

BASIC MIGRANT CHILD ELIGIBILITY FACTORS

AGE

- The child is younger than age 22. ESEA § 1115(b)(1)(A); 34 CFR § 200.103(a).

SCHOOL COMPLETION

- The child is eligible for a free public education under State law.
ESEA § 1115(b)(1)(A); 34 CFR § 200.103(a).

MOVE

- The child moved on his or her own as a migratory agricultural worker/migratory fisher OR the child moved with or to join/precede a parent, spouse, or guardian who is a migratory agricultural worker/migratory fisher, AND
- The move was from one school district to another, AND
- The move was a change from one residence to another residence, AND
- The move was due to economic necessity, AND
- The move occurred within the past 36 months.
ESEA § 1309(2); 34 CFR § 200.81(d), (e), (f), and (g).

PURPOSE OF THE MOVE

- One purpose of the worker's move was to seek or obtain qualifying work:
 - The worker moved to obtain qualifying work and obtained it, OR
 - The worker moved to obtain any work and obtained qualifying work soon after the move, OR
 - The worker moved for qualifying work specifically, but did not obtain the work, AND
 - o The worker has a prior history of moves to obtain qualifying work, OR
 - o There is other credible evidence that the worker actively sought qualifying work soon after the move.
ESEA § 1309(2); 34 CFR § 200.81(c), (g), and (i).

QUALIFYING WORK

- The employment is seasonal or temporary, AND
- The work is agricultural or fishing.
ESEA § 1309(2); 34 CFR § 200.81(a), (b), (j), and (k).

Reference List

Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C. §§ 6301 et seq. 34 Code of Federal Regulations (CFR) §§ 200.81-200.103 2010.

Note: Important terms such as "agricultural work," "fishing work," "seasonal employment," and "temporary employment," are further defined in 34 CFR § 200.81, which you may access at <http://www.ed.gov/legislation/FedRegister/finrule/2008-3/072908a.html> and <http://www.gpoaccess.gov/nara/index.html>.