

Eligibility Requirements

Alaska's migrant children are identified and recruited by trained migrant education staff in each school district. It is the primary role of the recruiter to determine potential eligibility.

The term "migratory child" for Alaska means a child under the age of 20 (22 with an active IEP) who has moved due to an economic necessity on their own, with, or to join a parent/guardian or spouse across school district boundaries (or more than 20 miles in a school district of more than 15,000 square miles) within the last 36 months to obtain or seek work that is seasonal or temporary in a fishing, logging or agricultural activity.

Eligibility Requirements – A child is eligible for the Alaska Migrant Education Program if all of the following conditions are met:

- (W) the qualifying **work** obtained or sought is in fishing, logging or agriculture, and is seasonal or temporary
- (E) the move was due to an **economic** necessity
- (C) the child has not graduated from high school* (school **completion**)
- (A) the child is not older than 20 years of **age**, or not older than 22 years of **age** with an active IEP on file
- (M) the child **moved** across school district boundaries** on own, with or to join a parent/guardian or spouse within the last 36 months
- (P) the **purpose** of the move was to seek or obtain qualifying work

*To be eligible for migrant recruitment, a child must be eligible for a free public education. In Alaska, this means that the child must be younger than 20 and must not have a high school diploma. A child who has a Certificate of Achievement or GED, but not a high school diploma, is eligible for a free public education. A child who is eligible for special education (active IEP on file) is entitled to a free public education until the age of 22.

**In all school districts that have an area less than 15,000 square miles, the migrant child and the qualifying worker must cross school district boundaries for fishing and/or agricultural activities. In school districts that have an area more than 15,000 square miles, the migrant child and the qualifying worker must cross school district boundaries or the migrant child and the qualifying worker must have traveled 20 miles or more for fishing work only. This exception does not apply to logging or agriculture; logging or agriculture work always requires crossing of district boundaries.

Notes:

- Federal regulation states that the length of eligibility is defined as a total of three years (36 months) from the first day of the most recent qualifying move. *However, annual verification and recertification of eligibility in the MEP is a requirement of the State of Alaska.*
- Refer to the Appendix, page 58, for the Eligibility Checklist.

The Six Eligibility Requirements (W.E. C.A.M.P.)

(W) Qualifying Work – The qualifying work obtained or sought is in fishing, logging or agriculture, and is seasonal or temporary

Fishing

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. For a detailed list, refer to pages 29-30.

Personal subsistence – The worker and the worker’s family, as a matter of economic necessity, consume, as a substantial portion of their food intake, the crops, dairy products, or livestock they produce or fish they catch.

Migratory fisher – A person who, in the preceding 36 months, has moved from one school district to another, in order to obtain seasonal or temporary employment in fishing work. This definition also includes a person who, in the preceding 36 months, resided in a school district of more than 15,000 square miles and moved a distance of 20 miles or more to a temporary residence in order to obtain seasonal or temporary employment in fishing work.

Notes:

- Examples of “initial processing work” in the fishing industry include, but are not limited to: scaling, cutting, dressing and enclosing the raw product in a container. For a detailed list, refer to pages 29-30.
- Qualifying activities are performed by fishers or by the operator of a commercial fishing vessel and/or any assistant on board. The qualifying worker must be one who is an integral part of the fishing activity.
- Catching fish for sport or recreational purposes is not qualifying work for the migrant program.

Agricultural/Logging

Agricultural/Logging work – The production or initial processing of crops, dairy products, poultry or livestock, as well as the cultivation or harvesting of trees. It consists of work performed for wages or personal subsistence. For a detailed list, refer to pages 31-33.

Notes:

- All agricultural activities require special comments in the Comment Section, refer to page 37 for more detailed information.
- For all agricultural moves, the worker and the child must cross school district boundaries regardless of school district size (this includes berry picking).

Agricultural production – Work done at facilities engaged in the growing and harvesting of crops or the keeping of livestock.

Initial processing – Work that is beyond the production stage of agricultural work and precedes the transformation of the raw product into something more refined. It means working with the raw product.

Cultivation of trees – Work that promotes the growth of trees. Some examples of cultivation are: soil preparation, plowing or fertilizing land, sorting seedlings, planting seedlings, staking, watering, removing diseased or undesirable trees, applying insecticides, shearing tops and limbs, and tending, pruning or trimming trees.

Harvesting of trees – The act of gathering or taking of the trees. Some examples of harvesting are: topping, felling and skidding. *This does not include “harvesting” for personal use.*

Seasonal/Temporary

Seasonal work activity – 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.

Temporary work activity – Work conducted for a limited time frame (usually only a few months, but no longer than 12 months) as stated by the employer or the worker, or as otherwise determined by the State Education Agency (SEA) on a reasonable basis.

Note: The processing and/or transporting of trees is not qualifying work because they occur after the cultivation or harvesting.

(E) Economic Necessity – The move was due to an economic necessity

In order to establish MEP eligibility, a move made by a migratory agricultural worker or migratory fisher must occur due to an *economic necessity*.

Economic necessity – Demonstrated through wages or income from migrant work and/or through personal subsistence. The wages from the migrant activity are needed to help the family meet their basic and essential needs, or the food from the personal subsistence migrant activity represents a substantial portion of the family’s food consumption.

There is no income test for eligibility under MEP regulations and the recruiter *may not* ask the amount of income derived from employment. Neither the worker, nor his/her family, is expected to maintain, nor is the SEA or its operating agency expected to review written documentation on income or work history as a condition of determining the eligibility of the children for the MEP.

Parents and/or qualifying workers certify the truth of economic necessity by signing the COE.

Note: Refer to the Appendix, page 72, for the Guide to Economic Necessity and Personal Subsistence Statements.

(C) School Completion – The child has not graduated from high school

To be eligible for migrant recruitment, a child must be eligible for a free public education. In Alaska, this means that the child must be younger than 20 and must not have a high school diploma. A child who has a Certificate of Achievement or GED, but not a high school diploma, is eligible for a free public education. A child who is eligible for special education (active IEP on file) is entitled to a free public education until the age of 22.

(A) Age Of Eligible Children – The child is not older than 20 years of age, or not older than 22 years of age with an active Individualized Education Program (IEP) on file

A child who is eligible for special education (active IEP on file) is entitled to a free public education until the age of 22.

Note: An active IEP is a written document required for each child who is eligible to receive special education services. Determining if student has an active IEP on file is the role of the records manager.

(M) The Move – The child moved across school district boundaries on own, with or to join a parent/guardian or spouse within the last 36 months

Residence

Move – A change from one residence to another that occurs due to economic necessity.

Residence – A place where one lives and not just visits. In certain circumstances, boats, vehicles, tents, trailers, etc., may serve as a residence. Generally if a person goes to a new place to seek or obtain work, he/she is seen as changing from one residence to another residence.

Qualifying Worker

The move must be made by the qualifying worker and the child. The qualifying worker is the person who actually did the qualifying migrant work. The qualifying worker could be:

Self – A migrant child, of at least 14 years of age, who makes a move on his/her own to do the qualifying migrant activity.

Parent/Guardian – The legal guardian or other person standing in loco parentis (such as a grandparent, stepparent, aunt or uncle, older sibling with whom the child lives, or a person who is legally responsible for the welfare of the child).

Spouse – The husband or wife of the migratory child.