



PROGRAM DEFINITIONS REGARDING ELIGIBLE CHILDREN AND QUALIFYING MOVES

SECTION 1309

The **Every Student Succeeds Act (ESSA)** was signed into law in December 2015. It replaced No Child Left Behind. Full implementation began on July 1, 2017.

1. **MIGRATORY CHILD** — A child or youth not older than 21 years of age, who is entitled to a free public education through grade 12 under state law or is not yet at grade level at which the LEA provides a free public education. The child has also made a qualifying move (A) as a migratory agricultural worker or a migratory fisher; or (B) with, or to join, a parent or spouse who is a migratory agricultural worker or a migratory fisher.
2. **MIGRATORY AGRICULTURAL WORKER** — An individual who made a qualifying move in the preceding 36 months and, after doing so, engaged in new temporary or seasonal employment or personal subsistence in agriculture or actively sought such new employment and has a recent history of moves for temporary or seasonal agricultural employment.
3. **MIGRATORY FISHER** — An individual who made a qualifying move in the preceding 36 months and, after doing so, engaged in new temporary or seasonal employment or personal subsistence in fishing or actively sought such new employment and has a recent history of moves for temporary or seasonal fishing employment.
4. **QUALIFYING MOVE** — A move from one residence to another residence; and due to economic necessity; and from one school district to another school district.
5. **ENGAGED** — Actively doing qualifying work or having attended orientation for seasonal or temporary employment.
6. **SOON AFTER** — Within 60 - 90 days after the qualifying move.
7. **ACTIVELY SOUGHT** — Implies the need to take positive actions to seek qualifying work. For example, the individual (or someone on his or her behalf) may have applied for qualifying work at a particular agricultural or fishing job site, applied at a center that coordinates available temporary or seasonal employment, applied for such employment before moving, or, have moved reasonably believing, based on newspaper ads or word of mouth, that such work would be available after the move. This should occur within 60 days of the qualifying move.
8. **RECENT HISTORY OF MOVES FOR QUALIFYING WORK** — A move that resulted in temporary or seasonal agricultural or fishing employment. Given the plural form of the word “moves,” an individual must have made at least two moves for qualifying work within 36 months of the recruiter’s interview.
9. **QUALIFYING WORK** – Temporary or seasonal employment or personal subsistence in agriculture or fishing.
10. **SEASONAL EMPLOYMENT** – 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.
11. **TEMPORARY EMPLOYMENT** – Employment that lasts for a limited period of time, usually a few months, but no longer than 12 months.

12. **AGRICULTURAL WORK** – The production or initial processing of raw agricultural products, such as crops, poultry, or livestock; dairy work; as well as the cultivation or harvesting of trees, that is performed for wages or personal subsistence.
13. **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 the fish they catch.
14. **INITIAL PROCESSING** – Work that (1) is beyond the production stage of agricultural work and (2) precedes the transformation of the raw product into something more refined. Working with a raw agricultural or fishing product. Initial processing ends once the transformation of the raw product into something more refined begins.