



TITLE I PART C

Education of Migratory Children



TO: Title IC-Education of Migratory Children Staff

FROM: Benjamin Zink, State Coordinator, Title IC-Education of Migratory Children,
Nebraska Department of Education

DATE: March 6, 2023

RE: Duration of a Qualifying Move

Cc: Ita Mendoza, State ID&R Coordinator
Veronica Estevez, State Quality Control & PAC Coordinator
Danielle Waite, State Data Program Analyst
Cesar Duran, State Services Coordinator

Note: This is a continuation of guidance issued in May of 2022.

As per Sections 1115(b) and (c), 1304(c)(2) and 1309 of the Elementary and Secondary Education Act (ESEA) of 1965, as amended by Every Student Succeeds Act (ESSA) of 2015, new and all MEP-Specific statutory provisions in Title I, Part C of the ESEA, as amended by ESSA, including the program definitions affecting child eligibility, effective July 1, 2017. On behalf of the Nebraska Migrant Education Program, the following guidance is provided to clarify the Duration of a Qualifying Move requirement. Please forward any questions regarding this matter to Ita Mendoza, State ID&R Coordinator for additional clarification or guidance.

Per the Non-Regulatory Guidance (NRGs) March 2017, Chapter II, D5. 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. Recruiters should carefully examine and evaluate relevant factors, such as whether the move to work was a one-time act or a series of short moves to work in order to augment the family's income. With respect to moves of such short duration (e.g., less than a week) that an independent reviewer might question whether the move was a change in residence or "due to economic necessity," the Office of Migrant Education (OME) recommends that the SEA establish a written policy for determining and documenting when and why these moves qualify for the MEP. Consistent with the COE instructions, OME also recommends the recruiters explain in the Comments section of the COE why they believe that a move of very short duration would be considered a qualifying move.

In extenuating circumstances, the Nebraska MEP has defined a **short duration move** as any move less than five days and meets all other eligibility criteria to meet eligibility requirements. When a COE has been written that includes a short duration move, the recruiter is required to provide a brief comment in the COE log why the move of short duration would be considered a qualifying move.

Benjamin Zink
Nebraska Department of Education
Title IC-Education of Migratory Children