On July 9, 2004 the Oregon Department of Education received a memorandum from Francisco Garcia, Federal Director for the Office of Migrant Education. The subject of the memorandum was the “Initiative to Ensure Child Eligibility for the Title I, Part C, Migrant Education Program.” It read:

**Background:** A core responsibility of each State Educational Agency under the Title I, Part C, Migrant Education Program is to ensure that only those children who are eligible for the MEP are recruited, counted, and served. Meeting this responsibility is key to ensuring that 1) States direct MEP-funded services only to eligible migrant children, 2) the MEP allocation each State receives reflects its statutory share of the MEP funds that Congress annually appropriates for services to migrant children, and 3) public confidence in the program and its integrity remains strong.

The National Initiative: For these reasons, I am calling upon each State MEP director to work over the next six months with your SEA and local operating agencies to ensure the integrity of your State’s reported count of migrant children. Specifically, as explained more fully on the enclosed discussion of recommended procedures, I strongly recommend each of you over this period to devote sufficient resources to—

1. Re-examine – through re-interviewing of parents and guardians – the correctness of the State’s existing 2003-2004 counts of Category 1 and Category 2 eligible migrant children and report the found “defect rate” to OME and 

2. Improve – the State’s quality control procedures as needed.

**Members of Oregon’s Re-Interview Project:**
Charlie Benitez – State Migrant Director
Tina Garcia – Migrant Education Service Center Director
Ignacio Robles – Migrant Education Service Center Director
Judy Weaver – Training Coordinator
Sue Cheavtharn – OMSIS Coordinator
Ralph Wisner – State Intern
Frank Hernandez – NW Regional Educational Laboratory as Project Lead.

**Procedural Recommendations:** The Office of Management and Budget Draft of the Non-“Regulatory Guidance dated October 23, 2003 provides that SEA quality control procedures should include provision for re-interviewing a random sample of migrant children who have been found to be eligible by local and/or State recruiters or other personnel.” The Guidance provided the following recommended procedures:
Step 1. Select a sufficient random sample of identified migrant children and re-interview the families of the children to determine whether the eligible information recorded on the CaE (COE in Oregon) is accurate and adequate to establish eligibility.

The committee decided to use the recommendations from Table 1 attached to the Memorandum to State Directors. Table 1 (attached) provided sample sizes required to estimate the proportion of defects in Migrant Eligibility Determinations on a statewide basis. The recommendations for Oregon with 28,907 students were a sample size of 379. Oregon completed the project with an actual sample size of 386. In addition, the Oregon committee chose a more complex and thorough format. This format included, in addition to a state sampling, a proportionate sample from each individual migrant program in Oregon. While this format lengthened the time required to complete the project, it was the belief by the committee that this format would provide a more comprehensive evaluation of state eligibility and provide needed data for determining recommendations for quality control procedures. Each of the 25 Migrant programs was sampled (Area List – Status Doc.), insuring program visibility as well as recruiter accountability. The committee felt the additional time required for this format would prove itself invaluable given the opportunity for a continuum of accountability data, resulting in comprehensive recommendations for insurance of quality control measures.

Also included in Step 1 were the recommendations:

- The re-interview process should include verification of a qualifying move, the intent to seek qualifying temporary/seasonal agricultural work, and whether the work was a principal means of livelihood; and
- In performing the re-interviews, we urge States to use persons who understand MEP eligibility requirements and who are not associated with the initial eligibility determinations of the families included in the sample.

Oregon took several actions to insure compliance with the recommendations and also insure accuracy of data. It was decided to start with a Pilot Project. While the committee knew this would add time to the project schedule, it was critical that we not embark on a state project without some evaluation of all components of the process. It was decide that the Pilot program (see Plan addendum) be local and of sufficient size as to provide reliability of data. Program #16 was chosen. The “Re-Inteverwer Training” was developed, administered, and interviews conducted. The committee then met to review data, survey the recruiters and adjustments made where necessary. Through the re-interview initiative pilot process the committee found several components of the training, which if replicated statewide, would have changed, and quite possibly improved, the final child count data. The pilot was important to establish and demonstrate an objective way of analyzing the data gathered, and to begin planning for quality assurance in Identification and Recruitment of migrant students. Also, the changes made make the process and results more accurate and defendable. Another unique component to the Oregon process was to convene a group of recruiters who would have been active prior to the changes of October 23, 2003. Due to the extent of retraining performed by the Migrant Education Service Center, we found it difficult not to superimpose the current guidance on eligibility decisions. Having practitioners with a proven accuracy record
remind us of the guidance and decision process prior to 10/23/03 was critical to accurate determination of eligibility decisions and potential fraud.

Step 2. Report any evidence of deliberate falsification or other fraud uncovered through the re-interviewing process immediately to OME.

The committee found little evidence of fraud within the ODE, MESC, or individual Migrant Programs. There were issues of lax observation of recruiters that will be dealt with during the recommended corrective actions component of this report. There were several activities by individuals that while questionable, did not constitute fraud. These issues were superimposing the recruiter observations over the direct information from the parents, and incidents where the interviewer had a relationship with the family prior to the interview. In addition, the initial Recruiter Training does not sufficiently explain fraud. In the recommendation corrective actions section, each of these issues will be addressed.

Step 3. If an SEA finds that ineligible children have been identified and recruited, it shall:

- Determine whether the identification problem(s) are likely also to affect the accuracy of eligibility determinations and migrant child counts for prior years, and any previously reported 2000-2001 and subsequent year migrant child counts, and
- Submit correct child counts to OME along with the percentage rate(s) of defective eligibility determinations found (i.e. “defect” rate). A summary of the problems(s) uncovered, and the corrective actions the SEA will implement to ensure the integrity of future migrant child eligibility determinations must also be submitted.

Data

Re-Interview Project

<table>
<thead>
<tr>
<th>Area</th>
<th>Interviews Completed</th>
<th>COE’s met Requirements</th>
<th>Defective COE’s</th>
<th>Defect Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>State of Oregon</td>
<td>386</td>
<td>323</td>
<td>63</td>
<td>16.3%</td>
</tr>
</tbody>
</table>

Revised Child Counts that Reflect Downward Corrections with Estimated Defect Rate

<table>
<thead>
<tr>
<th>Program Participation</th>
<th>Student Category</th>
<th>Estimated Deductions from Child Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>’04 Summer</td>
<td>Category 2</td>
<td>48</td>
</tr>
<tr>
<td>’03-04 School Year</td>
<td>Category 1</td>
<td>154</td>
</tr>
<tr>
<td>’03 Summer</td>
<td>Category 2</td>
<td>22</td>
</tr>
<tr>
<td>’02-03 School Year</td>
<td>Category 1</td>
<td>66</td>
</tr>
<tr>
<td>’02 Summer</td>
<td>Category 2</td>
<td>6</td>
</tr>
<tr>
<td>’01-02 School Year</td>
<td>Category 1</td>
<td>29</td>
</tr>
</tbody>
</table>
As has been documented in this report, the Re-Interview Project completed by NWREL, Oregon Department of Education and the Migrant Service Center has been more comprehensive than required by the National Initiative requirements. The 16.3% defect rate is consistent (at or above) with the results in 72% of the programs in Oregon. As can be seen in the Defect by School Year data, it is consistent for years 2001-2002 through 2003-2004. We would like to bring your attention to the 2000-2001 year. There is a marked discrepancy for the defect rate this year. Data suggests that the defect rate for 2000-2001 should be approximately 4%.

Some considerations to apply to the defect rate are the issue of contactability. In several areas we encountered a large number of families that were unavailable or who no longer lived in the area. In reviewing the geography and the qualifying work available, it is our conclusion that a majority of these families were continuing a migrant lifestyle and would have requalified for migrant status. The families who were available to contact tended to be those who had become more sedentary and thus might not qualify (even though the initiative language encouraged “those whose parents or guardians can most easily be re-contacted”). We believe that the re-interview process to be implemented at the program level will verify this. The final consideration is the change to eligibility criteria in October 23, 2003. A review of the corrected child count table indicates that 60% of the defect eligibility rulings occurred after that date.

a. an SEA may, at its discretion, agree to allow OME to apply the defect rate it found in re-interviewing to previously reported child counts
   • This will be used for 2003-2004, 2002-2003, and 2001-2002
b. alternatively, if an SEA believes that its prior year eligibility determinations were more accurate than those found for 2003-2004, it might prefer to expand its re-interviewing process to determine a separate defect rate
   • This will be used for 2000-2001

**Proposed OME Adjustments**
2003-2004 Year = 16.3%
2002-2003 Year = 16.3%
2001-2002 Year = 16.3%
2000-2001 Year = 4%

Step 4. If as a result of this re-interview process an SEA finds that it improperly spent MEP funds on ineligible children, it must correct the situation that led to the mis-
expenditure of funds in a timely manner that ensures that ineligible children do not continue to be erroneously identified and served in the State. The SEA also will need to reimburse the State’s MEP account accordingly.

The Migrant Education Service Center staff and Charlie Benitez developed a notification and challenge process for each program identified with defective COE’s (see Region 23 sample). Upon completion of the sample for each migrant program, a notification letter was sent to the Program Director. The Program Director was then given an opportunity to challenge the re-interview findings. A committee then reviewed the evidence provided and made a determination. The result was a fair, accurate and collaborative review process. Oregon found 63 defective COE’s. Records for 133 students were deleted from the Oregon child count (this constituted the total number of students on the 63 defective COE’s). It has been recommended that a committee develop guidance on structured (i.e. – enrollment data, pay stubs) challenge evidence.

Step 5. Maintain documentation of the re-interview process and individual interviews and conclusions (as well as any other underlying documentation) for review by OME staff as a part of its program monitoring and/or by the Department’s OIG or auditors who conduct the State’s or local operating agencies/ single audit.

All interview records will be maintained at the Oregon Migrant Education Service Center. Where necessary for the completion of the Oregon Re-Interview Project, duplicates will be maintained with Frank Hernandez at the NW Regional Educational Laboratory, and Charlie Benitez at the Oregon Department of Education.

Step 6. After completing re-interviewing and determining the defect rate(s), an SEA should identify and implement specific corrective actions to its State MEP quality control process to ensure that those eligible problems uncovered as a result of the re-interviews – even those which may have resulted from unintentional errors or honest differences in interpretation of ‘grey-areas’ of eligibility, as well as any which resulted from fraud or abuse – do not recur in future years. The SEA must maintain appropriate documentation of how/when the corrective actions were implemented for future review by OME staff and/or OIG or State/local single auditors. It is strongly recommended that SEAs consider designing a re-interview process that re-interviews samples of newly recruited families, on an on-going basis, to identify errors and eliminate defects in child eligibility determinations on a statewide basis.

RECOMMENDED CORRECTIVE ACTIONS:

Recruiter Training
During the recruiter training there should be an increased emphasis on:
• What type of actions constitute fraud
• Emphasis on using the terms of “seek” and “found” appropriately
• Guidance on personal travel and how it inhibits eligibility on the return move
• Strategies for clarifying the term “vacation”, which is used indiscriminately by migrant families
• Strategies for insuring the child in question accompanied the parent
• That the work, while qualifying, was of such limited duration as could not possibly be “principal means’ of livelihood
• Regularly scheduled follow-up trainings on complicated COE’s (see regional recruiter)

Program Directors
Quality control has historically fallen on the recruiter. It is critical that Program Directors provide the leadership required to insure accuracy of eligibility decisions. The recommendation is for a yearly Director training (or include these components to the regularly scheduled State Director meetings) which would include:
• Training on interview protocol, with observation of all first year recruiters and all recruiters after extensive changes to eligibility criteria (see Regional Recruiter)
• Strategies to verify school attendance
• Developing criteria and process for retraining if sufficient defect rates occur
• Ensure yearly parent interview
• Facilitating Re-Interview Process (see regional recruiter)
• Strategies for recommending child for education, health, or poverty interventions (many recruiters feel “forced” to qualify child due to lack of knowledge of other service options), many of the Directors are consortium directors without access to district Continuous Improvement Plan information

Migrant Education Services
I want to begin by commending the work of the Migrant Education Service Center staff. I have found them to be professional, committed, ethical, and collaborative. However, the complexities of requirements and services have become overwhelming for the current staff. In addition, the number of migrant students in rural and geographically remote areas of Oregon continues to increase (see Areas List – Status Doc), making it difficult for the limited MESC staff to provide equal services to all regions. For these reason I am recommending an increase in services which should include additional staff. Providing Regional Recruiters would allow for more consistency in the eligibility process and support the quality control guidelines being implemented by the Oregon Migrant Program. Duties should include:
• Migrant recruitment
• Working with recruiters in the region to review protocols and definitions
• Observation of new recruiter protocols
• Facilitating follow-up trainings including complex COE’s
• Being a central component to the re-interview process for migrant programs in the region (someone not associated with the initial eligibility decision)

In my recommendations, a combination of regional recruiters and a Quality Control Coordinator would be appropriate. Another option would be to expand the Training Coordinator position to include quality control requirements. The danger of this strategy
could, in my opinion, bring a risk of bias for one component or the other (training vs. quality control). Maintaining the integrity of the Migrant Program would be best served if these duties were separated.

It is also the recommendation that more precise guidance be provided for recruiters dealing with the term “permanent.” Recommendations would include establishing an employer advisory board to identify consistent criteria that employers use to identify a permanent employee. This would then be translated into a list that recruiters could ask to ascertain work status.

The Re-Interview debriefing meeting provided this project with valuable information when making decisions on adjustments to the re-interview training. I can only believe that this same type of activity would provide the criteria for positive adjustments to the Recruiter training.

Charlie Benitez and the MESC staff created an eligibility challenge process that has as its foundation a fair, consistent and collaborative process. An additional recommendation would be to provide guidance as to what would constitute formal (documented), and informal (survey) criteria for a challenge.

Re-Interview Process
To improve the Oregon Migrant Program quality control procedures, I recommend that each program implement a controlled re-interview process. The purpose of this process should be an evaluation of the recruitment eligibility process. However, by insuring that a proportion from each recruiter be sampled, there is the opportunity to assess individual accountability. Understanding the complications encountered by this project, flexibility should be considered in the first year of implementation. Utilizing the regional recruiter would be one option to limit the intrusion into program responsibilities. Other options could be utilizing current opportunities where parent meetings and areas are established. Examples are:

- Quarterly migrant parent meetings
- Registration
- Open house
- Summer school registration

In addition, I would recommend that a similar protocol be used as for the initial recruitment meeting. This would simplify the initial requirements of implementation. It is essential that during the monthly Program Directors meetings a process including training and documentation form be negotiated and developed. I would also recommend that as part of the process, programs “schedule” their re-interview time. This would give local programs the flexibility to perform this process at the most appropriate time given their clientele. It would also provide accountability for completion. The National Initiative required states to sample approximately 1.3% of their migrant population. I would recommend that migrant programs be required to re-interview an appropriate portion of this amount. The recommendation would be to re-interview a sample of .75% of the program population and/or a sampling for each recruiter. If the program is not
being audited the Director would decide which method would support quality control requirements best. If the program is being audited, both requirements might be assigned.

State Audits
As a central component of the corrective actions necessary to maintain confidence in the integrity of the Migrant Program, I am recommending two phases of program audits. Phase I would include Jefferson County (47% defect rate), Beaverton School District (50% defect rate), and Lane County (57% defect rate). Upon the completion of these programs Phase II would include Southern Oregon ESD (24% defect rate), Willamette ESD (30% defect rate) and Portland School District (25% defect rate). Phase I would be the more extensive due to the high defect rates. Included in the Phase I audit would be:

- Verification of student enrollment
- Budget review
- Program services
- Assurance of adequate recruiter training
- Eligibility review process

All other programs were near or below the state average. However, criteria should be established by the Oregon Migrant Program that would facilitate a program audit. Program Directors should be made aware of these criteria, and they must be applied consistently.