

CHILD ELIGIBILITY

A child is eligible for the MEP (and thereby eligible to receive MEP services) if the child:

Meets the definition of “migratory child” in section 1309(3) of the ESEA, and is an “eligible child” as the term is used in section 1115(c)(1)(A) of the ESEA and 34 C.F.R. § 200.103; Has the basis for the State’s determination that the child is a “migratory child” properly recorded on the national Certificate of Eligibility (COE). Information necessary to determine a child’s eligibility for the MEP, and to document such eligibility on the COE, is based on an interview with the child’s parent/guardian or spouse, the child (if the child is the migratory worker), or another individual who is not the child’s parent/guardian or spouse (e.g., an older sibling or other household member), but who has direct knowledge of the information needed by the trained recruiter to determine eligibility. (Recruiters are those individuals who contact migratory families, explain the MEP to them, and collect the necessary information to determine whether a child is eligible for the MEP.) While it is preferable to obtain information regarding qualifying work directly from the worker, workers’ statements may be relayed by the interviewee if the worker is not available at the time of the interview.

Each person reviewing the information contained on the COE, from the recruiter to the SEA-designated reviewer(s), must have confidence in the eligibility determination. Through the lens of recruiters’ and reviewers’ knowledge and experience, the information provided by the interviewee should generally be sufficient to determine eligibility.

What is the definition of a “migratory child”?

According to sections 1115(c)(1)(A) (incorporated into the MEP by sections 1304(c)(2), 1115(b), and 1309(3) of the ESEA, and 34 C.F.R. § 200.103(a)), a child is a “migratory child” if the following conditions are met:

1. The child is not older than 21 years of age; and
 2. The child is entitled to a free public education (through grade 12) under State law, or The child is not yet at a grade level at which the LEA provides a free public education, and
 3. The child made a qualifying move in the preceding 36 months as a migratory agricultural worker or a migratory fisher, or did so with, or to join a parent/guardian or spouse who is a migratory agricultural worker or a migratory fisher; and
 4. With regard to the qualifying move identified in paragraph 3, above, the child moved due to economic necessity from one residence to another residence, and from one school district to another.
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