



QUALIFYING MOVES AND ECONOMIC NECESSITY

Recruiter Training Resource Series

DEFINITION OF A QUALIFYING MOVE

1. made due to economic necessity; *and*
2. from one residence to another residence; *and*
3. from one school district to another school district.*



*In a State that is comprised of a single school district, a move qualifies if it is from one administrative area to another within the district. In addition, in a school district of more than 15,000 square miles, a move qualifies if it is over a distance of 20 miles or more to a temporary residence.

WHAT IS A "RESIDENCE"?

There is no statutory or regulatory definition of a residence for purposes of the MEP. However, the Department views a "residence" as a place where one lives and not just visits. In certain circumstances, boats, vehicles, tents, trailers, etc., may serve as a residence.



ACROSS SCHOOL DISTRICT LINES

School district lines, also called attendance zones, define a **geographic zone within which a student is eligible to attend that designated school.**

Consequently, most students attend a school based on their address. If a student moves from one residence to another and the child is no longer eligible to go to the same school district, then that student is considered to have moved across school district lines.



WHAT DOES IT MEAN TO MOVE 'DUE TO ECONOMIC NECESSITY'?



This means that the child and the worker (if the child is not the worker) move because they could not afford to stay in the current location or because of a better economic opportunity. The MEP is premised on the Federal government's understanding that migratory children have unique needs in view of their mobility, and generally are in low-income families. However, the statutory requirement that a qualifying move be made due to economic necessity clarifies that, under ESEA, economic necessity is integral to a move that makes a child a "migratory" child.

WHAT ABOUT VACATION?

A move for a vacation (*e.g.*, a visit to family and friends, a trip for entertainment purposes, etc.) is not a move due to economic necessity. In these cases, the family is not moving because it cannot afford to stay and live in the current location (or any other reason based on economic need). Therefore, even if the worker engages in qualifying work, that work did not follow the definition of a “qualifying move.”



IS THERE A MINIMUM DURATION OF A MOVE?

Although 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.



MINIMUM DISTANCE OF A MOVE?

Is there a minimum distance requirement for a qualifying move?

The only minimum-distance requirement governing a qualifying move is for a move of at least 20 miles to a temporary residence within a school district of more than 15,000 square miles. Students must cross school district boundaries in all over cases.



WHAT ABOUT WORKERS THAT TRAVEL BACK AND FORTH EACH DAY?

If a worker travels back and forth between a residence and an agricultural or fishing job within the same day this person is a day haul worker. This traveling does not qualify since it does not involve a change of residence.

