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Jack T. O'Connell  
State Superintendent of Public Instruction  
California Department of Education  
1430 N Street  
Sacramento, California 95814

Dear Superintendent O'Connell:

This **Final Audit Report**, entitled *California Department of Education's Migrant Education Program*, presents the results of our audit. The purpose of the audit was to determine whether the California Department of Education (CDE) and selected Migrant Education Program (MEP) regions within the State of California have systems in place to ensure the accurate count of children eligible to participate in the MEP. Our review covered the State's 2003-2004 migrant child count.

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## BACKGROUND

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The MEP is authorized under Part C of Title I of the Elementary and Secondary Education Act of 1965, as amended. Federal regulations define an MEP-eligible migratory child as a child who is, or whose parent, spouse, or guardian is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who, in the preceding 36 months, has moved from one school district to another, to obtain temporary or seasonal employment in agricultural or fishing work. In addition, the work sought or obtained must be a principal means of livelihood for the worker and his or her family. The goal of the MEP is to ensure that all migrant students reach challenging academic standards that all children are expected to meet, and to prepare them for successful transition to postsecondary education or employment. By law, Federal MEP funds have been allocated by formula to state educational agencies based on each state's per pupil expenditure for education and counts of eligible migratory children, who were aged 3 through 21 and resided within the state during fiscal year 2000-2001.

California’s MEP funding for award year 2003-2004 was \$130,703,626. CDE reported to the U.S. Department of Education (Department) a total of 312,062 children, who were eligible and resided in the State for at least a day during the child count reporting period (September 1, 2003 to August 31, 2004). CDE retained one percent of the MEP funds for state administration of the program. The remainder of the funds was allocated to statewide programs (15 percent) and 23 MEP regions located throughout the State (85 percent). Each MEP region is a local operating agency responsible for program implementation across one or more school districts within its region. MEP Region 11, one of the MEP regions we reviewed, consisted of a single district—Pajaro Valley Unified School District (USD). MEP Region 10 (Los Angeles County Office of Education), the other region reviewed, had 31 member districts, including Los Angeles USD.

CDE used 2003-2004 migrant child count data to award MEP funds to MEP regions for fiscal year 2005-2006. MEP Region 10, in turn, used 2003-2004 count data to allocate over half its 2005-2006 grant funds to member districts, including Los Angeles USD.<sup>1</sup>

<b>Table 1. Migrant Count and Funding for Selected MEP Regions and Districts</b>			
<b>MEP Region and District</b>	<b>2003-2004 Migrant Child Count</b>	<b>2005-2006 MEP Funds Awarded by CDE</b>	<b>2005-2006 MEP Funds Allocated by MEP Region</b>
MEP Region 10 – Los Angeles County Office of Education	20,097	\$6,694,860	\$3,763,007
<i>Los Angeles USD</i>	<i>4,785</i>		<i>\$816,422</i>
<i>Other Member Districts</i>	<i>15,312</i>		<i>\$2,946,585</i>
MEP Region 11 – Pajaro Valley USD	14,801	\$4,658,530	

In July 2004, the Department’s Office of Migrant Education (OME) strongly recommended that each state re-interview parents and guardians to assess the accuracy of the 2003-2004 migrant child count reported to the Department. CDE elected to complete the State re-interview process, and reported that re-interviews were completed for 409 of the 627 families sampled and 20 children were found ineligible (5 percent).

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## AUDIT RESULTS

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CDE and the two MEP regions reviewed had systems in place to determine migrant child eligibility and report migrant child counts, but we found that CDE included ineligible children from the two regions in the State’s 2003-2004 migrant child count. We concluded that CDE needs to enhance its guidance regarding qualifying moves and investigate identified eligibility errors. CDE did not explicitly express concurrence with our finding in its comments to the draft report. Rather, it provided general comments, expressed varying degrees of concurrence and non-concurrence with our recommendations, and described the corrective actions taken or

<sup>1</sup> MEP funds not allocated to districts are used for regional program administration, identification and recruitment activities, staff development, data collection, and direct services to children. Under its funding arrangement with MEP Region 10, Los Angeles USD submits claims to the region for reimbursement up to the district’s allocation amount.

planned to address the recommendations. CDE's comments on the draft report are summarized at the end of the finding and included in their entirety as Attachment 2 to this report.

### **FINDING – CDE Included Ineligible Migrant Children in its 2003-2004 Migrant Child Count**

We randomly selected 102 migrant children in two school districts (55 of the 4,785 children in Los Angeles USD and 47 of the 14,801 children in Pajaro Valley USD), and were able to determine the eligibility status of 51 children.<sup>2</sup> Based on parent interviews and our review of program and enrollment records, we determined that 38 of the 51 children were not eligible to participate in the MEP because a qualifying move had not occurred.

Federal regulations at 34 C.F.R. § 200.81 define a migrant child as follows—

(d) *Migratory child* means a child who is, or whose parent, spouse, or guardian is, a migratory agricultural worker, . . . and who, in the preceding 36 months, in order to obtain, or accompany such parent, spouse, guardian in order to obtain, temporary or seasonal employment in agricultural or fishing work—

(1) Has moved from one school district to another; . . .

According to the parents we interviewed, either a move did not occur as stated on the Certificate of Eligibility (COE),<sup>3</sup> or the circumstances surrounding the move did not qualify the child for the MEP. Moreover, the parents did not provide other information that would have qualified the child as eligible for the MEP in 2003-2004. Parents told us that the—

- Child did not move with or to join the relative or guardian identified on the COE (19 children in Los Angeles USD);
- Family moved to the district 7 to 17 years ago and did not move into the district on the arrival date stated on the COE (7 children in the two districts);
- Family originally moved into the district 13 to 33 years ago and the arrival date on the COE represented when the family returned from a trip to Mexico during the winter or summer school break (6 children in Pajaro Valley USD);
- Family did not move during the prior 36 months (3 children in the two districts);
- Child did not move with or to join the qualifying worker, who was a parent (2 children in the two districts); and

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<sup>2</sup> We could not determine the eligibility status for the other 51 children because we were either unable to locate or contact the parents at the time of our review, or could not obtain sufficient information from the person contacted. For seven children, we were able to contact a parent, but the parent did not provide sufficient information to verify eligibility, did not want to be interviewed, or was not the person who was originally interviewed by the recruiter and could not respond to some eligibility questions.

<sup>3</sup> The COE is the form CDE uses to document migrant child eligibility.

- Child went to Mexico during the winter school break to visit a relative, who was the qualifying worker on the COE, and returned to her parents when the relative arrived in the district to do agricultural work (1 child in one district). While the relative did move to the district for qualifying work, the child returned to the district to attend school after the end of the school break rather than to enable the relative to seek qualifying work.

The COEs for the 102 children sampled included 165 siblings, who were also included in the 2003-2004 migrant child count. Based on parent interviews and records review, we determined that 53 siblings were also ineligible because they did not make a qualifying move. The results by district for the 102 children sampled, their 165 siblings, and in total, are shown in Attachment 1.

If our results in the two districts are representative of other districts and MEP regions, then CDE lacks assurance that other districts and MEP regions accurately determined eligibility for children, who were in those locations and included in the State's 2003-2004 migrant child count.

### **CDE Needs to Enhance Guidance on Vacations Versus Moves to Obtain Employment**

Departmental guidance advised states of the requirements for a qualifying move and clarified that workers who return home from a vacation or similar trip have not made a qualifying move. The Draft Non-Regulatory Guidance issued on October 23, 2003 (Section II, Questions C1, C3, and D12) advises—

A move qualifies if:

1. it is a move across school district boundaries; *and*
2. it involves a change of residence; *and*
3. the purpose of the worker's move is to obtain qualifying work in agriculture or fishing;
4. the purpose of the worker's move was not to relocate on a permanent basis; *and*
5. it occurred within the preceding 36 months.

[A] change in residence means moving to a different school district . . . [and] may involve:

- a change of residence from the migrant worker's home base to a temporary residence where the worker seeks or obtains qualifying work; or
- a change of residence from one temporary residence to another temporary residence where the worker seeks or obtains qualifying work; or
- a change of residence from a temporary residence back to the migrant worker's home base, so long as the move back to the home base is not a permanent relocation and the purpose of the move back is to seek or obtain qualifying work in the home base.

Workers who return home from a vacation, visiting a sick relative, or for other personal reasons have not made a qualifying move.

As discussed in the prior section, we found six sample children ineligible in Pajaro Valley USD because the family did not make a qualifying move when they returned to the district from a trip to Mexico during a school break. Parents told us that they travel to Mexico to visit relatives or vacation during the holidays (5 children) or at the end of the school year (1 child), and do not work there. For the six children, we determined that, while at least one parent was a seasonal agricultural worker, the family's home was in Pajaro Valley USD since parents told us they were long-time residents and generally travel to Mexico every year or every other year when school is not in session. Moreover, the family returned to the same address in the district (5 children), and one parent had permanent, non-agricultural employment in the district (3 children). We also found that enrollment in school was not interrupted (6 children), which could indicate that the move was actually for vacation purposes. Consistent with the Department's guidance and under the regulatory definition of a migratory child, we concluded that the family's move back to Pajaro Valley USD was a return home from vacation and not to seek or obtain qualifying work in an agricultural activity.

Moreover, we concluded that the six sample children described above would also be ineligible under the State's Identification and Recruitment (I&R) Handbook (1997).<sup>4</sup> To assist recruiters in determining eligibility issues, the State's Handbook further defines a qualifying move as a move that may sometimes be made for "economic reasons." The Handbook states that "indicators [of a move for economic reasons] would be annual (or more frequent) migrations which coincide with the ending of employment in one location, with the return timed for the approximate beginning of employment possibilities. The move away from the community to a community where the family can live less expensively is not in itself a 'qualifying move.' It merely establishes a residence at another community from which the family moves again to seek work." The Handbook also states that "[r]esidence is not established when the travel is only for the purpose of visiting, vacationing, arranging personal business matters (such as immigration papers, settling an estate, and so forth), or for caring for ill family members or friends." The above cited sections of the State's I&R Handbook do not appear to conflict with Federal regulations or Departmental guidance.

Consistent with State procedures, district recruiters told us that they usually ask parents whether a move occurred and, if yes, when the move occurred, where the move was from and to, who made the move, and what type of work was sought. Unless parents volunteered additional information, recruiters only established whether the departure to Mexico coincided with the end of employment (or end of the agricultural season) and the return to the district was to seek qualifying employment. For the six sample children, our parent interviews did not disclose information to indicate, and the COEs did not contain information to explain how, the move back to the district was for economic reasons.

The State's I&R Handbook identifies the special conditions, or potential situations, when the recruiter would need to probe for additional information to determine and further document eligibility in the comments section of the COE. We found that the special conditions listed in the State's I&R Handbook did not address the need for additional questioning to establish whether a move was for vacation, a visit, or reasons that would qualify the family as migrant. Had the recruiters asked more questions and considered the timeframe for the move (and documented the

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<sup>4</sup> At the time of our review, CDE was in the process of updating the I&R Handbook to ensure consistency with the No Child Left Behind Act of 2001 and subsequent Federal guidance.

information on the COE), they could have more accurately established whether a qualifying move had occurred. To ensure recruiters adhere to Federal and State policies regarding qualifying moves, CDE should enhance the Handbook to directly address and provide recruiters with clear decision rules regarding vacations versus moves to obtain employment as a basis for qualifying a child for the MEP.

### **CDE Needs to Investigate Other Eligibility Errors**

In addition to the 6 sample children in Pajaro Valley USD described above, we found the remaining 32 sample children ineligible in the two districts due to other reasons related to a non-qualifying move.<sup>5</sup> We found that CDE and the two MEP regions reviewed had internal controls in place. Other than our concerns with travel associated with vacations being considered qualifying moves, our review of the controls did not identify systemic weaknesses that may have contributed to the other identified eligibility errors. State and regional controls were designed to ensure the reasonableness, completeness, and accuracy of the eligibility information that is recorded on the COE, entered into the statewide migrant student information system, and used to determine the State's migrant child count. CDE disseminated Federal criteria and guidance, as well as State policies and guidance, to MEP regions; conducted statewide identification and recruitment training; and reviewed regional applications and district service agreements. CDE guidance included a basic interview pattern (in English and Spanish) that recruiters are expected to use during parent eligibility interviews; a standard COE form (in English and Spanish) with instructions for its completion and regional review; and guidance on the quality control procedures that the State, regions, and districts should have in place. The two MEP regions disseminated Federal, State, and regional guidance to recruiters; conducted regional training and bi-monthly meetings for recruiters; required recruiters to review the COE information with the parent; had one or more regional and/or district personnel review the COE before data entry into the migrant student database; and conducted automated logic and completeness checks of the data in migrant student information systems. Because of limited resources, CDE monitoring of regional controls has been limited to a desk review of each MEP region's quality control procedures and, when warranted, site visits to provide technical assistance.

As part of regional quality control procedures, CDE requires MEP regions to annually re-interview parents for a sample of COEs to verify the COE information, but did not enforce this requirement until 2005. Regions have control over how they conduct the re-interview process. The two MEP regions we reviewed each have had such a process in place.<sup>6</sup> Since 2004, the Regional Director in MEP Region 11 has selected a random sample of 50 COEs and calls the families to verify the COE information. MEP Region 10 has conducted regional

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<sup>5</sup> As listed in Attachment 1, the other reasons for ineligibility were non-qualifying moves due to: child not moving with or to join the qualifying worker who was a relative or guardian (19 children); family moving to the district years ago and not moving on the COE arrival date (7 children); family not moving during the prior 36 months (3 children); child not moving with or to join the qualifying worker who was a parent (2 children); and child going to Mexico during the winter school break to visit a relative, who was the qualifying worker on the COE, and returning to her parents when the relative arrived in the district to do agricultural work (1 child).

<sup>6</sup> We interviewed the parents of six children, who were subject to the regional re-interview process in MEP Region 11, and came to the same conclusion that the children were eligible. In MEP Region 10, we were able to determine the eligibility status for one child, who the regional re-interview found eligible and we found ineligible because the parent told us the child did not move with or to join the relative shown as the qualifying worker on the COE.

re-interviews for at least 10 years, and its process entails one of every 20 COEs submitted by member districts and processed through the region being selected for quality control review, and a regional recruiter re-interviewing the parent by telephone or home visit. Based on the re-interview results, regional administrators in both regions provide feedback to recruiters and take steps to remove ineligible children from the migrant student database.

We interviewed the recruiters, who prepared most of the COEs reviewed and continued to perform recruiting activities at the time of our review. We found that the recruiters had received formal and on-the-job training to determine and document migrant child eligibility, and appeared to be implementing CDE and regional policies and procedures. While they seemed knowledgeable and experienced at the time of our review, the two recruiters in Los Angeles USD had less than one year of experience when they prepared many of the COEs we reviewed. Although the recruiters received training and accompanied a more experienced recruiter during the first few weeks on the job, their inexperience may have contributed to the eligibility errors we identified.

Despite the CDE and regional controls in place, including regional re-interviewing of parents to confirm COE information, we found that ineligible children were included in the State's 2003-2004 migrant child count. In particular, we found that, in every case where we were able to determine the child's eligibility status in Los Angeles USD and the COE stated that the child moved with a relative or guardian (19 children), parents told us that the child did not make the move. Parents for nearly all of the 19 children confirmed that the relative or guardian lives at the move location shown on the COE and, in most cases, also stated that the person did agricultural work and family members visited relatives at that location. To ensure that only eligible children participate in the MEP, CDE needs to investigate the situation regarding the 19 children in Los Angeles USD and the other eligibility errors we identified in the two districts (listed in Attachment 1), and address any weaknesses in statewide internal controls that may have caused the errors.

## **Recommendations**

We recommend that the Assistant Secretary for Elementary and Secondary Education require CDE to —

- 1.1 Provide more detailed guidance and training, consistent with Federal regulations and guidance, regarding vacations versus moves to obtain qualifying employment as a basis for determining a child eligible for the MEP, including the need for recruiters to ask additional questions, consider the timeframe in which the move took place, and add explanatory information on the COE to determine and document eligibility in these circumstances; and ensure that MEP regions and recruiters implement the guidance.
- 1.2 Following implementation of Recommendation 1.1, review and identify all the COEs for the children in Pajaro Valley USD included in the 2003-2004 migrant child count, as well as in subsequent years' counts, where the move may have been a return trip from Mexico during a school break. Indicators of such a move include—
  - COE data indicating that the child moved from Mexico to the district during the winter or summer school break;

- current and prior COE data indicating that the child has lived at the same address within the district; and/or
- school enrollment data indicating that enrollment in school was not interrupted during the move period.

Re-interview the parents to determine whether the move was actually to obtain qualifying employment (not vacation) as a basis for determining the child eligible for the MEP.

- 1.3 Review and identify all the COEs in Los Angeles USD where a relative or guardian (non-parent) is shown as the qualifying worker for the children included in the 2003-2004 migrant count, as well as subsequent years' counts; and re-interview parents to determine whether the children actually made the move and met the MEP definition of an eligible child. To ensure that recruiters are currently making appropriate eligibility determinations, also include in this effort all the COEs completed during fiscal year 2005-2006 where a relative or guardian is shown as the qualifying worker. If re-interviewing finds that improper eligibility determinations were made during 2005-2006, take appropriate corrective action to address the cause of the errors.
- 1.4 Review the quality control practices of each MEP region in the State, including the regional re-interviewing methodology and results, to (1) ensure that the error patterns identified during our audit are not also occurring in other regions; (2) identify other error patterns or systemic weaknesses; (3) take action to correct any identified weaknesses, if needed; and (4) identify any additional ineligible children included in the 2003-2004 migrant count, as well as in subsequent years' counts.
- 1.5 Adjust the State's 2003-2004 migrant child count and, if applicable, subsequent years' counts, for the (1) 91 children (38 sampled children and their 53 siblings) found ineligible based on our review and (2) other children found ineligible from the corrective action taken in response to Recommendations 1.2, 1.3, and 1.4 above; and return to the Department any funds expended for ineligible children.
- 1.6 Investigate the other eligibility errors we identified for the children found ineligible in the two districts for reasons other than vacation-related moves, identify weaknesses in State and regional internal controls that may have caused the errors, and implement any needed changes to the controls on a statewide basis to ensure that only eligible children are included in future migrant child counts reported to the Department.

### **CDE Comments and OIG Response**

In its comments, CDE provided three general comments about its identification and recruitment procedures and the 2003-2004 migrant child count—

1. Parent and Recruiter Certifications. CDE stated that MEP regional offices and the school districts acted in good faith when conducting eligibility interviews and obtaining parent or guardian signatures certifying that the COE information was accurate to the best of their knowledge. Also, recruiter signatures on the COE affirmed that the parent or guardian certified the information.

2. Elapsed Timeframe. CDE stated that our audit focused on identification and recruitment procedures used as the basis to identify and serve eligible migrant students in the 2003-2004 school year. CDE noted that the COEs we reviewed pertained primarily to the 2002-2003 school year or earlier (up to almost four years prior to our fieldwork). Additionally, a number of families move in and out of the local area, which further complicates the effect over a multiyear period. CDE commented that the number of missing cases (children for whom we could not determine eligibility) among our sample of families could have resulted in significantly different results since there was no protocol to track their movement. In its comments, CDE noted that, when it followed up on our sample results [in Los Angeles USD]: (a) CDE did not make contact with some families even with repeated attempts; (b) a significant number of families declined CDE's request for a revisit and re-interview; (c) there are legitimate problems associated with accurate recall of historical events, such as moving from one location to another, or the presence of extended family members and others in the home; and (d) some families may be reluctant to divulge information that they suspect is associated with their immigration status.

*OIG Response.* We note that our report does not address the 51 children in our sample for whom we could not determine the child's eligibility status. We recognize that some parents may not want to be re-interviewed or may not provide sufficient information to verify eligibility, which was our experience for 7 of the 51 children (as described in footnote 2 in our report). Our report only addresses the eligibility status of the other 51 sample children where we completed a parent interview and had sufficient information to make a status determination. Thus, the "missing cases" cited by CDE had no affect on our results for these children—that is, the 38 sample children found ineligible would still be ineligible even if we could have determined the eligibility status for more than 51 children. Although there can be difficulties associated with re-interviews, in our judgment, as well as that of the Department's OME, re-interviews are an appropriate method to test the validity of eligibility determinations made by agencies participating in the MEP.

3. Current Procedures. CDE stated that its current procedures for completing COEs have been improved over those used in the 2002-2003 school year, and that many of our recommendations have already been addressed and incorporated as standard procedures at both the State and local levels.

CDE also commented on each of our recommendations and described the corrective actions already taken or planned. Where CDE disagreed or partially concurred with a recommendation, we provide our response below. We have not modified the recommendations based on CDE's comments.

- Recommendation 1.1. CDE concurred with the recommendation and listed a number of related activities that have been conducted or are in process. CDE provided additional information about statewide identification and recruitment training; the State re-interviews that were conducted in response to the Department's OME request; and ongoing efforts to update the State's I&R Handbook, which will address the issues identified in this recommendation. Additionally, CDE plans to post frequently asked questions and answers on the Web to compliment the Handbook; establish and implement

policies and procedures instructing recruiters to ask follow-up questions and to document responses on the COE, when families report a trip of 30 days or less; and establish policies and procedures to validate COEs throughout the State on an annual basis by using statistical sampling and ensuring that all regions and local educational agencies (LEAs) participate in the re-interview process.

- Recommendations 1.2 and 1.3. CDE partially concurred with the two recommendations. CDE stated that it would re-interview a sample of COEs in the Pajaro Valley USD and in the Los Angeles USD, and require the LEAs to remove from their eligibility lists any children determined not to be legally qualified for the MEP. However, instead of relying on historical (2002-2003) information from time-elapsd re-interviews, CDE suggested selecting the Pajaro Valley USD sample from the 2006-2007 list of migrant students, and the Los Angeles USD sample from the 2006-2007 list where data indicate that the qualifying move involved a third party who was not a parent or guardian. CDE referred to its general comments above for its rationale for this approach.

*OIG Response.* We still recommend that CDE focus the Pajaro Valley USD re-interviews on the COEs where the move involved a trip from Mexico during a school break. If CDE does sample from the universe of migrant children, it should ensure that the re-interview sample includes adequate representation of COEs with our listed attributes to assure that the problem we found does not continue. CDE's suggestion to select the two districts' re-interview samples from the 2006-2007 list will not address the fact that the State's 2003-2004 migrant count included ineligible children.

- Recommendation 1.4. CDE partially concurred with the recommendation. CDE stated that it would review the quality controls practices of MEPs throughout the State and provide any necessary guidance to ensure that identified deficiencies or system weaknesses are corrected and prevented in the future. However, CDE reiterated its belief that significant time-elapsd information should not be used to identify ineligible children pertaining to the 2003-2004 eligibility determinations.

*OIG Response.* While we recognize the difficulties and complexities associated with re-interviewing, we continue to recommend that CDE take steps to assure that other MEP regions accurately determined eligibility for children, who were in those locations and included in the State's 2003-2004 and subsequent years' migrant counts.

- Recommendation 1.5. CDE disagreed with our recommendation to adjust the State's 2003-2004 migrant child count, and subsequent years' counts, for the children that our review had deemed ineligible. CDE expressed its belief that, at the time, it was reasonable to rely on the signed parent certifications attesting to the COE information in determining eligibility, and continued to question the reliance on time-elapsd interviews. CDE commented that the significant elapsed timeframes between the eligibility determination dates and our re-interviews could understandably result in differing information for numerous reasons. As an example, CDE noted its attempt to conduct follow-up interviews related to our Los Angeles USD sample results, and commented that it had obtained the same or similar responses as the OIG in only 10 cases. Based on

summary documentation provided subsequent to its comment letter,<sup>7</sup> CDE interviewed a parent for 14 of the 22 sample children we had found ineligible, and it reported 9 of the 14 children as eligible and 5 children as having conflicts with the original certification.<sup>8</sup>

*OIG Response.* In our judgment, and as expressed in the Department's OME nationwide re-interviewing request in July 2004, re-examination of the correctness of prior migrant child eligibility determinations is vital to ensuring the overall integrity of the MEP. We recognize that the passage of time can result in some differing information from families, as evidenced by the parent interviews from our review and CDE's subsequent follow-up efforts in Los Angeles USD. However, we note that the 10 cases CDE mentioned as having obtained the same or similar information as the OIG pertained to information about a move, and comprised most of the 14 children for whom CDE had completed a follow-up interview. Nevertheless, our review in two districts and CDE's follow-up in one district identified children, for whom parent interviews indicate that the child was not eligible for the MEP. Thus, ineligible children were included in the State's 2003-2004 migrant count and may have inappropriately received services supported by MEP funds.

While its comments only addressed the children our review found ineligible in Los Angeles USD, we still recommend that CDE adjust the State's 2003-2004 and subsequent years' migrant counts, and return to the Department any funds expended, for these and any additional children found ineligible from the corrective actions taken in response to Recommendations 1.2, 1.3, and 1.4.

- **Recommendation 1.6.** CDE partially concurred with the recommendation. CDE disagreed that all the errors identified by our review are in fact errors of eligibility determinations. However, CDE stated that it has implemented ongoing identification and recruitment protocols with appropriate internal controls to address any necessary changes. In addition, CDE is collaborating with the MEP regions and WestEd (CDE contractor) to update the I&R Handbook and other training materials.

*OIG Response.* After reviewing CDE's comments, we have not changed our finding that CDE included ineligible children in the State's 2003-2004 migrant count. Having taken steps to follow-up on our re-interview results in Los Angeles USD, we recommend that CDE similarly investigate the eligibility errors we found in Pajaro Valley USD (listed in Attachment 1) and determine if the errors we found in the two districts were caused by internal control weaknesses at CDE or the MEP regions and districts reviewed. For example, CDE did not comment specifically about the 19 children we had found ineligible in Los Angeles USD where parents told us that the child did not move with the non-parent, qualifying worker. However, we note from our parent interviews and CDE's

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<sup>7</sup> In its comments, CDE indicated that it had attempted to re-interview 24 families where we had questioned the accuracy of the original COEs. CDE subsequently corrected the total to 22 families.

<sup>8</sup> In two of the nine cases it reported as eligible, CDE provided follow-up information about the circumstances surrounding a move, which was not addressed in our parent interviews, and could support a status determination of eligible. CDE stated that it did not consider the five children reported as having conflicts with the original COE to be ineligible because it is unclear which information is accurate especially with the lapse of time, and the belief that CDE acted in good faith when basing the initial eligibility determination on information that families had provided and certified. Because we have no basis to judge the validity of CDE's follow-up activities, we have not changed our eligibility determinations for any of the 22 children we found ineligible in our Los Angeles USD sample.

follow-up information that the person making a move (qualifying worker) appeared to have actually been a parent in most cases (i.e., COE information was in error). Although parents did not provide other information that would qualify the child as eligible for the MEP when we interviewed them, it appears that recruiters had entered incorrect information on the COE by not identifying a parent as the qualifying worker who made a move for most of the 19 children. We recommend that CDE address this possible control weakness and any other identified weaknesses on a statewide basis.

We have not modified the finding, except to make some clarifying edits and to change the reason for ineligibility for one sample child and her two siblings. In the draft report, we had reported one child in the Pajaro Valley USD sample to be ineligible because the qualifying work was not a principal means of livelihood. Upon further review, we re-classified the reason as the child not making a qualifying move, and revised the finding and Attachment 1 accordingly.

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## OBJECTIVE, SCOPE, AND METHODOLOGY

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The objective of audit was to determine whether CDE and selected MEP regions within the State of California have systems in place to ensure the accurate count of children eligible to participate in the MEP. Our review covered the State's 2003-2004 migrant child count. Another audit objective was to assess State re-interviewing efforts in response to the Department's OME nationwide request. Information on the State re-interviewing sampling plan and re-interviewing results will be provided in a report to the Department.

To address the objective regarding the child count, we interviewed CDE officials and staff responsible for implementing the MEP in California. We also interviewed CDE contractor staff at WestEd, which manages the statewide Migrant Student Information Network (MSIN). We assessed State policies, procedures, and guidance provided to MEP regions and recruiters to determine whether internal controls ensured the eligibility of individual migrant children and the reliability of the 2003-2004 migrant child count reported to the Department.

To evaluate MEP region procedures, we selected Los Angeles County Office of Education (MEP Region 10) and Pajaro Valley USD (MEP Region 11), which are respectively responsible for administering the MEP in Los Angeles USD and Pajaro Valley USD. Based on statewide 2003-2004 migrant count data by district, Pajaro Valley USD had the most migrant children in the State and is located in an agricultural area, and Los Angeles USD had the most migrant children located in an urban area.

At each MEP region, we reviewed procedures and interviewed program managers and staff responsible for overseeing regional I&R activities. We also reviewed district procedures and interviewed I&R administrators at Los Angeles USD. In each MEP region, we interviewed district recruiters, who were responsible for determining migrant child eligibility for the children selected for review, and regional I&R personnel responsible for performing regional re-interviews. We evaluated regional and district procedures to determine whether internal

controls ensured migrant child eligibility and reliable reporting of migrant child count data to CDE.

To further assess controls and conduct parent interviews, we selected 102 migrant children for review by stratified randomly sampling of the State’s 2003-2004 migrant child count (55 of the 4,785 children in Los Angeles USD and 47 of the 14,801 children in Pajaro Valley USD). We stratified the universe for each district by the child’s inclusion or exclusion from State or regional re-interview activities in order to compare re-interviewing results with our results.<sup>9</sup>

<b>Table 2. Stratified Random Sample Selection Methodology by District</b>			
	<b>Universe Size</b>	<b>Sample Size</b>	<b>OIG Determined Eligibility Status (a)</b>
<b>Los Angeles USD Universe (2003-2004 Migrant Child Count)</b>			
Strata 1 - Child was selected for the State re-interview sample and a State re-interview was completed.	5	2	2
Strata 2 - Child was selected for the State re-interview sample and a State re-interview was not completed.	4	2	0
Strata 3 - Child was selected for the State-generated regional re-interview sample and a regional re-interview was completed.	28	3	1
Strata 4 - Child was not selected for either the State re-interview sample or the State-generated regional re-interview sample (i.e., all other children in the Los Angeles USD universe).	4,748	48	22
Los Angeles USD Totals	4,785	55	25
<b>Pajaro Valley USD Universe (2003-2004 Migrant Child Count)</b>			
Strata 1 - Child was selected for the State re-interview sample and a State re-interview was completed.	11	2	2
Strata 2 - Child was selected for the State re-interview sample and a State re-interview was not completed.	13	2	2
Strata 3 - Child was not selected for the State re-interview sample (i.e., all other children in the Pajaro Valley USD universe).	14,777	43	22
Pajaro Valley USD Totals	14,801	47	26
Los Angeles USD and Pajaro Valley USD Totals	19,586	102	51
(a) Completed parent interview and determined sampled child’s migrant eligibility status.			

We determined that the sampled children had 165 siblings, who were included in the State’s 2003-2004 migrant child count (84 siblings in Los Angeles USD and 81 siblings in Pajaro Valley USD).

<sup>9</sup> For each district, CDE’s contractor (WestEd) provided data files containing the universe of children, who were included in the State’s 2003-2004 migrant child count reported to the Department. The files included data identifying the children, who were included in the State re-interview sample and, where applicable, State-generated regional re-interview samples.

From a list of 76 children for whom MEP Region 11 had performed its own re-interviewing of the 2003-2004 count,<sup>10</sup> we randomly selected eight children and determined the eligibility status for seven children to assess regional re-interviewing efforts. Whereas MEP Region 10 had performed re-interviewing for a CDE-generated sample of migrant children, MEP Region 11 had selected its own sample.

We attempted to locate and interview a parent for each sampled child selected for review. We interviewed parents (and a grandparent in one case) in Pajaro Valley USD in October 2005, and in Los Angeles USD in November 2005. We also reviewed students' school enrollment history, district calendars, and prior COE data, if available, to corroborate information on the COE and from parent interviews. We relied on the information provided by parents and our document reviews to verify information included on the COE, which qualified the child for inclusion in the State's 2003-2004 migrant child count, and to determine whether the sampled child and siblings listed on the COE were eligible to participate in the MEP.

We assessed the reliability of computer-generated data at CDE and concluded that the data were sufficiently reliable to use for identifying our sampling universes and selecting our sample. Specifically, we assessed the statewide database (MSIN) that CDE used to report the 2003-2004 migrant child count to the Department by verifying electronic COE information in MSIN with the original, signed COE at the MEP region for the sampled children and their siblings, where applicable, and confirming their inclusion in the 2003-2004 count; confirming that the WestEd-provided data files for each selected district matched the statewide 2003-2004 migrant child count for the district; and comparing migrant child counts for each district with counts generated from regional and district migrant student databases where available, and district student information systems where applicable. As disclosed in the finding, our review of sampled children found that the MSIN database included ineligible children.

We performed our fieldwork at CDE, MEP Region, and district offices in Sacramento, Downey, Los Angeles, and Watsonville, California. We held an exit briefing with CDE officials on April 27, 2006. Our audit was performed in accordance with generally accepted government auditing standards appropriate to the scope of the review described above.

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## ADMINISTRATIVE MATTERS

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Statements that managerial practices need improvements, as well as other conclusions and recommendations in this report, represent the opinions of the Office of Inspector General. Determinations of corrective action to be taken, including the recovery of funds, will be made by the appropriate Department of Education officials, in accordance with the General Education Provisions Act.

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<sup>10</sup> The 76 children were included in, and were not mutually exclusive of, the Pajaro Valley USD universe of 14,801 children used for the stratified random sample.

If you have any additional comments or information that you believe may have a bearing on the resolution of this audit, you should send them directly to the following Education Department official, who will consider them before taking final Departmental action on this audit:

Henry Johnson, Assistant Secretary  
Office of Elementary and Secondary Education  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

It is the policy of the U. S. Department of Education to expedite the resolution of audits by initiating timely action on the findings and recommendations contained therein. Therefore, receipt of your comments within 30 days would be appreciated.

In accordance with the Freedom of Information Act (5 U.S.C. §552), reports issued by the Office of Inspector General are available to members of the press and general public to the extent information contained therein is not subject to exemptions in the Act.

Sincerely,

*/s/ Beverly Dalman for*

Gloria Pilotti  
Regional Inspector General for Audit

Attachments

### Attachment 1: Results by District

<b>Table 3. Results of Children Selected for Review and their Siblings by District</b>			
	<b>Los Angeles USD</b>	<b>Pajaro Valley USD</b>	<b>Total</b>
<b>Children Selected for Review</b>			
Sample Size	55	47	102
Determined Eligibility Status	25	26	51
<b>Reason for Ineligibility – No Qualifying Move</b>			
▪ Child did not move with or to join the qualifying worker, who was a relative or guardian	19	0	19
▪ Family moved to the district years ago and did not move on the COE arrival date	1	6	7
▪ Family moved to the district years ago and the COE arrival date was when they returned from a trip to Mexico during the winter or summer school break		6	6
▪ Family did not move during prior 36 months	1	2	3
▪ Child did not move with or to join the qualifying worker, who was a parent	1	1	2
▪ Child went to Mexico during the winter school break to visit a relative, who was the qualifying worker on the COE, and returned to her parents when the relative arrived in the district to do agricultural work; child’s return was not to enable the relative to seek qualifying work	0	1	1
Total Not Eligible	<u>22</u>	<u>16</u>	<u>38</u>
<b>Siblings of Sampled Children</b>			
Number of Siblings	84	81	165
Determined Eligibility Status	37	36	73
<b>Reason for Ineligibility – No Qualifying Move</b>			
▪ Child did not move with or to join the qualifying worker, who was a relative or guardian	27	0	27
▪ Family moved to the district years ago and did not move on the COE arrival date	1	7	8
▪ Family moved to the district years ago and the COE arrival date was when they returned from a trip to Mexico during the winter or summer school break		9	9
▪ Family did not move during prior 36 months	1	3	4
▪ Child did not move with or to join the qualifying worker, who was a parent	2	1	3
▪ Child went to Mexico during the winter school break to visit a relative, who was the qualifying worker on the COE, and returned to her parents when the relative arrived in the district to do agricultural work; child’s return was not to enable the relative to seek qualifying work	0	2	2
Total Not Eligible	<u>31</u>	<u>22</u>	<u>53</u>

<b>Table 3. Results of Children Selected for Review and their Siblings by District</b>			
	<b>Los Angeles USD</b>	<b>Pajaro Valley USD</b>	<b>Total</b>
<b>Children Selected for Review and their Siblings</b>			
Number of Children Selected for Review	139	128	267
Determined Eligibility Status	62	62	124
Reason for Ineligibility – No Qualifying Move			
<ul style="list-style-type: none"> <li>▪ Child did not move with or to join the qualifying worker, who was a relative or guardian</li> </ul>	46	0	46
<ul style="list-style-type: none"> <li>▪ Family moved to the district years ago and did not move on the COE arrival date</li> </ul>	2	13	15
<ul style="list-style-type: none"> <li>▪ Family moved to the district years ago and the COE arrival date was when they returned from a trip to Mexico during the winter or summer school break</li> </ul>		15	15
<ul style="list-style-type: none"> <li>▪ Family did not move during prior 36 months</li> </ul>	2	5	7
<ul style="list-style-type: none"> <li>▪ Child did not move with or to join the qualifying worker, who was a parent</li> </ul>	3	2	5
<ul style="list-style-type: none"> <li>▪ Child went to Mexico during the winter school break to visit a relative, who was the qualifying worker on the COE, and returned to her parents when the relative arrived in the district to do agricultural work; child’s return was not to enable the relative to seek qualifying work</li> </ul>	0	3	3
Total Not Eligible	<u>53</u>	<u>38</u>	<u>91</u>

**Attachment 2: CDE's Comments on the Draft Report**



CALIFORNIA  
DEPARTMENT OF  
EDUCATION

1430 N STREET  
SACRAMENTO, CA  
95814-5901

**JACK O'CONNELL**

State Superintendent of  
Public Instruction

PHONE: (916) 319-0800

September 7, 2006

Gloria Pilotti, Regional Inspector General for Audit  
U.S. Department of Education  
Office of Inspector General  
501 I Street, Suite 9-200  
Sacramento, CA 95814

Dear Ms. Pilotti:

This is the California Department of Education's (CDE) response to the U.S. Department of Education (ED), Office of Inspector General (OIG) draft audit report, entitled *California Department of Education's Migrant Education Program* concerning the CDE's fiscal year 2003-04 migrant child count.

Preceding our responses to the OIG's findings and recommendations, the CDE has comments in general to provide clarity and prospective to the report.

### **General Comments**

- 1. Parent and Recruiter Certifications.** Migrant Education Program (MEP) regional offices and the school districts acted in good faith when conducting eligibility interviews and obtaining parent or guardian signatures certifying that the Certification of Eligibility (COE) information used to determine eligibility was accurate to the best of their knowledge. Also, in the presence of the parent or guardian, the recruiter, or the local educational agency (LEA) representative, signed the COE affirming that the parent or guardian certified the information.
- 2. Elapsed Timeframe.** The audit focused on the CDE's identification and recruitment procedures used as the basis to identify and serve eligible migrant students in the 2003-04 school year. The COEs that were reviewed for the selected migrant students pertained primarily to the 2002-03 school year or earlier, up to almost four years prior to the OIG's fieldwork. Additionally, a number of families move in and out of the local area (school district and region) thereby further complicating the effect over a multiyear period. Since there was no protocol to track the movement of these families, the number of missing cases among the sample of families selected for re-interviews could have resulted in significant differing results. For example, in following up with the OIG's re-interviews, the CDE notes that:

- a. Even with repeated attempts, no contact was made with a number of families. Perhaps the families have moved out of the area recently or moved to another location within the school district with a different telephone and address. In other cases, the families may be on a trip. Additionally, some families, for a variety of reasons, could have chosen not to respond to a government official such as a representative from the CDE or OIG.
  - b. A significant number of families declined a request for a revisit and re-interview. In other cases, the children from these families are no longer participating in the MEP. In some cases, the migrant children are no longer of school age, or there could be a marked lack of interest and incentive on the part of these families to agree to share personal information with government officials.
  - c. Given the complex living situations of many migrant families, there are various legitimate problems associated with the accurate recall of historical events such as moving from one location to another or the presence of extended family members and others in the home.
  - d. Understandably, some migrant families may even be reluctant to divulge information that they suspect is associated with their immigration status. This concern may affect the accuracy of information shared with school officials, the OIG, and the CDE, especially in cases that involve travel to Mexico or where there are requests for repeated visits to the family for the same or similar purposes.
3. **Current Procedures.** The CDE's current identification and recruitment procedures used to complete COEs have been improved over those used in the 2002-03 school year, and many of the OIG recommendations have already been addressed and incorporated as standard procedures in identification and recruitment at both the state and local levels.

### **The CDE's Responses to OIG's Recommendations**

*Recommendation 1.1 - Provide more detailed guidance and training, consistent with Federal regulations and guidance regarding vacations versus moves to obtain employment as a basis for qualifying a child for the MEP, including the need for recruiters to ask additional questions, consider the timeframe in which the move took place, and add explanatory information on the Certificate of Enrollment (COE) to*

*determine and document eligibility in these circumstances; and ensure that MEP regions and recruiters implement the guidance.*

### **CDE Response**

Concur. The CDE has or is in the process of conducting the following activities related to this recommendation:

- A. In the 2005-06 school year, the CDE sponsored a statewide forum for the regional recruiters of the Migrant Education Program. The central event of the forum was a comprehensive training on identification and recruitment procedures. Another forum is scheduled for December 6-7, 2006. The upcoming forum will also contain a Trainer of Trainers component.
- B. In the 2005-06 school year, the CDE conducted, based on a representative sample, 627 re-interviews of migrant families for the purpose of verifying the original COE findings. Results indicated that the statewide error rate was just over 5 percent and well under the national average for states conducting statewide re-interview initiatives (see Attachment I - Copy of letter from Jack O'Connell, State Superintendent of Public Instruction, to Henry L. Johnson, Assistant Secretary of Education dated February 14, 2006).
- C. The CDE has undertaken the development of a new edition of the statewide *Identification and Recruitment Handbook*. The final draft is currently being prepared and is expected to be published by November 1, 2006. The issues identified in Recommendation 1.1 will be addressed in this document.
- D. As a compliment to the *Identification and Recruitment Handbook*, the CDE will also develop and post on the Web, a document that contains the most frequently asked questions and answers associated with identification and recruitment issues.
- E. The CDE plans to establish, implement, and include in the *Identification and Recruitment Handbook* and other related publications the following policies and procedures:
  - Instruct recruiters to employ a series of follow up questions whenever migrant families report a trip with duration of 30 days or less. The instructions will indicate that the family's responses to the follow up questions in these cases be documented on the COE.

- The CDE will establish procedures to validate the COEs of migrant families throughout the state on an annual basis. Samples will be taken in a statistically appropriate manner with the assistance of WestEd. Procedures will insure that all regions and LEAs will participate in the re-interview process.

*Recommendation 1.2 - Following implementation of Recommendation 1.1, review and identify all the COEs for children in Pajaro Valley USD included in the 2003-2004 migrant child count, as well as in subsequent years' counts, where the move involves a trip from Mexico during a school break. Indicators of such a move include:*

- *COE data indicating the child moved from Mexico to the district during the winter or summer school break;*
- *Current and prior COE data indicating that the child has lived at the same address within the district; and or*
- *School enrollment data indicating that enrollment in school was not interrupted during the move.*

*Re-interview the parents to determine whether the move was actually to obtain employment (not vacation) as a basis for qualifying the child for the MEP.*

### **CDE Response**

Partially Concur. The CDE will re-interview a sample of COEs in the Pajaro Valley USD, and require that the LEA remove from their eligibility list any children determined not to be legally qualified for participation in the MEP. However, instead of relying on historical (2002-03) information obtained from time-elapsed re-interviews, the CDE suggests selecting a sample of COEs from the 2006-07 list of eligible migrant students. The rationale for this procedure is explained in CDE's General Comments above.

*Recommendation 1.3 - Review and identify all the COEs in Los Angeles USD where a relative or guardian (non-parent) is shown as the qualifying worker for the children included in the 2003-04 migrant count, as well as subsequent years' counts; and re-interview parents to determine whether the children actually made the move and met the MEP definition of an eligible child. To ensure that recruiters are currently making appropriate eligibility determinations, also include in this effort all the COEs completed during the fiscal year 2005-06 where a relative or guardian is shown as the qualifying worker. If re-interviewing finds that improper eligibility determinations were made during 2005-06, take appropriate corrective action to address the cause of the errors.*

### **CDE Response**

Partially Concur. The CDE will re-interview a sample of COEs in the Los Angeles USD, and require that the LEA remove from their eligibility list any children determined not to be legally qualified for participation in the MEP. However, instead of relying on historical (2002-03) information obtained from time-elapsed re-interviews, the CDE suggests selecting a sample of COEs from the 2006-07 list of eligible migrant students where data indicates that the qualifying move involved a third party who was not a parent or guardian of the children in question. The rationale for this procedure is explained in CDE's General Comments above.

*Recommendation 1.4. - Review the quality control practices of each MEP region in the State, including the regional re-interviewing methodology and results to (1) ensure that the error patterns identified during our audit are not also occurring in other regions; (2) identify other error patterns or systemic weaknesses; (3) take action to correct any identified weaknesses, if needed; and (4) identify any additional ineligible children included in the 2003-04 migrant count, as well as in subsequent years' counts.*

### **CDE Response**

Partially Concur. The CDE will review the quality control practices of MEPs throughout the State and provide any necessary guidance to ensure that identified deficiencies or system weaknesses are corrected and prevented in the future. However, the CDE does not believe that significant time-elapsed information should be used to identify ineligible children pertaining to the 2003-04 eligibility determinations.

*Recommendation 1.5. - Adjust the State's 2003-04 migrant child count and, if applicable, subsequent years' counts, for the 91 children (38 sampled children and their 53 siblings) found ineligible based on our review from the corrective action taken in response to Recommendations 1.2, 1.3, and 1.4 above; and return to the Department any funds expended for ineligible students.*

### **CDE Response**

Disagree. The CDE does not concur that the State's 2004-04 migrant child count, and subsequent years' counts, for children deemed ineligible based on the OIG's review be adjusted. As explained in the CDE's General Comments and responses above, the CDE obtained signed parent certifications attesting to the information contained in the COEs. The CDE believes that, at the time, it was reasonable to rely on the certified COE information in determining eligibility.

Additionally, the CDE believes that the significant elapsed timeframes between the dates of eligibility determination and the OIG's re-interviews could understandably result in differing information for numerous reasons. For example, during the period of June 26-28, 2006, a CDE team of three Migrant Education consultants traveled to Los Angeles with the purpose of re-interviewing 24 families where the OIG questioned the accuracy of the original COEs based on re-interviews conducted in November 2005. A summary of CDE's experience is provided below:

- Five families had moved out of the Los Angeles area and no follow up was possible.
- Three families were not interviewed because a contact could not be made.
- Two families were not interviewed because of scheduling problems.
- Nine families reported that the children did make a move on the date indicated by the COE. However, the children were accompanied by a parent (or in one case an older brother) and not by a third party, non-parent, as indicated on the original COE. In at least three cases, these families reported that the third party had lived with the family during some period in and around the date of the original COE. In at least three cases, the families expressed concern over their own inability to recall specific dates and events that occurred in the past.
- Four families indicated that the children made the move on the date indicated on the COE and were accompanied not only by the person indicated in the COE, but also by the parents or guardians. The family signed an affidavit to this effect on the date of the CDE's revisit.
- Only one family reported that they did not make a move on the date indicated by the original COE.

Based on the CDE's re-interviews of the 24 cases involved, the CDE obtained the same or similar response as the OIG in only 10 cases. Furthermore, in the ten cases aforementioned, the CDE notes that several of these families also had reservations concerning their responses. Therefore, the CDE continues to question the reliance on the time-elapsed re-interviews, and believes that the certified information on the COEs was a reasonable basis for determining eligibility.

*Recommendation 1.6. - Investigate the other eligibility errors to identify weaknesses in State and regional internal controls and implement any needed changes to the controls*

Gloria Pilotti, Regional Inspector General for Audit  
September 7, 2006  
Page 7

*to ensure that only eligible children are included in future migrant child counts reported to the Department.*

### **CDE Response**

Partially Concur. The CDE does not concur that all the errors identified by the OIG are in fact errors in eligibility determinations. However, the CDE has implemented on-going identification and recruitment protocols with appropriate internal controls to address any necessary changes. Additionally, the CDE, in collaboration with the MEP regions and WestEd, is updating the *Identification and Recruitment Handbook* and other training materials to be used as the basis for the statewide Migrant Education Identification and Recruitment Forum and Trainer of Trainers session scheduled for December 6-7, 2006.

If you have any questions regarding CDE's response, please contact Ernesto Ruiz, Administrator, Migrant, Indian, and International Education Office, at (916) 319-0190.

Sincerely,

GAVIN PAYNE  
Chief Deputy Superintendent of Public Instruction

GP:ck  
Attachment



CALIFORNIA  
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1430 N STREET  
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95814-5901

**JACK O'CONNELL**

State Superintendent of  
Public Instruction

PHONE: (916) 319-0800

February 14, 2006

Henry L. Johnson, Assistant Secretary  
U.S. Department of Education  
Office of Elementary and Secondary Education  
400 Maryland Avenue S.W.  
Washington, DC 20202

Dear Mr. Johnson:

Thank you for your letter regarding California's participation in a voluntary initiative to re-examine the eligibility of migrant children. I appreciate you taking the time to write. I understand that the Office of Migrant Education first sent out this voluntary initiative to Re-Examine Migrant Child Eligibility Determinations with recommended procedures for State Educational Agencies to follow. Although this federal initiative was voluntary, California complied as if it was mandatory and followed all the recommended procedural steps as outlined in the original letter announcing the initiative.

For instance, the procedural steps recommended that we consult with a sampling expert to design a random sample of migrant children to re-interview. We complied and developed a sample plan to re-interview 627 families, instead of the 384 recommended by the Office of Migrant Education. Also, the procedural steps recommended that we use independent interviewers who are not associated with the initial eligibility determinations of the families included in the sample. Again, we complied with this recommendation and contracted with 19 independent interviewers to conduct this activity.

One of the procedural steps recommended that we report any evidence of deliberate falsification or other fraud uncovered through the re-interview process. We are happy to notify you that although the re-interview process uncovered some eligibility determination errors, there was no deliberate falsification or fraud found in California. Attached to this correspondence is the Random Sample Report, which describes the re-interview process in California and its results. The error rate in California is 5.4 percent according to the report.

Henry L. Johnson, Assistant Secretary  
February 14, 2006  
Page 2

If you have any questions regarding California's Re-Interview process or the results of the Random Sample, please contact Ernesto Ruiz, Administrator, Migrant, Indian, and International Education Office, at (916) 319-0851 or by e-mail at [eruiz@cde.ca.gov](mailto:eruiz@cde.ca.gov).

Sincerely,

JACK O'CONNELL

JO:er  
Enclosure  
8396