
CHILD ELIGIBILITY

Q. A family qualified for the Migrant Education Program (MEP) with a Qualifying Arrival Date (QAD) of 12/18/10. The mother in this family is the migratory worker. Her younger sister just moved from Puerto Rico to live with the family. The mother is currently serving as her younger sister's guardian. Can we qualify her younger sister and if so do we just need to fill out a new COE with a different residency date but the same QAD?

A. The child in your scenario would only qualify for the MEP if there were unusual circumstances that prevented the child (in this case, the worker's sibling) from moving within 12 months of the worker's move. If the SEA concludes that there were unusual circumstances and it can link the child's move to the worker's move to obtain qualifying work despite the prolonged period between the two moves, then the SEA can find the child eligible for the MEP (assuming she meets all other eligibility criteria). The SEA would need to complete a new COE. The Qualifying Arrival Date (QAD) would be the date that the child (not the worker) completed the move (See Chapter II, Q. E3 of the Non-Regulatory Guidance). The QAD is always the date when the child and worker complete the move together, regardless of which one moved first. If the child's move precedes the worker's move, the QAD is the date that the worker arrived. If the child's move follows the worker's move, the QAD is the date the child arrived. The residency date is the date that the child entered the present school district. In this scenario, the child's residency date would be the same as her QAD.

For information about qualifying arrival dates and move "to join" issues please see Chapter II, Section E of the Department's MEP Guidance.

IDENTIFICATION & RECRUITMENT (ID & R)

Q. Must the recruiter who uses an electronic Certificate of Eligibility (COE) (such as a COE application on an iPad or other hand held electronic device) obtain a signature from the interviewee (parent/guardian) on a paper version of the COE which is printed at the time of that interview, or would an electronic version of the parental/guardian's signature as recorded electronically be sufficient when printed out?

In other words, is a document signed by a parent electronically sufficient for audit, or must the parent sign a paper version at the time of interview when using an electronic COE ?

A. First, any State that wishes to use electronic COEs, including electronic signature capture, should verify the acceptability of this practice with their State's auditors. OME, following consultation with our program attorney, believes that electronic signatures should be sufficient for audit purposes, provided that the State has adopted and implemented written procedures

which make it clear that the SEA will rely on the electronic signatures to identify the individuals who signed the document (to include parents, recruiters, and SEA reviewers). We believe that this would provide auditors with “records to facilitate an effective audit” and “records to show [the SEA’s] compliance with program requirements” (see §§ 34 CFR 76.730(e) and 76.731). As a best practice, we also advise that the SEA’s written procedures include provisions for making copies of the electronic documents available (within a reasonable time frame) to those who provide electronic signatures.

PROVISION OF SERVICES

Q. OME received several questions in response to one of the Questions & Answers in the MEP Policy Q&As (Fiscal Year 2012 v.1) which were distributed via the MEPSTATE listserv on May 7, 2012, and subsequently posted on the RESULTS website. We recognize that our response may have been confusing. To clarify when MEP funds may be used to support activities for migrant parents, please consider the following, more comprehensive, response.

A. **MEP services**, as defined by the Non-Regulatory Guidance (NRG) in Chapter V, A1-3, are educational or educationally related activities (instructional or support services) that: *1) directly benefit a migrant child; 2) address a need of a migrant child consistent with the SEA’s comprehensive needs assessment and service delivery plan; 3) are grounded in scientifically based research; and 4) are designed to enable the program to meet its measurable outcomes and contribute to the achievement of the State’s performance targets.*

Based on this definition, we do not believe that parents who are not eligible for the program themselves, should be receiving **MEP services**. In other words, providing instructional or support services to parents using MEP funds does not *directly benefit a migrant child* nor do such services in and of themselves *enable the program to meet its measurable outcomes and contribute to the achievement of the State’s performance targets*. However, there are certain **allowable activities** that a MEP may provide which are intended to assist parents in the education of their MEP-eligible children (see NRG Chapter V, A4 for further explanation of the distinction between MEP services and allowable activities). The statute specifies that MEP funds may be used for family literacy programs and parental involvement [see sections 1304(b)(7), 1304(c)(6)(C), and 1304(c)(3)(A) of the Elementary and Secondary Education Act (ESEA) of 1965, as amended by the No Child Left Behind Act (NCLB) of 2001].

Family literacy programs include (but are not limited to) those that use models developed under Even Start. In considering whether a family literacy program may be an allowable use of MEP funds, State Educational Agencies (SEAs) should assess whether the program fits the statutory definition of family literacy services (see section 9101(20)]. The characteristics of such programs are as follows:

- 1) Provided to participants on a voluntary basis

- 2) Of sufficient duration, to make sustainable changes in a family, and that integrate all of the following activities:
 - a) Interactive literacy activities between parents and their children
 - b) Training for parents regarding how to be the primary teacher for their children and full partners in the education of their children.
 - c) Parent literacy training that leads to economic self-sufficiency.
 - d) An age-appropriate education to prepare children for success in school and life experiences.

Please also note that section 1304(b)(7) of the ESEA places on each SEA an affirmative responsibility to encourage their local operating agencies (LOAs) to offer these family literacy services if the LOA's project serves a substantial number of migratory children who have parents who do not have a high school diploma or its recognized equivalent or who have low levels of literacy.

Allowable uses of MEP funds for **parental involvement** are those activities described under section 1118 of the statute (please visit the Department's website for a complete list of these activities: <http://www2.ed.gov/policy/elsec/leg/esea02/pg2.html#sec1118>). LOAs receiving MEP funds must carry out their programs in a manner that provides for the same parental involvement as is required for programs and projects under the section 1118 for Title I, Part A program (unless extraordinary circumstances make such provision impractical). Section 1118 includes activities that build parents' capacity for strong parental involvement -- i.e., those that ensure effective involvement of parents and supports their partnership with the school and community to improve student academic achievement. To this end, funds may be used to provide materials and training to help parents work with their children to improve their academic achievement, such as through literacy training and using technology [see ESEA sections 1118(e)(2) and 1118(e)(7)], as appropriate, to foster parental involvement.

SEAs and LOAs should use their discretion when determining the types and intensity of parental involvement activities and family literacy programs. While we encourage SEAs and LOAs to carry out these activities consistent with the intent of the statute, please keep in mind that the purpose of these activities is to ensure effective parental involvement for purposes of improving children's academic achievement and therefore, activities for parents should not overshadow services to eligible migrant children.

Also, keep in mind that when considering if and when MEP funds may be used to support particular activities, SEAs and LOAs must determine the following:

1. The activity or service comports with the results of the State's Comprehensive Needs Assessment (CNA) and the strategies outlined in the State's Service Delivery Plan (SDP). [See ESEA section 1306(a).]

2. Consistent with the MEP statute's priority for services (see ESEA section 1304(d)], MEP funds must first be used to meet the identified needs of migrant children that result from their migrant lifestyle, and to permit these children to participate effectively in school.
3. The activity or service meets the needs of migrant children that are not addressed by services available from other Federal or non-Federal programs (see ESEA section 1306(b)(2)];
4. The MEP funds are used to supplement, rather than supplant the use of non-Federal funds (see ESEA sections 1304(c)(2) and 1120A(b)].
5. The costs of the service or activity must reflect the cost principles described in OMB Circular A-87 (now incorporated into the Code of Federal Regulations (CFR) at 2 CFR, Part 225). The cost principles require, among other things, that costs of the service or activity be reasonable and necessary, and be allocable (or chargeable) to the MEP relative to the benefit received.

For more information on parental involvement activities, we recommend Title I, Part A's Non-Regulatory Guidance on Parental Involvement: <http://www2.ed.gov/programs/titleiparta/parentinvguid.pdf>. Section E, *LEA and School Responsibilities to Build Parent Capacity*, includes topics such as the types of assistance schools and LEAs can provide and suggested programs with which to coordinate parental involvement activities.

FISCAL REQUIREMENTS

Q: Can the MEP provide basic school supplies for our eligible students? I have found no other source for school supplies. On occasion, a church or non-profit will host a drive to gather supplies, but recipients are usually limited to church members or families served by the non-profit.

I have polled all of our LOA's Title I supervisors to ask whether they provide supplies for Title I students. All replies were "No, we have no funds for school supplies."

Not all of our migratory families need assistance with supplies, but the majority do. I would like to be able to provide basic supplies to those determined to be in need. I understand that documentation noting the need of the family and the unavailability of the supplies from any other source would be required.

A: In brief, the answer to your question is yes, the MEP may provide basic school supplies to its students so long as no other entity is able to do so. Chapter V, Q. A3 of the Non-Regulatory Guidance (NRG) states that State Education Agencies (SEAs) and Local Operating Agencies (LOAs) may use MEP funds to provide support services, which includes necessary educational supplies. As you know, when providing services using MEP funds, agencies must be careful not to violate the MEP's "supplement, not supplant" requirement, which prohibits the use of MEP

funds to replace available non-Federal funds [see section 1304(c)(2) of the Elementary and Secondary Education Act of 1965, as amended (ESEA)]. In the situation you've described, supplanting does not appear to be an issue, as there are no available non-Federal funds. In considering whether any activity or service is an allowable use of MEP funds, please keep in mind the following requirements under section 1306(b) of the statute:

- The activity or service must comport with the State's comprehensive needs assessment and service delivery plan.
- MEP funds must first be used to meet the identified needs of migratory children that result from their migratory lifestyle, and to permit these children to participate effectively in school.
- MEP funds should be used to address the needs of migratory children that are not addressed by services available from other Federal or non-Federal programs

Finally, the cost of the activity or service must comport with the cost principles of OMB Circular A-87 (now incorporated into the Code of Federal Regulations 2 CFR, Part 225), which include the requirement that costs be reasonable, necessary, and allocable to the MEP relative to the benefits received. For further details please see Chapter V: "Provision of Services" and Chapter X: "Fiscal Requirements" of the NRG.

We encourage you to continue your practices of surveying Title I, Part A program directors, distributing supplies based upon need, documenting the needs of migrant children and the unavailability of supplies from other sources, and attempting to obtain supplies via donation whenever possible.