



# TITLE I PART C

## Education of Migratory Children



TO: Nebraska Title IC-Education of Migratory Children Staff  
FROM: Benjamin Zink, State Director, Nebraska Title IC-Education of Migratory Children  
DATE: March 14, 2024  
RE: Duration of a Qualifying Move

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 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.


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 State Education Agency establish a written policy for determining and documenting when and why these moves qualify. 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.

On behalf of the Nebraska Migrant Education Program (MEP), the following guidance is provided to clarify the Duration of a Qualifying Move requirement: 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. The worker must only have moved due to economic necessity from one residence to another and from one school district to another, and have either (1) engaged in new qualifying work soon after the move, or (2) if the worker did not engage in new qualifying work soon after the move, actively sought such employment and had a history of moves for qualifying work.**

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. **It is also crucial for the family to acknowledge as having changed/moved from their residence.**

Please forward any questions regarding this matter to Isaura Barreto, State ID&R Coordinator for additional clarification or guidance in your project areas.

Regards,

A handwritten signature in black ink, appearing to read "Ben Zink". The signature is fluid and cursive, with the first name "Ben" and last name "Zink" clearly distinguishable.

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

CC: Isaura Barreto, State ID&R Coordinator  
Veronica Estevez, State Quality Control & PAC Coordinator  
Danielle Waite, State Data Coordinator