**ELIGIBILITY: THE BASICS**

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

* Meets the definition of “migratory child”; and
* Had the basis for the State’s determination that the child is a “migratory child” properly recorded on the national Certificate of Eligibility (COE).

**MIGRATORY CHILD**

* Is not older than 21 years of age; and
* Is entitled to a free public education (through grade 12) under State law, or is not yet at a grade level at which the local educational agency (LEA) provides a free public education; and
* Made a qualifying move in the preceding 36 months:
* As a migratory agricultural worker or migratory fisher, or
* With or to join a parent/guardian or spouse who is a migratory agricultural worker or migratory fisher

 ((see section 1115(c)(1)(A) of the ESEA (incorporated into the MEP by sections 1304(c)(2), 1115(b), and 1309(3)) and 34 CFR 200.103(a); and Chapter II, A1-A7 of *MEP Non-Regulatory Guidance (NRG)*)

 **QUALIFYING MOVE**

* Due to economic necessity; and
* From one residence to another; and
* From one school district to another school district, with specific exceptions:
* For single-district States, must be from one administrative area to another
* For districts of 15K+ square miles, must be a move of 20+ miles to a temporary residence

(see section 1309(5) of the ESEA and Chapter II, D1-D15 of *MEP NRG*)

**MIGRATORY AGRICULTURAL WORKER OR MIGRATORY FISHER**

* An individual who made a qualifying move in the preceding 36 months and, after doing so, engaged in new qualifying work.
* If the individual did not engage in new “qualifying work” soon after the move, the individual:
1. Actively sought “qualifying work” and
2. Has a recent history of moves for “qualifying work”

 (see sections 1309(2) and (4) of the ESEA and Chapter II, C1-C2 of *MEP NRG*)

 **QUALIFYING WORK**

* “Qualifying work” means temporary or seasonal employment (or personal subsistence) in agriculture or fishing.

 (see 34 CFR 200.81(n), and Chapter II, C3 of *MEP NRG*)

* “Temporary employment,” “seasonal employment,” “personal subsistence,” “agricultural work,” and “fishing work” are also defined in the program regulations.

 (see 34 CFR 200.81(a), (c), (m), (o), and (p), and Chapter II, Sections F and G of *MEP NRG*)

**QUALIFYING ARRIVAL DATE (QAD)**

* The QAD is the date that the child’s eligibility for the MEP begins.
* Children are eligible for the MEP for 36 months from the QAD, unless their eligibility ends for another reason (e.g., over age 21, earns a high school diploma)
* When the child and worker do not move together (i.e., a “to join” move), the QAD is the date that both the child and worker completed the move.
* The QAD is not affected by subsequent *non-qualifying* moves.

**CHILD’S MOVE WITH OR TO JOIN PARENT/GUARDIAN OR SPOUSE**

* The child’s move with his or her parent/guardian or spouse may have been the same move (i.e., to the same location) that established the parent /guardian or spouse as a “migratory agricultural worker” or “migratory fisher.”
* However, this is not necessary-as long as the child made a qualifying move with a parent/guardian or spouse who meets the definition of a “migratory agricultural worker” or “migratory fisher.”
* In other words, the parent/guardian or spouse is an individual who, in the preceding 36 months, made a qualifying move and soon after, engage in new qualifying work (or actively sought new qualifying work and has a recent history of moves of qualifying work).

