

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

PURPOSE FOR THE MOVE

- One purpose of the worker's move was to seek or obtain qualifying work. ESEA § 1309(2); 34 CFR § 200.81(c), (g), and (i).

QUALIFYING WORK

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

Note: Important child eligibility terms such as "agricultural work," "fishing work," "in order to obtain," "migratory child," "move or moved," "seasonal employment," and "temporary employment," are 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>.

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) §§ 200.81-200.89; 73 Fed. Reg. 44102 (July 29, 2008).