

Eligibility Fundamentals

Lupi Ginn, Identification & Recruitment Coordinator

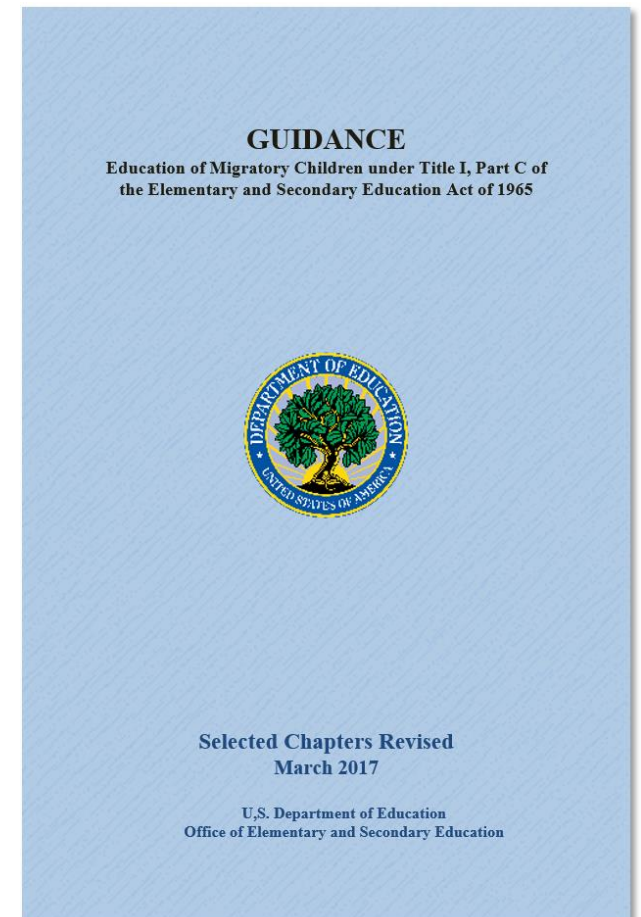
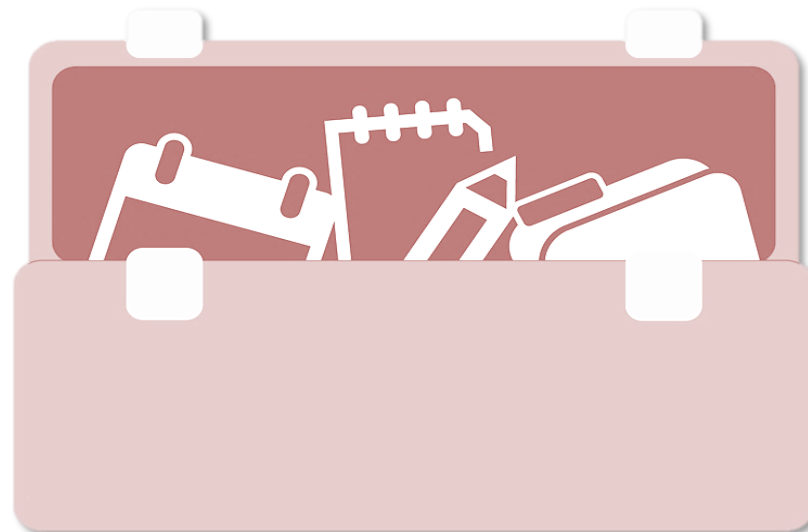
May 2022 – Web Based Assessment Training Material

ESCORT/ Research Foundation of SUNY



Objectives

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



Eligibility Tools

Your recruiter toolkit



Identification & Recruitment Vocabulary under ESSA



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).

Identification & Recruitment Vocabulary under ESSA



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).

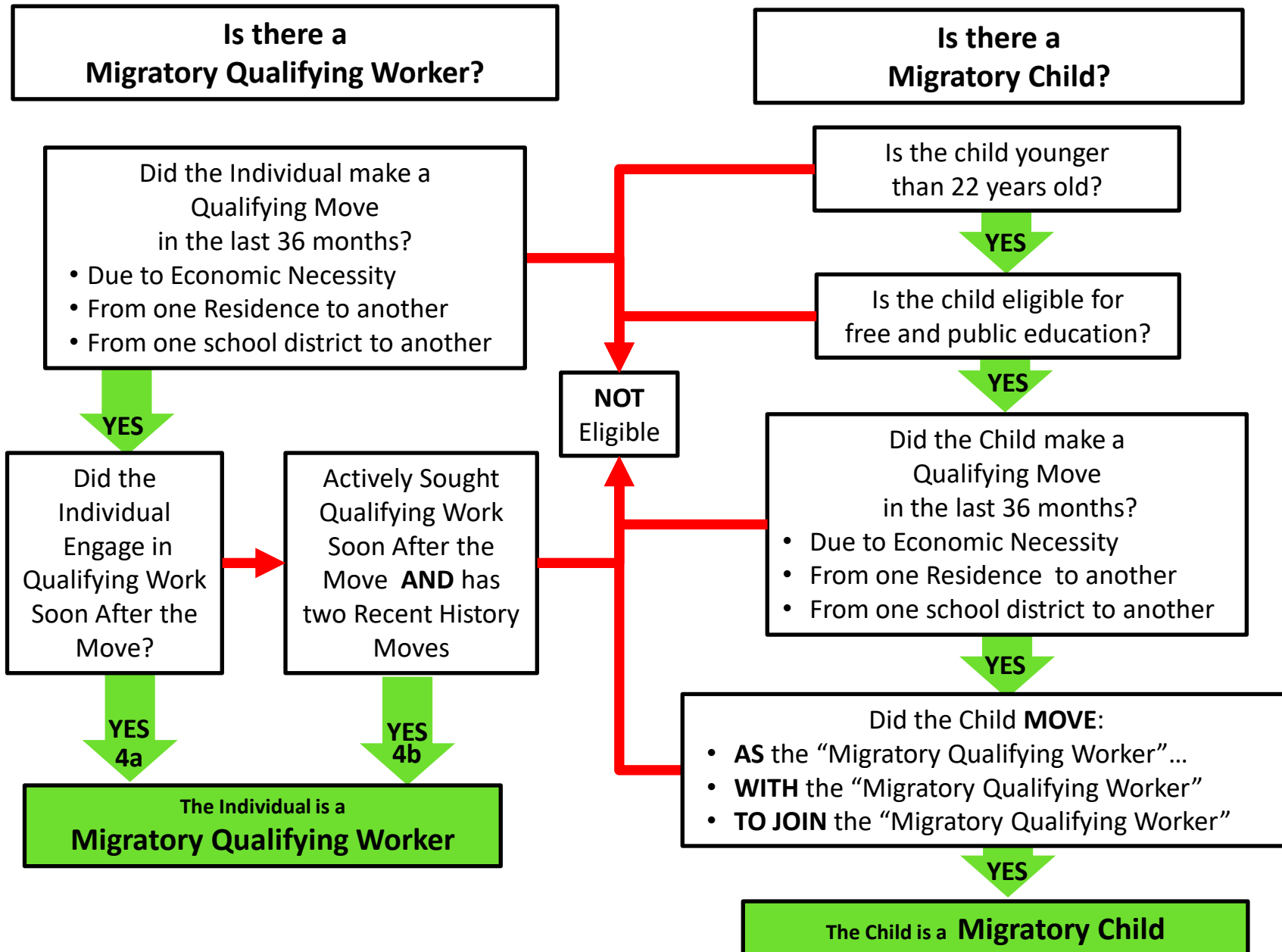
Soon After the Move (SAM) – within 60 days.

- ▶ Top half determines if the individual meets the definition of a Migratory Qualifying Worker.
- ▶ This information is what is documented in Section III; #4-6 of the COE.
- ▶ Bottom half determines if the child meets the definition of a Migratory Child.
- ▶ This information is what is documented in Section III; #1-3 of the COE.

MIGRANT ELIGIBILITY CHECKLIST	
<p><i>ALL boxes must be checked off in order to meet the Migratory Qualifying Worker and Migratory Child definitions (unless instructed to only check one).</i></p>	
<p>Does the “individual” meet the definition of “Migratory Qualifying Worker”?</p>	
<p>QUALIFYING MOVE FOR MIGRATORY QUALIFYING WORKER (Does not have to be dependent of child’s move)</p> <p><input type="checkbox"/> Due to economic necessity; AND</p> <p><input type="checkbox"/> From one residence to another residence; AND</p> <p><input type="checkbox"/> From one district to another; AND</p> <p><input type="checkbox"/> Took place in the preceding 36 months</p> <p>QUALIFYING WORK (check one)</p> <p><input type="checkbox"/> <u>engaged</u> in new temporary or seasonal employment or personal subsistence in agriculture “soon after” the move (within 60 days); <u>OR</u></p> <p><input type="checkbox"/> <u>did not</u> engage in new temporary or seasonal employment or personal subsistence</p> <p style="padding-left: 40px;"><input type="radio"/> actively sought such new employment; <u>AND</u></p> <p style="padding-left: 40px;"><input type="radio"/> the individual has a recent history of moves for temporary or seasonal agriculture employment (at least two moves)</p> <p>THE NEW QUALIFYING WORK IS:</p> <p><input type="checkbox"/> seasonal or temporary; AND</p> <p><input type="checkbox"/> agricultural or fishing</p>	
<p>Does the “child(ren)” meet the definition of a “Migratory Child”?</p>	
<p>AGE</p> <p><input type="checkbox"/> The child is under 22 years of age</p> <p>SCHOOL COMPLETION</p> <p><input type="checkbox"/> The child is eligible for a free public education under State law</p> <p>QUALIFYING MOVE FOR CHILD (Does not have to be dependent of migratory qualifying worker’s move)</p> <p><input type="checkbox"/> Due to economic necessity; AND</p> <p><input type="checkbox"/> From one residence to another residence; AND</p> <p><input type="checkbox"/> From one district to another; AND</p> <p><input type="checkbox"/> Took place in the preceding 36 months</p> <p>THE CHILD MOVED: (check one)</p> <p><input type="radio"/> <u>as</u> a Migratory Qualifying Worker</p> <p><input type="radio"/> <u>with</u>, a Migratory Qualifying Worker</p> <p><input type="radio"/> <u>to join</u> a parent/guardian or spouse who <u>is</u> a Migratory Qualifying Worker</p>	



Eligibility Flow Chart

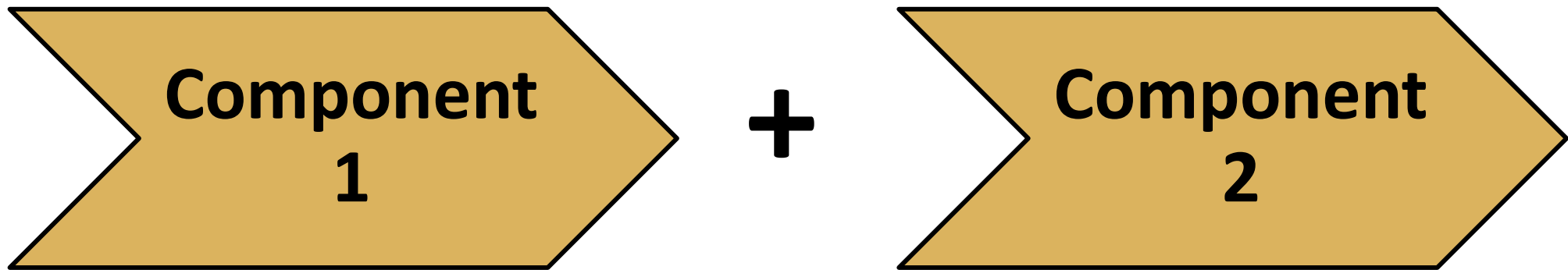


Eligibility Fundamentals

The Migratory Qualifying Worker and
Migratory Child

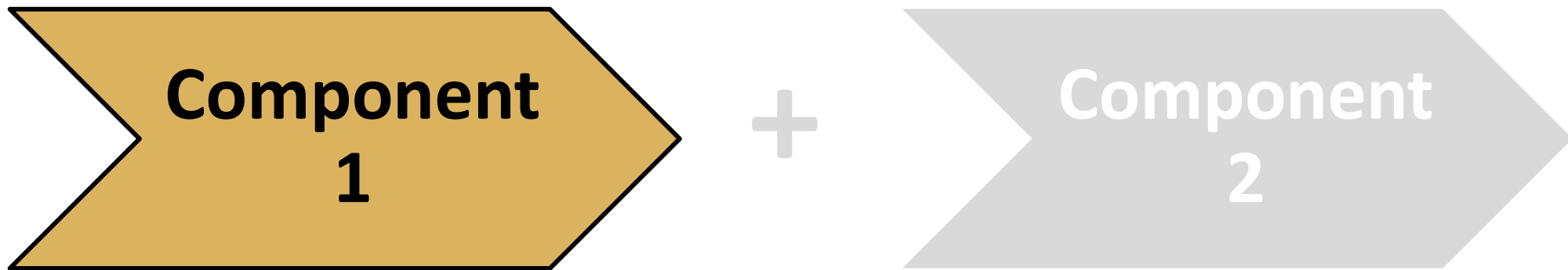


The Migratory Qualifying Worker is made up of two components...



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

- ▶ A qualifying move must occur within 36 months from the eligibility interview date.
- ▶ **All criteria** must be met for the individual to have made a Qualifying Move.

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

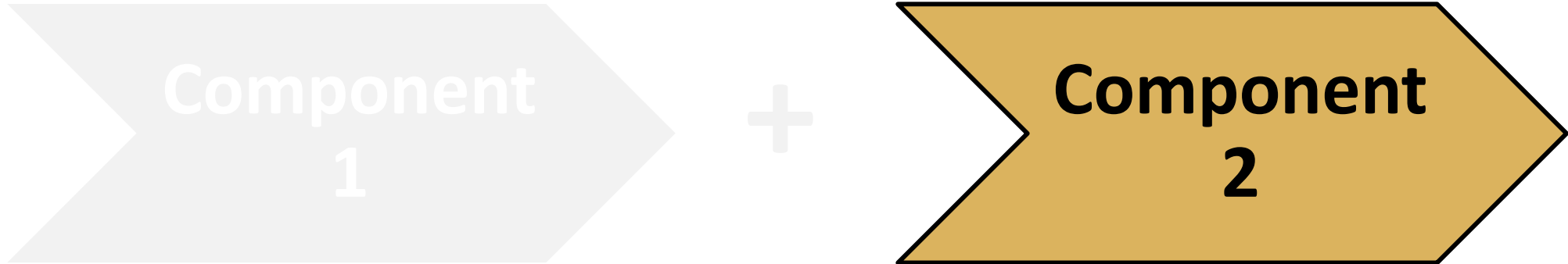
The Migratory Qualifying Worker's Qualifying Move

**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 State A to State B
- ▶ From School District A to School District B

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 (employment);
- ▶ Agricultural or Fishing (work)

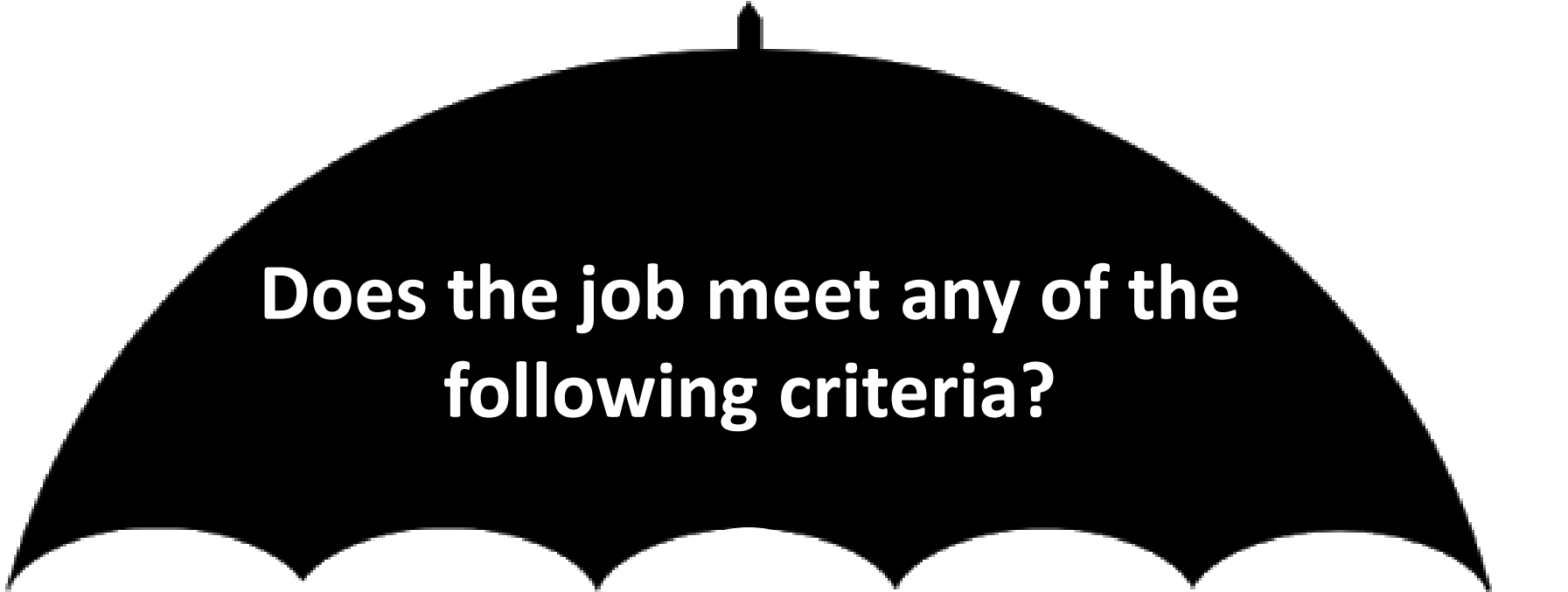
Any moves, work engaged in/actively sought, recent history of moves must be within U.S. (or territories).



Qualifying Work

We look at the term qualifying work as an *umbrella term* in the MEP.

There are several factors that determine if the job the individual is engaged in is considered *qualifying work*.



**Does the job meet any of the
following criteria?**

**Agricultural
Work**

**OR
+**

**Fishing
Work**

Production

**OR
+**

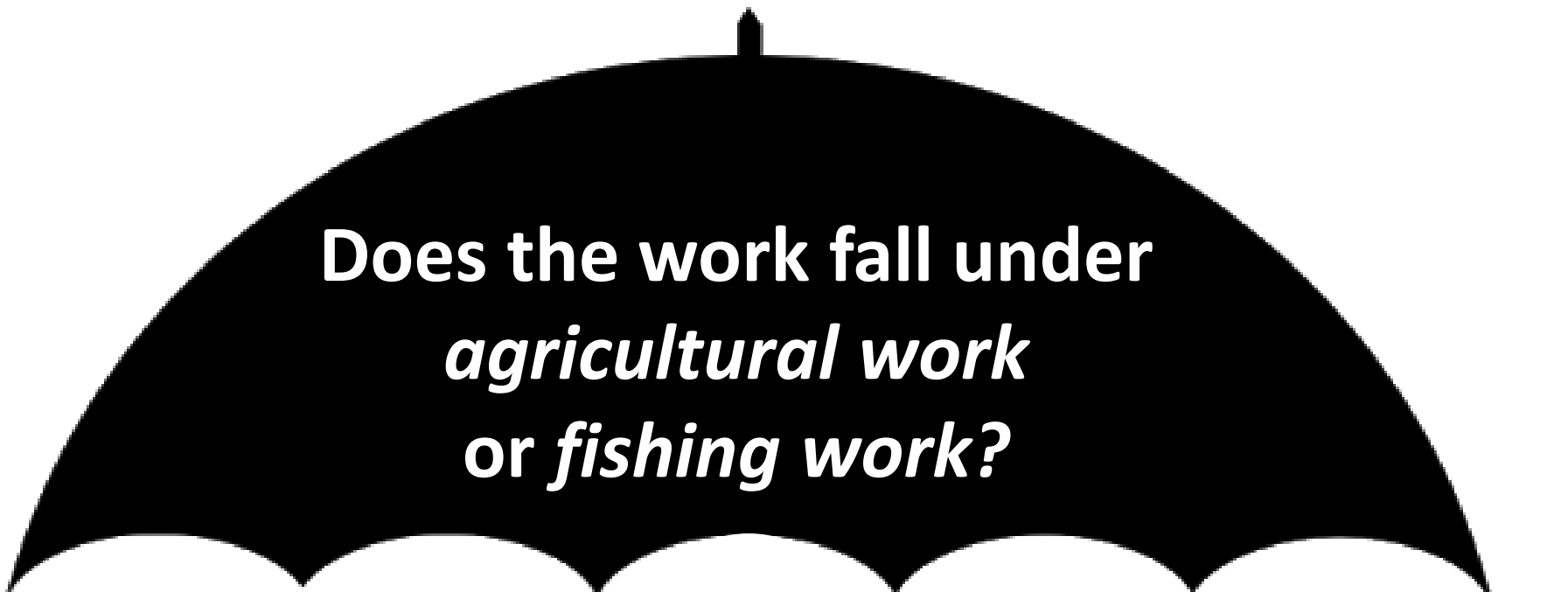
Initial Processing

Seasonal

OR

Temporary





Does the work fall under
agricultural work
or *fishing work*?

**Agricultural
Work**

**OR
+**

**Fishing
Work**

Production

OR
+

Initial Processing

Seasonal

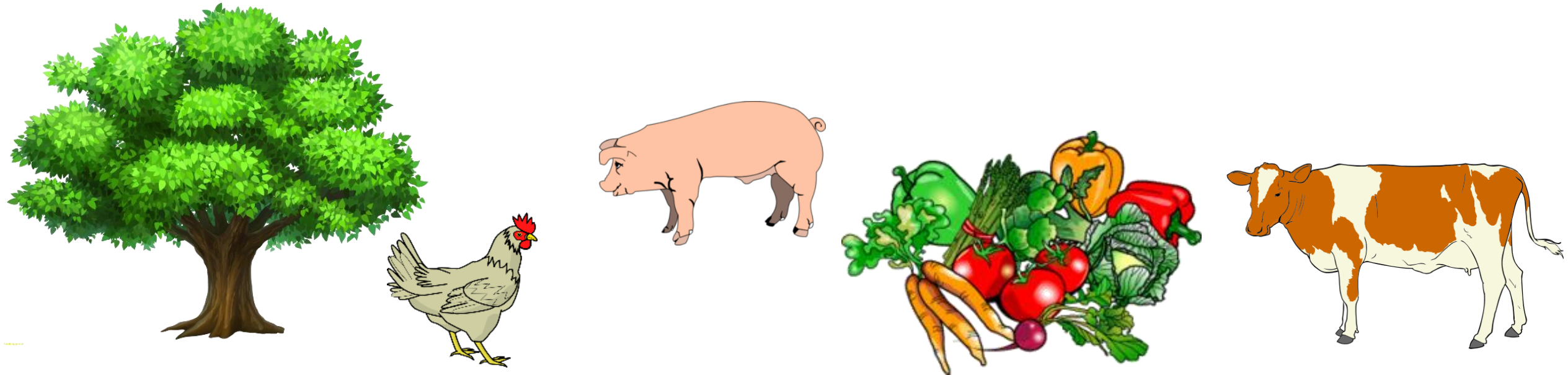
OR

Temporary



Qualifying Work

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.



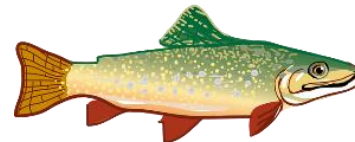
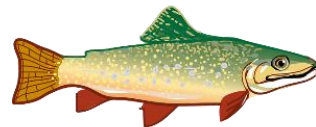
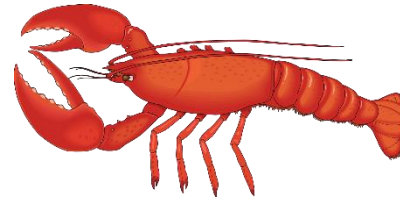
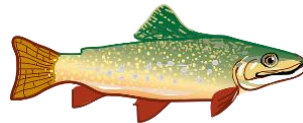
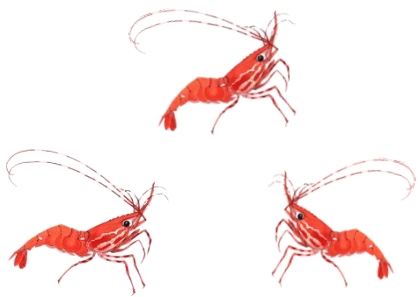
Qualifying Work

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.

- ▶ **Location** – farms, ranches, dairies, orchards, nurseries, greenhouses engaged in the growing and harvesting of crops, plants, and the keeping, grazing, or feeding of livestock.
- ▶ **Activities** – planting, seeding, watering, fertilizing, transplanting, hauling, herding, feeding, caring for, branding, tagging, cleaning, weighing, grading, sorting, enclosing raw product in container, stunning, slaughtering, cutting.

Qualifying Work

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.



Qualifying Work

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.

- ▶ **Location** – 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.
- ▶ **Activities** – raising, feeding, grading, collecting fish, removing dead or dying fish from tanks/pens, constructing nets and cages, scaling, cutting, freezing, dressing, and enclosing raw product in a container.



Is the agricultural or fishing
work part of *production* or
initial processing?

Agricultural
Work

OR
+

Fishing
Work

Production

OR
+

Initial Processing

Seasonal

OR

Temporary



Production and Initial Processing

Production = Growth/Raising of crops, livestock, fish and trees



Initial processing = Working with the raw product



Production and Initial Processing

Initial processing = Would **not** include:





Is the agricultural or fishing
work done on a *seasonal* or
temporary basis?

Agricultural
Work

OR
+

Fishing
Work

Production

OR
+

Initial Processing

Seasonal

OR

Temporary



Qualifying Work

Seasonal – Employment that occurs only during a certain period of the year because of the cycles of nature. It is not continuous or carried on throughout the year.

Non-Regulatory Guidance G1, G2, G3



Spring

Mar 21 – June 20*



Summer

June 21 – Sept 20*



Autumn

Sept 21 – Dec 20*



Winter

Dec 21 – Mar 20*

**Example beginning and end dates*

Qualifying Work

Seasonal – The length of “seasonal” employment is based on the distinct period of time associated with the cultivation and harvesting cycles of the agricultural or fishing work. Therefore, like temporary employment, **seasonal employment may not last longer than 12 months.**



PRODUCT	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Apples							J	A	S	O		
Beans					M	J	J	A	S	O	N	
Beets				A	M	J	J					
Blackberries						J	J	A	S			

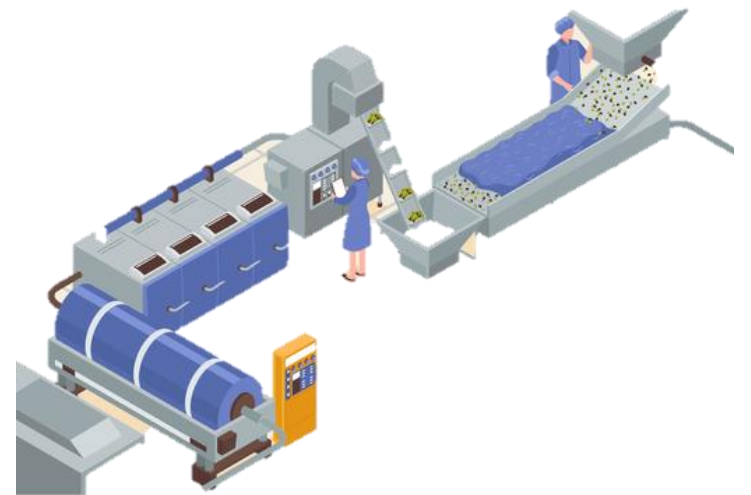
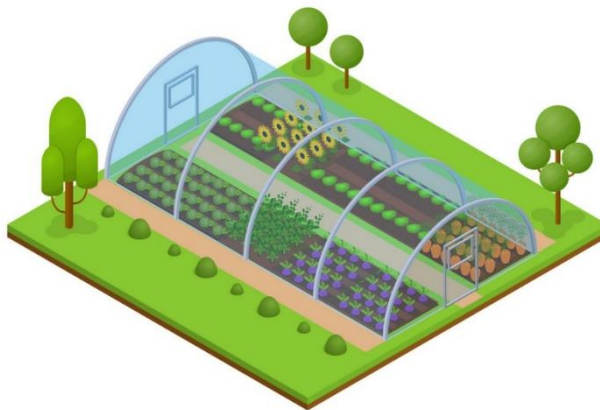
Non-Regulatory Guidance G1, G2, G3

Qualifying Work

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

It is determined by:

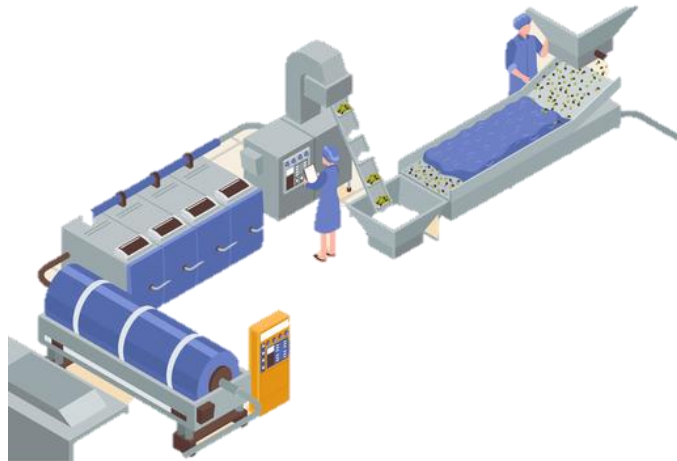
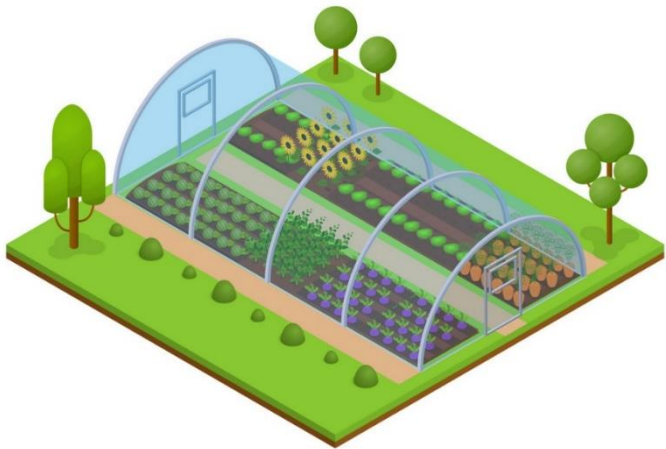
- ▶ The **worker statement**: where the worker states that he/she does not intend to remain in that employment indefinitely.
- ▶ The **employer statement**: where the employer indicates the worker was hired for a limited timeframe not to exceed 12 months.



Qualifying Work

Length of activity **vs** Length of employment

Nurseries and poultry plants have many activities that allows workers to remain employed **year-round**. Therefore, the individual must remain **employed** no longer than 12 months to meet eligibility criteria.



**Look for the workers
who stay employed for a
shorter period of time
at these locations.**

Qualifying Work

If an individual is engaged in qualifying work that is seasonal, does it matter how long the individual intends on remaining employed with their current employer?

Yes. 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 seasonal or temporary employment”.**

Individual **did not engage** in Qualifying Work

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

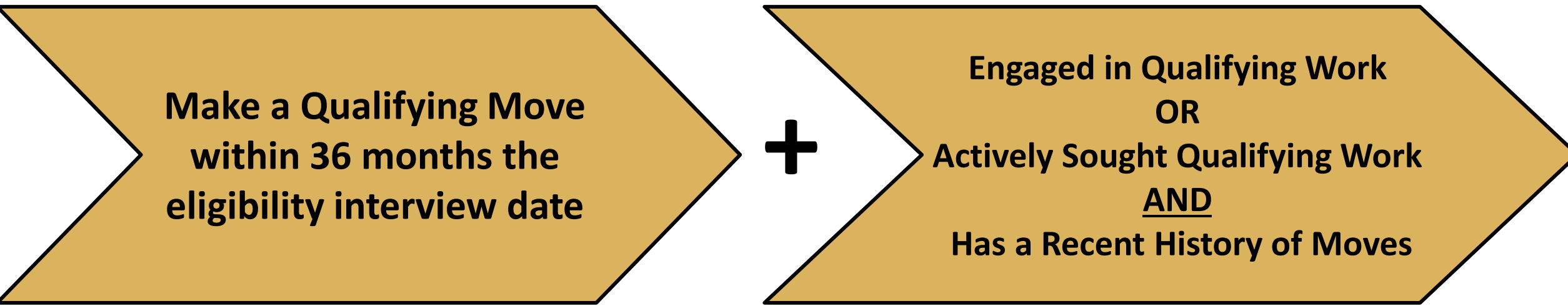
An individual who did not engage in qualifying work soon after a move **may** still be considered to be a Migratory Qualifying Worker, if soon after the move the individual:

- ▶ **Actively Sought** new Qualifying Work (positive action to look for)
 - ▶ Comment example: “When the worker arrived, he applied for (qualifying work) at (location).”
- ▶ **Has a Recent History of Moves** for Qualifying Work
 - ▶ Comment example: “The worker went to Florida and picked strawberries in 2020 and in 2021.”
 - ▶ Comment example: “The worker picked watermelon in Georgia in 2020 and picked squash in Idaho in 2021.”

Recent History of Moves **Criteria**

- ▶ 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).
- ▶ 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.

The Migratory Qualifying Worker:



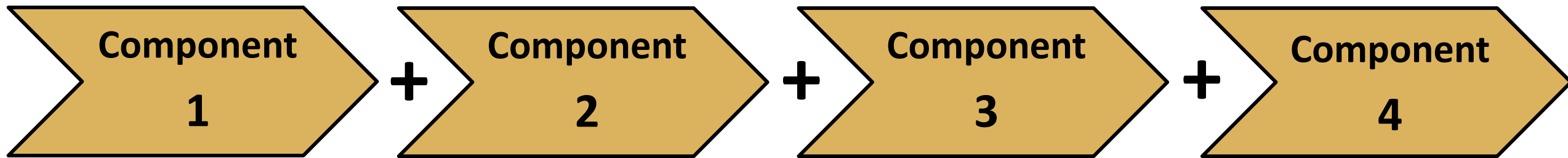
Make a Qualifying Move
within 36 months the
eligibility interview date

+

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 of a Migratory Qualifying Worker.

The Migratory Child is made up of four components...



The Migratory Child:

Age



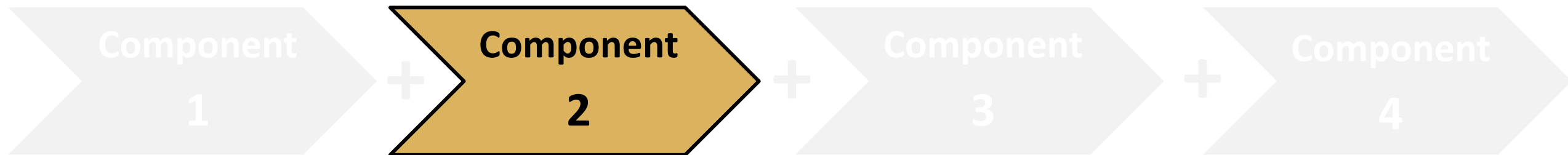
The Migratory Child

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 so that we don't accidentally miss anyone.

The Migratory Child: School Completion



The Migratory Child

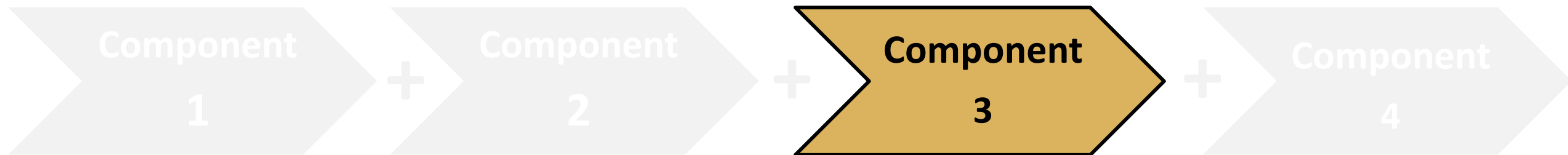
School Completion

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 Alabama.

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

- ▶ A qualifying move must occur within 36 months from the eligibility interview date.
- ▶ **All criteria** must be met for the child to have made a Qualifying Move.

The Migratory Child:

Moving as, with, to join/precede



The Migratory Child's Qualifying Move

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

The Migratory Child moved and is the
Migratory Qualifying Worker



The Migratory Child's Qualifying Move

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

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

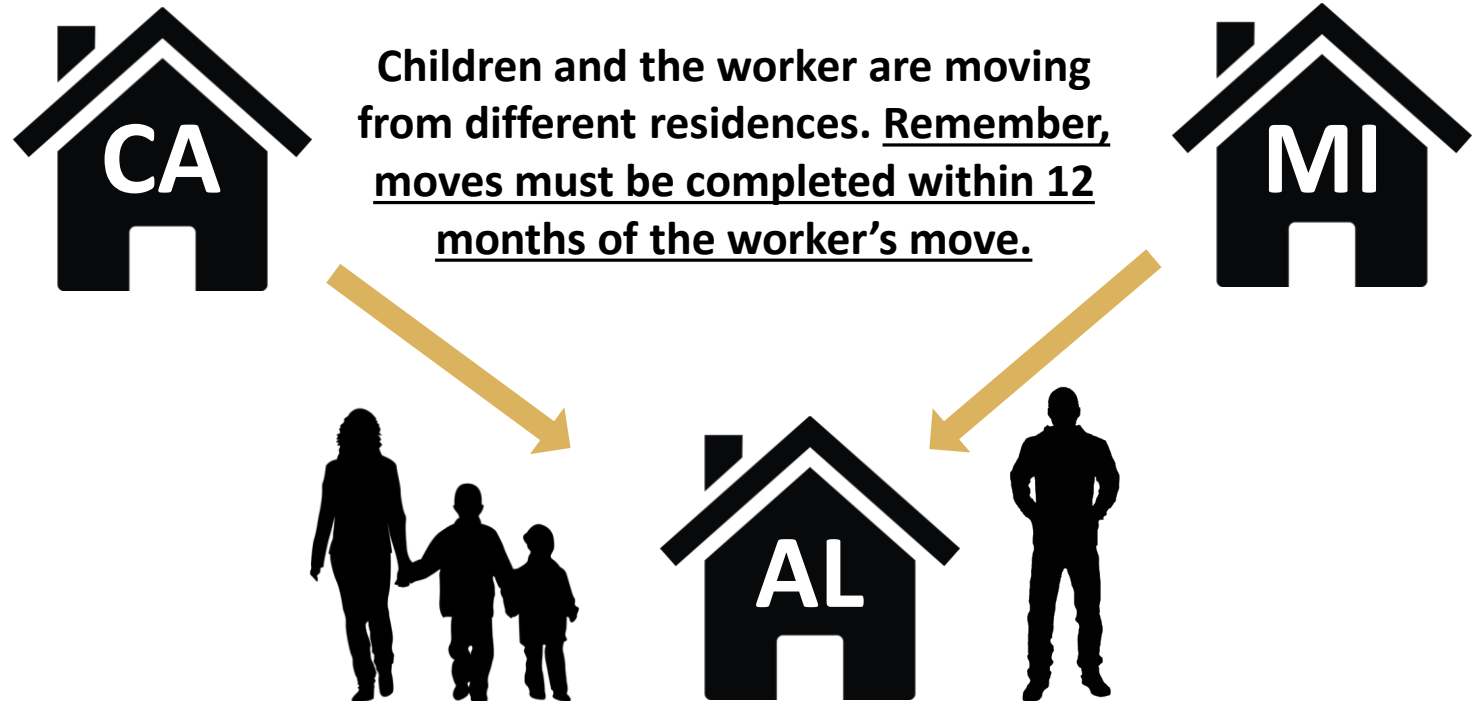


Both worker and child move from the same place of residence

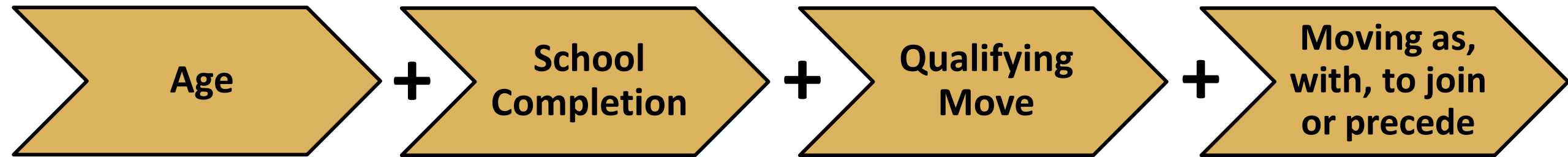
The Migratory Child's Qualifying Move

**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



The Migratory Child:



Questions?



Lupi Ginn, ID&R Coordinator

Lupi.Ginn@alabama-mep.org

ESCORT/ Research Foundation of SUNY

Telephone: (334) 721-4123

