



**THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234**  
P-12 Education – Office of Accountability

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Office of ESSA-Funded Programs  
89 Washington Avenue, Room 320 EB  
Albany, New York 12234  
Tel. (518) 473-0295 / Fax: (518) 486-1762

Date

Name  
Superintendent  
Address

Dear

Enclosed please find official Certificate(s) of Eligibility (COEs), issued by the State Migrant Education Program (MEP) based on statutory requirements in Sections 1115(b) and (c), 1304(c)(2), and 1309 of the *Elementary and Secondary Education Act of 1965* (ESEA), as amended by *Every Student Succeeds Act* (ESSA) of 2015, and regulatory requirements in 34 C.F.R. 200.81, 200.103, and 200.89(c), with information pertaining to migrant-eligible students who are residing within your school district.

Per ESSA statute, these migrant students are entitled to receive supplemental instructional, advocacy, and support services through the State MEP program for up to three years, regardless of the home districts they move to during the 3-year span of migrant eligibility. For more information on the definition of a migratory child, the eligibility criteria for migrant programs and services, as well as the contact information for the Migrant Education Tutorial and Support Services (METS) program center in your region, please refer to page 2 of this letter.

To meet reporting requirements and to help ensure that the unique needs of such migratory students are addressed, it is important that your district undertake the following actions upon receipt of this letter:

1. Record these students on the “Migrant Status” line with a “Yes” or checked migrant indicator in the Student Lite template in your school district’s student data management system. This is an indication that the students concerned met the official definition of “migrant children” at some point during the academic school year. These migrant students must be reported to the New York State Education Department (NYSED or “the Department”) annually, through the New York State Student Information Repository System (SIRS), as migrant-eligible until such time these students exit your school district or their migrant eligibility lapsed as evidenced by their absence on the COE lists.
2. Enroll these migrant students in your district’s Free and Reduced Lunch Program (FRLP) immediately. The *School and Community Nutrition Programs Policy Memorandum #SP21-2014* issued by the U.S. Department of Agriculture (USDOA) on February 25, 2014 states that migrant-eligible students automatically qualify for free lunch **without** having to complete a “Free and Reduced Lunch Application” since they have been certified for free meals through means other than individual household applications (i.e., migrant eligibility).
3. Place a copy of the COE in each migrant student’s individual educational record, and inform all relevant personnel including, but not limited to, the Data Coordinators, Principals, Guidance Counselors, Teachers, Nurses, and Support Staff, as appropriate, that these students are eligible for supplemental educational programs and support services through the State MEP program.

4. Provide the METS program center in your region with scores and reports from State assessments, report cards, standardized test data, attendance records and other relevant educational data for all migrant-eligible students in your school district, as per ESSA § 1308 (20 U.S.C. 6398).
5. Collaborate and coordinate with the METS program center in your region with the provision of supplemental educational programs and support services, and to integrate services (e.g., services for English Learners, children with disabilities, homeless children and youth, etc.) under this part with other educational services at the school level, as per ESSA § 1308 (20 U.S.C. 6398).

Please be aware that the practice of obtaining parental signatures to demonstrate consent for migrant education and support services was suspended temporarily due to the COVID-19 pandemic. In regions where the COVID-19 positivity and hospitalization rates remain high, the State MEP may continue to obtain verbal authorization(s) from families via phone or other virtual platforms, as per guidance dated March 30, 2020, provided by the Office of Migrant Education (OME) at the U.S. Department of Education (ED).

In addition, please note that this official COE complies with all requirements of the *Family Educational Rights and Privacy Act* (FERPA) and the *Health Insurance Portability and Accountability Act* (HIPAA), thereby authorizing the school district to release the academic and health information for each migrant child to representatives from the METS program center in your region. This information will enable Migrant Educators and Recruiters to better serve needs of migrant children and their families.

This information is intended to assist you in ensuring that the needs of migratory students and their families in your district are met. If there are students in your district whom you believe may meet the eligibility requirements of the MEP program under Title I, Part C or if you have any questions regarding the MEP program, please do not hesitate to contact the METS program center in your region. They can be reached at:

METS Program:	
METS Director:	
Address1:	
Address2:	
Email:	
Tel:	
Fax:	

Thank you very much for your attention.

Sincerely,



Erica Meaker  
Director

Encl(s): COE#'s

## DEFINITION OF MIGRATORY CHILDREN

### MIGRATORY CHILD MEANS A CHILD:

- A. Whose parent, guardian, spouse or him/herself is a migratory agricultural worker or a migratory fisher; and
- B. Who has moved within the past thirty-six months from one school district to another to enable the child, the child's guardian, spouse or a member of the child's immediate family to obtain temporary or seasonal employment as a principal means of livelihood in an agricultural or fishing activity.

### RELATED AGRICULTURAL ACTIVITIES:

- Farm activities related to field crops such as alfalfa, broomcorn, flax, hops, peanuts and sugar beets.
- Orchard activities related to fruit and nut trees and vines including sorting and picking.
- Farm activities related to the production of vegetables including, sorting, freezing and canning.
- Farm activities engaged in the production of milk and other dairy products.
- Farm activities related to the production of poultry and poultry products.
- Farm or ranch activities related to the production of livestock and livestock products.
- Farm activities related to horticultural crops such as bulbs, flowers, plants, shrubbery, trees, herbs, mushrooms, seeds and sod crops.
- Fishery activities.
- Farm activities related to the harvesting and cultivating of trees.

Migrant-eligible children with ongoing educational needs *may be eligible* for services through the State Migrant Education Program (MEP) beyond the 3-year period. High school migrant students, who are credit deficient, may also be eligible for supplementary services through the local Migrant Education Tutorial and Support Services (METS) Program until graduation. Individual schools will be notified in such cases.

In all cases, please note that such students should be coded as "Migrant-eligible" in the New York State Student Information Repository System (SIRS) for three years *only* following their qualifying eligibility date, regardless of the continuation of services beyond the three-year span of eligibility.