

**INSTRUCTION**

**2391**

Migrant Education Program

Purpose

The general purpose of the Migrant Education Program (MEP) is to ensure that migrant children fully benefit from the same free public education provided to other children. To achieve this purpose, the MEP addresses the special educational needs of migrant children to better enable migrant children to succeed academically.

Eligibility

Children are eligible to receive MEP services if they meet the definition of “migratory child” and if the basis of their eligibility is properly recorded on a Certificate of Eligibility (COE).

A “migratory child” is defined as:

1. The child is younger than 22 and has not graduated from high school or does not hold a high school equivalency certificate (this means that the child is entitled to a free public education or is of an age below compulsory school attendance); and
2. The child is a migrant agricultural worker or a migrant fisher or has a parent, spouse, or guardian who is a migrant agricultural worker or a migrant fisher; and
3. The child has moved within the preceding 36 months in order to obtain (or seek) or to accompany (or join) a parent, spouse, or guardian to obtain (or seek), temporary or seasonal employment in qualifying agricultural or fishing work; and
4. Such employment is a principal means of livelihood; and
5. The child:
  - a. Has moved from one school district to another; or
  - b. In a State that is comprised of a single school district, has moved from one administrative area to another within such district.

Record Keeping

The district is required to keep records to demonstrate:

1. The amount of funds under the grant or subgrant;
2. How the District uses the funds;
3. The total cost of the program;
4. The share of the cost provided from other sources; and
5. Other records as needed to facilitate an effective audit.

The district is also required to keep records to show their compliance with program requirements.

The district must maintain MEP records for three years after the date the district submits its last expenditure for the time period. If any litigation, claim, negotiation, audit, or other action involving the MEP records, the records must be retained until the completion of the action and resolution of all issues or until of the end of the regular three year period, whichever is later.

For an employee who has both MEP and non-MEP responsibilities, the District must maintain appropriate time distribution records. Actual costs charged to each program must be based on the employee's time distribution records. For instructional staff, including teachers and instructional aides, class schedules that specify the time that such staff members devote to MEP activities may be used to demonstrate compliance with the requirement for time distribution records so long as there is corroborating evidence that the staff members actually carried out the schedules.

#### Legal Reference

Statutory: 76.730-76.731 Education Department General Admin. Regulation (EDGAR)  
80.42(b)(c) Education Department General Admin. Regulation (EDGAR)  
Part C, Title I of Elementary and Secondary Education Act of 1965 (ESEA)

Regulatory: 34 CFR 200.81

#### Policy History:

Adopted on: 7/15/09

Revised on: