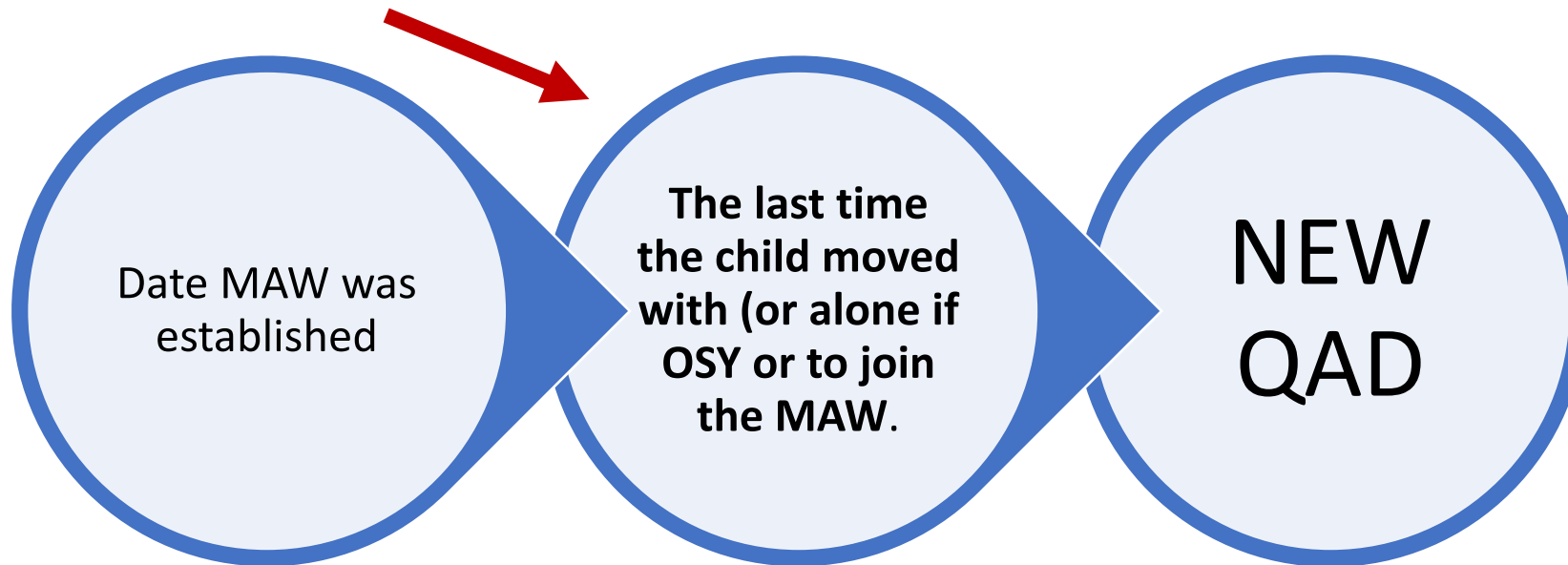
HOW TO DETERMINE QUALIFYING ARRIVAL DATES

- Looking at the child or youth.... When did the worker (themselves or the one they are traveling with) become established as a Migratory Agricultural worker? **Was it within 36 months?**



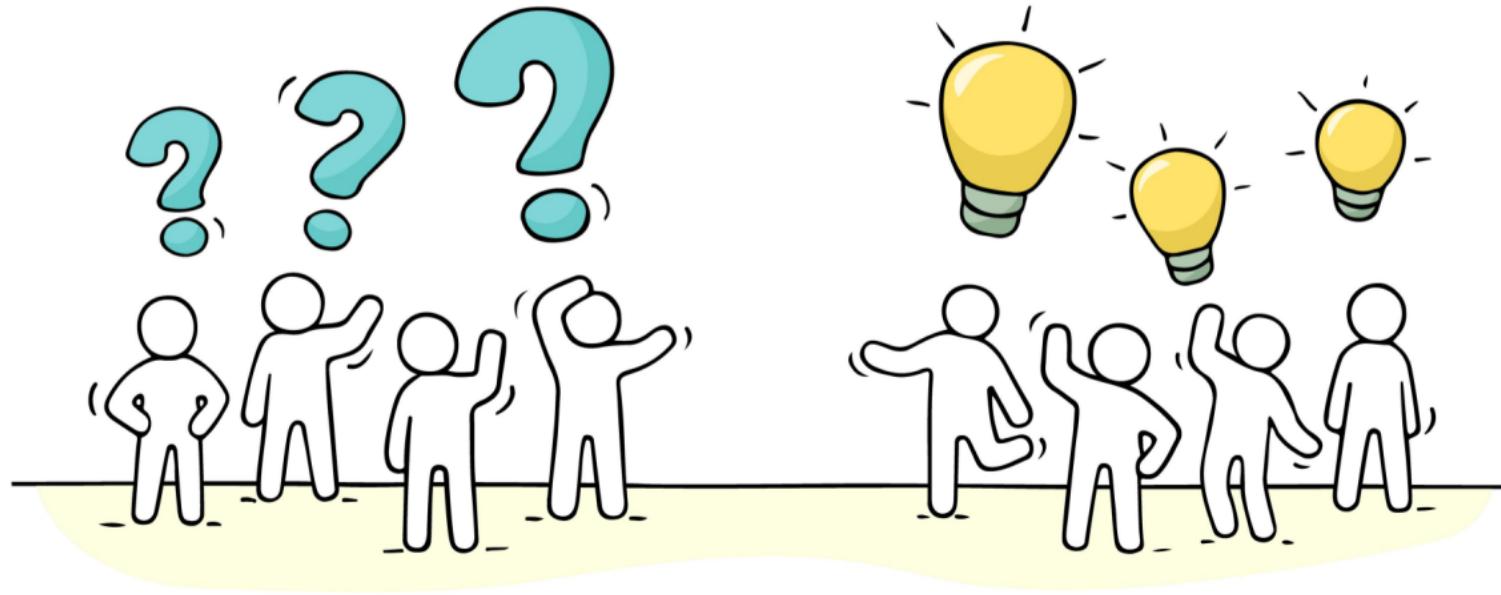
HOW TO DETERMINE QUALIFYING ARRIVAL DATES

- Remember the child/or youth needs to move for economic necessity/across school district lines for an agriculture or non-ag job within 36 months of when the MAW is established with the MAW.



HOW TO DETERMINE RESIDENCY DATE

- The residency date is the date they moved into their current school district area.



IDRC HAS A FLOW CHART YOU CAN USE IF YOU GET CONFUSED...



DETERMINING IF THERE IS A MIGRATORY AGRICULTURAL WORKER/FISHER (MAW) FLOWCHART

Reminder: Always begin with the most recent **Qualifying Move** and work your way backwards 36 months. You are looking for the most recent date that makes them a Migratory Agricultural Worker. If the first move doesn't qualify, continue to ask for previous dates back 36 months.

Has anyone in the household made a qualifying move in the last 36 months?

TIP: Remember, a **qualifying move** is a move made due to economic necessity from one residence to another residence **and** from one school district to another school district.

TIP: Be aware that workers may perform more than one job at a farm or business. If one job is not a qualifying activity, check to see if they performed any other jobs while employed there.

yes → **Not eligible UNLESS**

no → **No MAW**

Did they engage in new qualifying work within 60 days of the move?

yes → **Not eligible UNLESS**

no → **No MAW**

Did they actively seek new qualifying work?

yes → **Not eligible UNLESS**

no → **No MAW**

Was the work in agriculture or fishing?

yes → **Not eligible UNLESS**

no → **No MAW**

Was the work temporary or seasonal?

yes → **Not eligible UNLESS**

no → **No MAW**

They made a previous qualifying move in the last 36 months. Make sure to ask about their history for the last 36 months.

There is a Migratory Agricultural Worker (MAW)!

Was the work in agriculture or fishing?

yes → **Not eligible UNLESS**

no → **No MAW**

Was the work temporary or seasonal?

yes → **Not eligible UNLESS**

no → **No MAW**

Have they made at least 2 moves in the last 36 months and engaged in new qualifying work after the move? **Reminder- these moves do not have to cross district lines.**

yes → **Not eligible UNLESS**

no → **No MAW**

There is a Migratory Agricultural Worker (MAW)!

TIP: You could just qualify them on a previous qualifying move if they have one and not have to find two additional moves.

DETERMINING IF THERE ARE CHILDREN ELIGIBLE FOR THE MIGRANT EDUCATION PROGRAM

Reminder: Always begin with the most recent move and work your way backwards 36 months. You are looking for the most recent date that makes the children eligible. If the first move doesn't qualify, continue to ask for previous dates back 36 months.

Is the child under the age of 22?

yes → **Not eligible**

no → **Not eligible**

Has the child finished high school or completed an equivalent program such as GED or HSED?

NO → **Not eligible**

YES → **Not eligible**

Has the child moved in the last 36 months as a migratory worker, or with or to join or precede a parent/spouse or guardian who is a Migratory Agricultural Worker (MAW)?

yes → **Not eligible**

no → **Not eligible**

If it was to join or precede a MAW, was it within 12 months?

yes → **Not eligible**

no → **Not eligible**

Was the move due to economic necessity from one residence to another across school district lines?

yes → **Not eligible**

no → **Not eligible**

If you said yes to all these questions, then this child is eligible for the Migrant Education Program.

Remember before you fully determine a child is not eligible for MEP, make sure to check any other previous moves in the past 36 months. Always ask thorough questions to review their last 3 years of moves and family work history.



SCENARIO ONE



- A worker and her two children (ages 7 and 10) moved from Arkansas to Illinois on August 1, 2020, to work picking pumpkins. She worked picking pumpkins for two months and then switched to a temporary job cleaning hotel rooms. Then the worker and children moved again from Illinois to Saint Louis, Missouri on November 7, 2020, and she began working as a janitor in a chemical factory.
- **Is the family eligible and if they are what is the QAD?**



SCENARIO 1- MIGRATORY AGRICULTURAL WORKER

Yes- August 1st to work in pumpkins

Yes- seasonal

Did they make a qualifying move in the last 36 months?

Did they “engage” in new qualifying work within 60 days of the move?

Was the work in temporary or seasonal agriculture or fishing work?

Yes- She got the work soon after the move and worked for 2 months.

Mom is a MAW until August 1, 2023

SCENARIO 1: ELIGIBLE CHILDREN?



Are they under the age of 22 and not yet graduated?

YES! Ages 7 and 10

Have they **moved** as a **MAW** or with or to join/precede (within 12 months) a parent or spouse who is a **MAW**?

YES!

Was the move due to **economic necessity** and from one district to another across school district lines?

YES!

Always check back the full 36 months to determine their full history!

SCENARIO 1- QAD



- The family moved across school district lines and due to economic necessity.



Residency date would be when they moved to the new town of Saint Louis, Missouri 11-7-2020.

SCENARIO TWO



- Ally (20) moved from Davenport, IA to Rochester, MN to join her husband Lou (21). Ally moved in June, 14 months after her husband had moved. Her husband Lou had been working in a dairy milking cows ever since he had arrived. Lou told the recruiter he plans to continue working at the dairy. Neither Ally nor Lou were able to finish high school. Both left high school to work and make money for their families in the Davenport, IA area. Their move to Rochester was their first move.
- Who is eligible? If they are eligible, what is the QAD?



SCENARIO 2- MIGRATORY AGRICULTURAL WORKER

Yes- Across school district lines, for economic necessity, and from one school district to another.

No- permanent job.

Did they make a qualifying move in the last 36 months?

Did they “engage” in new qualifying work within 60 days of the move?

Was the work in temporary or seasonal agriculture or fishing work?

Yes- He is working at a dairy

Lou is not yet established as a MAW.

SCENARIO THREE



- Last year on June 1, 2021, Isabel's father, Rafael, moved on his own from Illinois to Florida to find work. Six weeks after his move to Florida he began work picking oranges. He returned to Illinois later in November of 2021. Over the holiday break in December, he moved again on his own to find work in Kentucky. Unable to find work in Kentucky, he returned to Illinois. On July 10, 2022, Isabel, who is 16 years old, and her father, moved to Texas as her uncle offered her father temporary work in a sawmill sorting logs before they are cut into boards. He father started the job right away once they arrived. **Is Isabel eligible? If she is eligible, what is the QAD?**

NON-REGULATORY GUIDANCE

- **F15 Is initial processing of trees considered agricultural work?**
- Yes. Because trees are a raw product, the initial processing of trees is considered agricultural work.
- <https://www.cde.state.co.us/migrant/mep-non-regulatory-guidance>





SCENARIO 3- MIGRATORY AGRICULTURAL WORKER

Yes- June 1, 2021- harvesting oranges,
July 10th 2022- sawmill

Yes- seasonal and temporary

Did they make a qualifying move in the last 36 months?

Did they “engage” in new qualifying work within 60 days of the move?

Was the work in temporary or seasonal agriculture or fishing work?

Yes- He engaged in the work both times.

MAW established again on July 10th, 2022

SCENARIO 3- QAD



- The family moved across school district lines and due to economic necessity.



Residency date would be when they moved to the new town in Texas 7-10-22.

TRUE OR FALSE

- A worker who has been employed for longer than 12 months on a farm at the time of the eligibility interview may still be considered a migratory agricultural worker if all of the jobs they have performed are seasonal.

True

False

True

False

- **G7. 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 in section 1309(2) and (4) of the ESEA. See also 34 C.F.R. § 200.81(o) and (p).

TRUE OR FALSE

- A recruiter must always determine if a worker moved in order to obtain qualifying work.

True

False

True

False

- No. As amended, the ESEA no longer requires that a worker needed to move “in order to obtain” qualifying work. The new statutory definitions enable individuals to be considered migratory agricultural workers, and migratory fishers without the need for recruiters or States to determine the intent, or purpose(s) of the worker’s move.

SCENARIO FOUR



- Miguel (19) and Abelina (18) and their baby move to Wisconsin on April 30, 2022, to work on a new farm pruning grapes. Miguel learns upon arriving that the farm is no longer hiring. He is able to obtain an official rejection letter from the farm stating that all of the positions have been filled up. A recruiter speaks to the Miguel on June 12, 2022 and finds that they still haven't obtained work. Miguel tells the recruiter that although they moved alone this year, they previously moved regularly each with their parents when they were younger. Miguel had previously moved with his parents to pick blueberries in Colorado on April 15, 2017, and June 20, 2018. Abelina had moved with hers in 2015 and 2016. Neither has finished school. Are they eligible?



SCENARIO 4- MIGRATORY AGRICULTURAL WORKER

Yes- April 30th, 2022

Yes- seasonal

Did they make a qualifying move in the last 36 months?

Did they “engage” in new qualifying work within 60 days of the move?

Was the work in temporary or seasonal agriculture or fishing work?

No- The work was not available.

Neither is established as a MAW.

MIGRATORY AGRICULTURAL WORKER (MAW)



If they say no, I did not get the work...

Did they make a qualifying move in the last 36 months?

Did they “engage” in new qualifying work within 60 days of the move?

Was the work in temporary or seasonal agriculture or fishing work?

Their moves were both over 36 months ago. (2018, 2018, 2015, 2016)

If they did not engage in the work, they need to have sought work in agriculture, and had at least 2 other moves in the last 36 months that resulted in new qualifying work after the move.

ALWAYS REVIEW THE GUIDANCE AND ALSO CHECK OUT THE RESULTS PAGE

Topic(s): Child Eligibility

Q125

Subtopic(s): Migratory Workers, Temporary and Seasonal Employment, Qualifying Arrival Date and Move "To Join" Issues

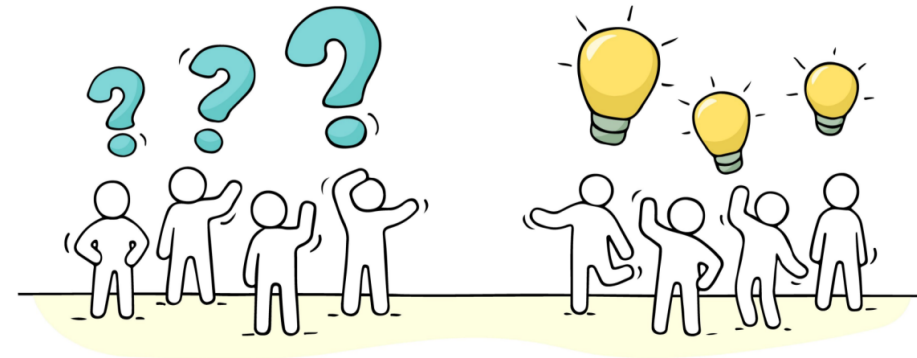
Q. A migratory agricultural worker moved with his child to District A with the intent of engaging in temporary employment for less than 12 months. After the migratory agricultural worker and child make an intrastate move to District B, the recruiter in District B finds out the "temporary" employment 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?

— Hide Answer

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.

https://results.ed.gov/legislation/policy_gas





EVALUATION- WE VALUE YOUR THOUGHTS!

- <https://www.surveymonkey.com/r/IDRCTrainingEval22-23>



CONTACT INFORMATION

Jessica Castañeda

IDRC Director

931-668-4129- office

931-273-4050- cell

jcastanedaidr@gmail.com

www.idr-consortium.net

