

I. FAMILY DATA

Male Parent: _____ Female Parent: _____
First Name, Last Name 1, Last Name 2 First Name, Last Name 1, Last Name 2

Current Address: _____ City: _____ State: _____ Zip: _____ Telephone: _____

Homebase Address: _____ City: _____ State: _____ Zip: _____ Telephone: _____ Homebase District: _____

II. CHILD/SCHOOL DATA

The children listed below arrived in the present school district, _____ on _____ from _____
Name of School District MM/DD/YYYY School District, City, State, Country

| Last Name 1 | Last Name 2 | Suffix | First Name | Middle Name | Sex | Birth Date | Verification | Birth City, Birth State | School or Project Name | Grade Level | School Enrollment |
|-------------|-------------|--------|------------|-------------|-----|------------|--------------|-------------------------|------------------------|-------------|-------------------|
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III. ELIGIBILITY DATA

1. The child(ren) listed above moved from a residence in _____
School district/City/State/Country
 to a residence in _____ on _____
School district/City/State/Country Qualifying Arrival Date (MM/DD/YYYY)

2. The child(ren) moved on that date:
 a. on own as a worker, OR
 b. with the worker, _____, who is the child's parent spouse
First and Last Name of Worker
 guardian, OR
 c. to join the worker, _____, who is the child's parent spouse guardian.
First and Last Name of Worker

3. The worker moved due to economic necessity in order to obtain:
 a. qualifying work, and obtained qualifying work, OR
 b. any work, and obtained qualifying work, OR
 c. qualifying work specifically, but did not obtain the work. If the worker did not obtain the qualifying work:
 i. The worker has a prior history of moves to obtain qualifying work (explain in Section IV), OR
 ii. There is other credible evidence that the worker actively sought qualifying work soon after the move but, for reasons beyond the worker's control, the work was not available (explain in Section IV).

4. The qualifying work was temporary employment (also complete #5 below) seasonal employment in agricultural work fishing work _____
Describe agricultural or fishing work
 _____ for _____
Employer's Name and Address, "Self-Employed," or "Personal Subsistence"

5. The work was determined to be temporary employment based on:
 a. worker's statement (explain in Section IV), OR
 b. employer's statement (explain in Section IV), OR
 c. State's documentation of the temporary nature of the work (explain in Section IV).

IV. COMMENTS—Attach additional comments as needed.

V. PARENT/GUARDIAN/SPOUSE/WORKER SIGNATURE

I understand the purpose of this form is to help the State determine if the child(ren)/youth listed is/are eligible for the Title I, Part C Migrant Education Program. To the best of my knowledge, all information I provided that is included on this form is true.

Signature _____ Relationship _____ Date _____

VI. ELIGIBILITY DATA CERTIFICATION

I certify that these children are migratory children as defined in 20 U.S.C. 6399(2) and eligible as such for Title I, Part C Migrant Education Program (MEP) services based on the information provided by the parent/spouse/guardian/worker identified in Section IV immediately above. I hereby certify that, to the best of my knowledge, the information is true, reliable, and valid. Any false statement provided herein is subject to fine or imprisonment pursuant to 18 U.S.C. 1001.

Signature of Interviewer _____ Date _____

Signature of Designated SEA Reviewer _____ Date _____

For State Use Only

8. Completing the Certificate of Eligibility

Documenting Eligibility

*The recruiter’s job is not complete until the eligibility determination has been documented.*¹

The recruiter should now know how to find migrant workers and families and understand the rules and regulations regarding eligibility. In particular, the recruiter should know how to conduct an interview, ask basic eligibility questions, and make preliminary eligibility determinations. The next step in the process is to document each child’s eligibility on the Certificate of Eligibility (COE) form.

The SEA must document every migrant child’s eligibility for the MEP on a standard national COE form created by the U.S. Department of Education, which serves as the official record of why the recruiter and state believe the child is eligible for the MEP. What’s more, states must “maintain any additional documentation the SEA requires to confirm that each child found eligible for the program meets all of the eligibility definitions.” (Section 200.89 (c)(2)(a)) States will also require recruiters to complete other forms to provide this additional information on why the child is eligible or to gather additional information needed by the state (e.g., information on other children in the family who didn’t make the qualifying move or were born after the qualifying move, parental permission for records to be shared with other programs that the child might be eligible for like Migrant Education Even Start or the College Assistance Migrant Program). Because the COE establishes the basis for a particular child’s eligibility, it is crucial that the information on the COE be accurate and reliable. Moreover, it is important that the COE be properly reviewed, filed, secured and maintained so it is available for review at any time during the required recordkeeping period.

The Purpose of the COE

You should be able to read a COE like a storybook that tells the story of a migrant family.
–State ID&R Coordinator

The recruiter obtains the information needed to complete the COE by conducting a personal interview with a migrant family or other credible individual (e.g., an employer), and collects supporting documentation, where needed. **The recruiter should only record data on a COE if the recruiter finds the source to be credible and believable since the COE serves as the primary record of eligibility when an auditor or reviewer checks the child’s eligibility.** States often use the information from the COE to determine the number of migrant children who live in the state each year and to compile demographic information about these migrant children. States require the recruiter to complete a COE before the MEP is permitted to provide services to a child.

¹ Louisiana Department of Education. *Systematic Methodology for Accountability in Recruiter Training*. (Baton Rouge, LA, 1985), 36.

For these reasons, the COE is the most important document generated by the MEP and it must be accurate and reliable.

General Instructions for the National COE

The U.S. Department of Education has created a national COE form that all states are required to use. This chapter provides instructions for completing the national COE form. Space has been left at the bottom of the national COE form that states can use to record other information, if needed. States should use these instructions for completing the COE but may have additional instructions for completing the COE that go beyond these instructions and reflect state procedures or data-entry systems.

In general, only trained--and, in some states, certified--recruiters are authorized to complete the COE. General instructions for completing the COE form are as follows:

- A new COE must be completed every time a child makes a new qualifying move.
- All sections and items on the COE must be completed. The recruiter must use dashes or “N/A” to mean “not applicable” if a response is not required.
- If the recruiter completes a COE for a family, the recruiter must fill out a separate COE for any child who has a different qualifying arrival date (QAD) or any child who has different eligibility criteria than the rest of the children in the family, such as an OSY who may have moved on his or her own. In general, the qualifying arrival date (QAD) is the date that the child moved with his or her parent to enable the parent to find qualifying employment. There are special cases that are discussed later in this chapter.
- The recruiter must not include any child who (1) was born after the qualifying move, (2) has graduated from a U.S. high school or obtained a General Educational Development (GED) certificate, or (3) did not make the qualifying move described on the COE.
- If more than one COE is necessary, the recruiter must complete all sections on each form.

The following instructions represent best practices:

- The COE should be completed legibly in blue ink to show that it is an original document, not a photocopy.
- After the recruiter completes the interview, the recruiter should review key sections of the COE with the interviewee to verify that the information is correct.
- Corrections that are made after the original interview should (1) be made in an ink color other than black or blue to make them easy to distinguish from the original text, (2) provide the name or initials of the person making the correction, (3) provide the date the correction was made, and (4) indicate the source of all new or corrected information (e.g., the parent, the school, the employer).

Completing the Data Elements of the COE

This section contains step-by-step instructions for completing a COE.

State Name. The national COE must be used by all states that have a MEP. To identify the state, complete this blank by writing ~~in~~ the full name of the state.

Section I – Family Data. In this section of the COE, the recruiter will record the name and address of the child’s male and/or female parent or parents. The recruiter should be careful to ensure that the family’s last name is accurate. In some cases, the mother and father may have different last names or hyphenated names. Be aware that the use and spelling of last names may vary by culture or ethnic group. It is important that the recruiter become familiar with the naming conventions of the various groups that the local MEP serves.

- *Male Parent (First Name, Last Name 1, Last Name 2).* Record the legal first name and legal last name (or names) of the male (if any) currently responsible for the child(ren). If the male parent has a hyphenated last name, record the first part of the last name in *Last Name 1* and the second part of the hyphenated name in *Last Name 2*. The term “parent” on this form and in other sections of these instructions includes a legal guardian or other person who is standing in the place of the parent or *in loco parentis* (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child). If the child has more than one male parent, provide an explanation in the comment section.
- *Female Parent (First Name, Last Name 1, Last Name 2).* Record the legal first name and legal last name (or names) of the female (if any) currently responsible for the child(ren). If the female parent has a hyphenated last name, record the first part of the last name in *Last Name 1* and the second part of the hyphenated name in *Last Name 2*. The term “parent” on this form and in other sections of these instructions includes a legal guardian or other person who is standing in the place of the parent or *in loco parentis* (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child). If the child has more than one female parent, provide an explanation in the comment section.
- *Current Address.* Record the mailing address, including the complete name of the street or road where the child(ren) currently reside. If no mailing address is available, include as much other identifying information as possible (e.g., trailer number, rural route, migrant camp, landmark). If the mailing address is different from the child’s physical residence, provide the physical address in the comment section of the COE.
- *City.* Record the name of the city or town where the child(ren) currently reside.
- *State.* Record the postal abbreviation used by the U.S. Postal Service (or the full name if not known) for the state where the child(ren) currently reside.
- *Zip.* Record the five or nine digit zip code, if known, where the child(ren) currently reside. The U.S. Postal Service has an online zip code directory service at <http://zip4.usps.com/zip4/welcome.jsp>.

- *Telephone.* Record the telephone number, including area code, of the family. If no telephone number is available, record N/A.
- *Homebase Address, City, State, Zip, Telephone, Homebase District.* Record the address that the family considers to be the home residence, including the complete mailing address, state, city, zip code, telephone number and homebase school district, if known. The “homebase” is the place the family considers “home.” For example, the family might live in Texas from October to April, but travel to the north to obtain agricultural farm work during the rest of the year. Although the recruiter conducts the interview in a labor camp in Michigan where the family has lived for two months, for MEP purposes, Texas would be considered the child(ren)’s “homebase.” For secondary migrant youth, the homebase is generally where the child plans to graduate from high school. If the family does not have a homebase, write N/A. If the current address is the same as the homebase address, write “see above.” If the homebase is a country outside of the United States, write N/A for “not applicable.”

I match the names on my completed COEs with the school records to make sure that I'm using the correct legal name for both the child and the parents. –Recruiter

Section II – Child/School Data. Child/school data includes the name, sex, birth date, school, grade level, etc. of each child. A recruiter may include all children with the same family and eligibility data on the same COE. Any child who has different family and eligibility data—including a different QAD—should be documented on a separate COE.

The recruiter should confirm the child’s official name so the child can be matched with previous MEP records or database information, and school and health records.

The recruiter should be aware that a child may have a different last name than the parents, and that a child’s last name may change (e.g., due to being adopted by a stepparent or for other reasons). The recruiter should also verify the child’s first name as the child may use a nickname or the English equivalent of the child’s name in his or her native language (e.g., María Luisa may be shortened to Marisa, or Maria may be translated as Mary).

The child(ren) listed below arrived in the present school district (Name of School District), on (MM/DD/YYYY) from (School District, City, State, Country).

- *Name of School District.* Record the full legal or commonly used name of the local educational agency (i.e., school district or local operating agency) where the child(ren) now resides. Do not abbreviate the name.
- *MM/DD/YYYY.* Record the date that the child(ren) entered the present school district. Use the two-digit number that refers to the month and day, and the four-digit number that refers to the year. For example, May 20, 2008 would be written as 05/20/2008.
- *School District, City, State, Country.* Record the school district, city, state, and country (if not the U.S.) where the child resided immediately prior to making the qualifying move. Provide the two-letter postal abbreviation code used by the U.S. Postal Service (or the full name if not known) for the state. Use the standard abbreviation code for cities and states in other countries, if known. Use a map or the

postal abbreviations in the back of this document to ensure that the name of the state is spelled correctly or the proper abbreviation is used.

- *Last name 1.* Record the legal last name of each eligible child in the family (this is often the father’s last name). If the child has a multiple or hyphenated last name (e.g., Ramirez-Garcia), record the first part of the name (i.e., Ramirez).
- *Last name 2.* If the child has a multiple or hyphenated last name (e.g., Ramirez-Garcia), record the second part of the name (i.e., Garcia). This is often the mother’s last name. If the child does not have a multiple or hyphenated name, record N/A.
- *Suffix.* Where applicable, record the child’s generation in the family (e.g., Jr., Sr., III, 3rd).
- *First name.* Record the first name of each eligible child in the family. This is the name given to the child at birth, baptism, or during another naming ceremony, or through a legal name change. Do not record nicknames or shortened names (e.g., Ale or Alex for Alejandra).
- *Middle name.* Record the middle name of each eligible child in the family.
- *Sex.* Record the child’s gender; “M” for male or “F” for female.
- *Birth date.* Record the month, day and year the child was born. Use the two-digit number that refers to the month and day, and the four-digit number that refers to the year. For example, September 20, 2003 would be written as 09/20/2003.
- *Verification--Multiple Birth.* Record “yes” if the child is a twin, triplet, etc. Record “no” if the child is not a twin, triplet, etc.
- *Verification—Documentation of Birth Date.* Record the number that corresponds to the evidence used to confirm each child’s birth date. A birth certificate is the best evidence of the child’s birth date, if available. It is important for the interviewer to get the child’s correct birth date because that date is often used to locate the child in the state’s data system. If the interviewer does not get the correct date, the state may create more than one record for that child.

If a birth certificate is not available, the interviewer may use another document to confirm the child’s birth date, including any of those listed below.

- 1003 – baptismal or church certificate;
- 1004 – birth certificate;
- 1005 – entry in family Bible;
- 1006 – hospital certificate;
- 1007 – parent’s affidavit;
- 1008 – passport;
- 1009 – physician’s certificate;
- 1010 – previously verified school records;
- 1011 – State-issued ID;
- 1012 – driver’s license;
- 1013 – immigration document;
- 2382 – life insurance policy; or

- o 9999 – other.
- *Birth City, Birth State.* Record the name of the city and state (or country if outside the U.S.) where the child was born. Provide the two-letter postal abbreviation code used by the U.S. Postal Service (or the full name if not known) for the state of birth. Use the standard abbreviation code for the city and country in which the child was born if the child was not born in the U.S.
- *School or Project Name.* Record the full legally or popularly accepted name of the regular school (public or private) (or MEP project providing educational and/or educationally-related services) in which the child is currently enrolled. Record N/A if the child is not currently enrolled in a regular school or is not receiving services through the migrant education program.
- *Grade level.* Record the code from the list below that corresponds to the grade level in which the school/MEP project has enrolled the child.
 - o UG – Ungraded means a child who is served in an educational unit that has no separate grades. For example, some schools have primary grade groupings that are not traditionally graded, or ungraded groupings for children with learning disabilities. In some cases, ungraded students may also include special education children, transitional bilingual students, students working on a GED through a K-12 institution, or those in a correctional setting. (Students working on a GED outside of a K-12 institution are counted as out-of-school youth.)
 - o PS - Pre-school means that the child is enrolled in a public or private preschool program that is held in a building or facility. Do not record home-based pre-school programs, or children ages 0 through 5 who are not in school or in a program.
 - o KG – Kindergarten
 - o 00 – Out-of-school means any child who is not enrolled in a school.
 - o 01 - Grade 1
 - o 01 - Grade 1
 - o 02 - Grade 2
 - o 03 - Grade 3
 - o 04 - Grade 4
 - o 05 - Grade 5
 - o 06 - Grade 6
 - o 07 - Grade 7
 - o 08 - Grade 8
 - o 09 - Grade 9
 - o 10 - Grade 10
 - o 11 - Grade 11
 - o 12 - Grade 12
- *School Enrollment Date.* Record the month, day and year that the child enrolled in the regular school or a MEP project. If the child is not enrolled in school or a MEP project, record N/A. If the recruiter does not know the enrollment date, he or she should write “unknown.”

Section III – Eligibility Data. While all of the information on the COE should be completed accurately, the eligibility data are absolutely critical, as they document why the state believes the child(ren) are eligible to receive MEP services. Auditors often focus on this section because the child(ren)’s eligibility rests on the accuracy of the information provided here. Most of the information the recruiter records on the COE form will come from the interview discussed in Chapter 6. However, some of the information will come from other sources. For example, in many cases, the worker may not know whether the work he or she moved to seek or obtain is “temporary” or “seasonal” (as required on the COE); so the recruiter may need to get this information from the employer or the state. By understanding and evaluating the answers the worker gives, the recruiter should be able to provide accurate information on the COE and, more importantly, to make reliable preliminary eligibility determinations.

1. *The child(ren) listed above moved from a residence in _____ (School district/City State/Country) to a residence in _____ (School district/City/State) on _____ (Qualifying Arrival Date (MM/DD/YYYY)).*

- *School district/City/ State/Country.* Record the full legally or commonly used name of the school district where the child(ren) listed resided immediately prior to the qualifying move. Also record the name of the city, state, or country from which the child(ren) listed moved. If the most recent move was from a country outside of the U.S., record the country instead of the state. If any of this information is unknown, write “unknown” for that particular piece of information.

This location is the last place of residency before the child(ren), parent, spouse or guardian moved due to economic necessity in order to obtain qualifying work. Note that the child(ren) might have made subsequent non-qualifying moves.

- *School district/City/State.* Record the name of the school district, city, and state that the child(ren) reside in following the qualifying move. A qualifying move can never be made to a country outside of the United States. As mentioned previously, the child(ren) might have made subsequent non-qualifying moves.
- *Qualifying Arrival Date (MM/DD/YYYY).* Record the Qualifying Arrival Date (QAD), using the two-digit numbers that refer to the month and day, and the four-digit number that refers to the year. For example, May 20, 2008 would be written as 05/20/2008.

In general, the QAD is the date that the qualifying move was completed. The child must have moved on his or her own, or with or to join a parent, guardian or spouse to enable the worker (i.e., child, parent, guardian or spouse) to obtain qualifying work. In some cases, the child and worker will not move together, in which case, the QAD would be the date the child joins the worker who has already moved, or the date when the worker joins the child who has already moved. The QAD is the date that the child’s eligibility for the MEP begins. The QAD is not affected by subsequent non-qualifying moves. For more information on determining the QAD, see the chart below.

| Type of Qualifying Move <u>The child. . .</u> | Qualifying Arrival Date (QAD)--Eligibility Begins The QAD is. . . |
|--|---|
| . . .moved <u>with</u> the worker. | . . .the date the <u>child and worker both arrive</u> in the district where the worker will look for qualifying work. |
| . . .moved <u>before</u> the worker moved. | . . .the date the <u>worker arrives</u> in the district to look for qualifying work. |
| . . .moved to join the worker <u>after</u> the worker moves. | . . .the date the <u>child arrives</u> to join the worker. |

For more on “to join” moves, see the draft *Non-Regulatory Guidance*, Chapter II, Section E, Pages 17-18.

2. *The child(ren) moved on that date (described in 1.): [Mark only one of the following boxes, either a, b, or c.]*

a. *on own as a worker, OR*

- Mark this box if the child himself or herself moved out of economic necessity to obtain qualifying work;

b. *with the worker, _____ (First and Last Name of Worker), who is the child's parent spouse guardian, OR*

- Mark this box if the child(ren) moved with a parent, spouse or guardian due to economic necessity in order for that individual to obtain qualifying work. Record the first and last name of the individual who sought or obtained the qualifying work. Mark the box that indicates the child's relationship to the worker (i.e., parent, spouse or guardian).

c. *to join the worker, _____ (First and Last name of Worker) who is the parent spouse guardian.*

- Mark this box if the child(ren) moved either before or after the date the parent, spouse, or guardian moved due to economic necessity to obtain qualifying work. Record the first and last name of the worker who obtained the qualifying work. Mark the box that indicates the child's relationship to the worker (i.e., parent, spouse or guardian). If the child(ren) moved more than 3 months before or after the parent, spouse or guardian moved to obtain qualifying work, provide an explanation in the comment section of the COE.

3. *The worker moved due to economic necessity in order to obtain: [Mark only one of the following boxes, either a, b, or c.]*

a. *qualifying work, and obtained qualifying work, OR*

- Mark this box if the child, parent, spouse, or guardian moved due to economic necessity in order to obtain temporary or seasonal employment performing in agricultural or fishing work, and soon after the move successfully obtained that work.

b. *any work, and obtained qualifying work, OR*

- Mark this box if the child, parent, spouse or guardian, moved due to economic necessity in order to obtain any work, and soon after the move obtained temporary or seasonal employment in agricultural or fishing work.

c. *qualifying work specifically, but did not obtain the work. If the worker did not obtain the qualifying work: [NOTE: Also complete box “i” and/or “ii” below.]*

- Mark this box if the child, parent, spouse or guardian moved due to economic necessity to obtain temporary or seasonal employment in agricultural or fishing work, but did not obtain that work. If this box is marked, also mark box i, box ii, or both.

i. *The worker has a prior history of moves to obtain qualifying work (explain in Section IV), OR*

- Mark this box to indicate that the worker has a prior history of moving to obtain temporary or seasonal employment in agricultural or fishing work. Please explain this history in Section IV—Comments. For example, the recruiter could write, “Jorge Garcia moved from Brownsville, Texas to Decatur, Michigan to plant tomatoes in May of 2007.” The recruiter could also check the MSIX database, or other local database, to see if it contained a history of prior moves and append the print-out to the COE.

ii. *There is other credible evidence that the worker actively sought qualifying work soon after the move, but for reasons beyond the worker’s control, the work was not available (explain in Section IV).*

- Mark this box to indicate that there is other credible evidence that demonstrates that the worker actively looked for qualifying agricultural or fishing work soon after the move, but the work was not available for reasons beyond the worker’s control. For example, the recruiter obtained a copy of or reviewed work applications the worker completed at local farms or processors; a local farmer or grower confirmed that the worker applied for work but none was available; newspaper clippings document that work is not available because of a recent drought, flood, hail storm, or other crop disaster in the area). Please explain this

evidence in Section IV—Comments, and attach supporting documentation where available.

4. The qualifying work was | *temporary employment (also complete #5 below)* | *seasonal employment [Mark only one of the following boxes; see below]* (Continued below)

- Mark the box for “*temporary employment*” if the employment “lasts for a limited period of time, usually a few months, but not longer than 12 months. It typically includes employment where the employer states that the worker was hired for a limited time frame; the worker states that the worker does not intend to remain in that employment indefinitely; or the SEA has determined on some other reasonable basis that the employment is temporary.” (Section 200.81(k))

[Note: For temporary employment, the definition includes employment that is constant and available year-round only if, consistent with the requirements of Section 200.81(k) of the regulations, the SEA documents that, given the nature of the work, of those workers whose children were previously determined to be eligible based on the State’s prior determination of the temporary nature of such employment (or the children themselves if they are the workers), virtually no workers remained employed by the same employer more than 12 months.]

- Mark the box for “*seasonal employment*” if the employment “occurs only during a certain period of the year because of the cycles of nature and that, by its nature, may not be continuous or carried on throughout the year.” (Section 200.81(j)).

(Continued from above) . . . in | *agricultural work* | *fishing work* _____
(Describe agricultural or fishing work) for _____ (Employer’s Name and Address, “Self-Employed,” or “Personal Subsistence”).

- Mark “*agricultural work*” if the work involves “...the production or initial processing of crops, dairy products, poultry, or livestock, as well as the cultivation or harvesting of trees.” (Section 200.81(a)). The work may be performed either for wages or personal subsistence.
- Mark “*fishing work*” if the work involves “...the catching or initial processing of fish or shellfish or the raising or harvesting of fish or shellfish at fish farms.” (Section 200.81(b)) The work may be performed either for wages or personal subsistence.
- *Describe agricultural or fishing work.* When describing the specific agricultural or fishing work, the recruiter should use a gerund (a verb plus “ing” as in “picking”) and a noun (as in “strawberries”). In other words, the recruiter should describe the worker’s action (e.g., “picking”) and the crop, livestock, or seafood (e.g., “strawberries”). Here are some examples of properly written qualifying activities: picking strawberries, thinning sugar beets, pruning grapes, detasseling corn, catching chickens, planting oysters, walking (weeding) soybeans, and harvesting crabs.

- *Employer’s Name and Address, “Self-Employed,” or “Personal Subsistence.”* Record the name and address of the employer, whether it be the name of an individual farmer or grower, a business, or a corporation.

Record “self-employed” in this blank if the worker works for himself or herself instead of as an employee of another person or entity.

Record “personal subsistence” in this blank if “...the worker and the worker’s family, as a matter of economic necessity, consume, as a substantial portion of their food intake, the crops, dairy products, or livestock they produce or the fish they catch.”

5. *The work was determined to be temporary employment based on:*

a. *worker’s statement (explain in Section IV), OR*

- Mark this box if the work was determined to be temporary employment based on a statement by the worker or the worker’s family (e.g. spouse) if the worker is unavailable (Explain in Section IV). For example, the worker states that he or she only plans to remain at the job for a few months. Provide explanatory comments in Section IV—Comments.

b. *employer’s statement (explain in Section IV), OR*

- Mark this box if the work was determined to be temporary employment based on a statement by the employer or documentation obtained from the employer. For example, the employer states that he or she hired the worker for a specific time period (e.g., 3 months) or until a specific task is completed and the work is not one of a series of activities that is typical of permanent employment. Provide explanatory comments in Section IV—Comments, and/or attach supporting documentation.

c. *State’s documentation of the temporary nature of the work.*

- Mark this box if the State has current documentation that verifies that of those workers whose children were previously determined to be eligible based on the State’s prior determination of the temporary nature of such employment (or the children themselves if they are the workers), virtually no workers remained employed by the same employer more than 12 months, even though the work may be available on a constant and year-round basis. In other words, 100 percent, or nearly 100 percent, of workers with children identified as eligible under the MEP stay on the job generally for only a brief period of weeks or months, and only rarely stay for 12 months. Provide explanatory comments in Section IV—Comments, and/or attach supporting documentation.

Section IV – Comments. The “Comments Section” of the COE allows the recruiter to provide additional information or details that clarify the reasons for the recruiter’s

eligibility determination. It provides an opportunity to “tell the story” if the reasons for eligibility require further explanation. The recruiter should write clear and detailed comments so an independent party who has no prior knowledge of the eligibility determination can understand the recruiter’s reasoning for determining that the child(ren) is eligible. The new recruiter should show his or her written comments to a supervisor to ensure that they are clear. At a minimum, the recruiter must provide comments that clearly explain items 3, 4 and 5 of Section III – Eligibility Data. OME suggests that the recruiter should provide additional comments on the COE in the following circumstances:

- The information on the COE needs additional explanation to be clearly understood by an independent outside reviewer.
- The basis for the preliminary eligibility determination is not obvious. For example, the work is unusual enough that an independent reviewer is unlikely to understand that it is a qualifying activity. An explanation is needed to enable a reviewer to understand how the preliminary eligibility determination was made.
- The employment is temporary. In particular, the recruiter should record the information provided by the worker or employer regarding how long they expect the employment to last.
- The work could be part of a "series of activities" that, viewed together, would constitute year-round employment (e.g., mending fences and haying could be two parts of year-round ranching with one employer).
- The work may be viewed by an independent reviewer as either temporary or year-round employment (e.g., collecting eggs or milking cows).
- The state has documented the temporary nature of the work. In this case the recruiter would record (1) the date the work was determined to be temporary (should be consistent with the timeframes provided in Section 200.81 (k) of the regulation), and (2) the title (e.g., 2008 XYZ Processing Plant Temporary Employment Documentation) or other reference for state documentation of the temporary nature of the work.
- The child(ren) qualified on the basis of “personal subsistence,” meaning “that the worker and the worker’s family, as a matter of economic necessity, consume, as a substantial portion of their food intake, the crops, dairy products, or livestock they produce or the fish they catch.” (Section 200.81(h))
- The worker did not obtain qualifying employment as a result of the move. In this case, the recruiter must document (1) that the worker stated that one purpose of the move was to obtain qualifying work, and (2) the worker has a prior history of moves to obtain qualifying work; or there is other credible evidence that the worker actively sought qualifying work soon after the move, but, for reasons beyond the worker’s control, the work was not available; or both. Examples of

credible evidence include a completed work application from a local farm or processor, a statement by a farmer that the worker applied for work but none was available, or a newspaper clipping regarding a recent drought in the area that caused work not to be available.

- A "move" is of such brief duration or of such a short distance (or both) that one could question whether any migration has occurred (e.g., intra-city or intra-town move that is across school district boundaries).
- The qualifying move is from a country *other* than Mexico or Canada to a first place of residence in the United States.
- The length of time between “to join” moves is longer than 3 months.
- The household is supported, at least in part, by nonagricultural/nonfishing work.
- A parent or guardian uses a symbol such as an “X” or other valid mark as a signature.
- The person who provided the information on the COE form is not the worker or youth.
- The mailing address is different from the child’s physical residence; provide the physical address as a comment.

States may require additional comments on other issues based on their own requirements or needs. However, where explanatory comments are called for in the body of the instructions, they must be provided.

Section V – Parent/Guardian/Spouse/Worker Signature. The recruiter should read and explain the following statement to the parent or guardian before he or she signs the COE (in the parent or guardian’s primary language, if possible). The person who signs the COE should either be the source of the information contained in the document or have verified information provided by another source.

I understand the purpose of this form is to help the State determine if the child(ren)/youth listed above is/are eligible for the Title I, Part C Migrant Education Program. To the best of my knowledge, all of the information I provided that is included on this form is true.

The recruiter should make sure the interviewee understands what he or she is signing. The recruiter can do this by reviewing every line of the COE and confirming with the parent that the information is correct. If the interviewee can read, the recruiter should give the interviewee a blank copy of the COE form in his or her native language (if available) so the interviewee can follow along. Some programs have portable printers and are able to print off a duplicate of the completed COE that they can give to the interviewee, others use a COE form that makes carbon copies, and give the parent a signed copy of the COE at the conclusion of the interview.

Section VI – Eligibility Data Certification. The recruiter signs and dates the COE on the day the interview is conducted.

I certify that these children are migratory children as defined in 20 U.S.C. 6399(2) and are eligible as such for MEP services based on the information above. I hereby certify that, to the best of my knowledge, the information is true, reliable, and valid. Any false statement provided herein is subject to fine or imprisonment pursuant to 18 U.S.C. 1001.

At least one SEA designated reviewer must check each completed COE form for accuracy, completeness and face validity. If any reviewer has concerns about the child's eligibility or the documentation of eligibility on the COE form, the reviewer should ensure that those concerns are resolved in accordance with the state's procedures before signing the COE form. The COE is not documentation of an official child eligibility determination until the SEA reviews the COE and makes final the determination.

For State Use Only

While all states are required to use the standard national COE form, some states may want to collect additional information during the interview that is not directly related to eligibility but is needed for other purposes (e.g., supplemental enrollment forms, information for the comprehensive needs assessment, data on school interruption, information for federal performance reports such as ethnicity data, consent forms for field trips, directions to the house or camp, health insurance forms, family needs that were observed during the recruiter's visit like the need for heat, clothing, glasses, or other health or safety issues, etc.).

The state may also wish to record information on children who are not eligible for the MEP but who reside with the family. For example, children who did not make a qualifying move with the family or children who were born after the QAD are not eligible for MEP services but may become eligible if they move with the family in the future. These children should not be listed in the body of the COE to avoid errors in data entry.

It is permissible for the state to collect information like the examples provided above, but the state should try to limit the information collected to essential data to avoid unnecessary burden.

Family Educational Rights and Privacy Act (FERPA). The information collected on this COE is subject to the requirements of the Family Educational Rights and Privacy Act of 1974 (FERPA).

FERPA is a federal law that establishes the rights of parents to examine and question the content of their child's school records and restricts the transfer of school records without

parental permission.² The act applies to any SEA and LOA that receives federal funds. FERPA gives certain rights to parents regarding their child’s educational records. - FERPA provides parents the right to:

- Access and inspect their child’s educational records,
- Amend records, and
- Consent prior to the disclosure of information from educational and health records.

FERPA provides certain exceptions to the restriction of transferring school records without parental consent. One exception is when an LOA transfers the records to other school officials either (1) within the agency (whom the LOA has determined to have legitimate educational interests) or (2) to another school, school system, or institution of postsecondary education where the student seeks or intends to enroll. This exception applies only if the LOA notifies parents annually of this policy.

Programs must inform parents of their rights under FERPA in order to share educational records, including the information on this COE. In developing materials to explain FERPA to families, the recruiter can refer to state policies and the ED website: <http://www.ed.gov/policy/gen/guid/fpc/ferpa/index.html>.

FERPA is particularly important since it affects how SEAs and LOAs are able to meet their responsibility to promote inter-state and intra-state coordination of services, including the transfer of pertinent school records for migrant children. In addition, state and local programs may need to share educational records with authorized personnel from other programs serving migrant children, including health and social service agencies.

Although the COE is subject to FERPA, the COE does not document that FERPA was explained to a parent nor does it document that parent’s consent to share or transmit information. The COE is strictly a documentation of child eligibility for the MEP. SEAs and LOAs must document that they have informed families about their rights under FERPA and obtain the appropriate permission from the parent to share or transmit the information contained in the COE as well as other information about the enrollment of the child(ren) according to the requirements of FERPA. Obtaining this permission will require SEAs and LOAs to develop and use a form other than the COE.

Processing and Storing the COE

After the recruiter completes the COE, the SEA is responsible for reviewing the information on the document, and then storing and securing it appropriately. This process varies by state, but there are some basic guidelines for the recruiter and other ID&R staff. After the recruiter completes the COE, and before it is forwarded to the next person for review, the recruiter should:

² These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level.

Check the COE for accuracy. Are all the items filled in? Are the dates of birth, QAD, and residency correct? Are the names spelled properly? Are the recruiter's and the parents' signatures included (if the state requires a parent signature)? Is the writing legible?

Review the basic eligibility questions and eligibility determination. Were the answers to all the basic eligibility questions "yes"? Is it clear from the information on the COE that the child is eligible for the MEP? Were comments provided? If so, would they be clear to an independent reviewer?

After the recruiter completes these checks, the recruiter should forward the COE to a reviewer to verify the information. Often, the COE will go to a data-entry specialist who performs the same checks for accuracy as the recruiter. If the reviewer finds errors, the reviewer will return the form to the recruiter for corrections. If the form is complete and error free, it then goes to a recruitment supervisor, local administrator, or other trained recruiter, who reviews the eligibility determination and certifies that, based on the information provided, each listed child is eligible for the MEP. The reviewer then signs the COE and the COE is entered in the state MEP database. States that use electronic COEs generally have a comparable review process. The COE may also be subject to another review at the state level. These quality control checks help ensure that every COE is completed and that the information contained on the COE establishes eligibility under the MEP. States generally do not provide services until after the SEA has certified each child is eligible for the MEP.

Most states require the recruiter to keep a copy of all completed COEs. Because these documents contain personal information that, under FERPA and some state laws, is not authorized for public disclosure, the recruiter should store them in a safe and secure place. The recruiter should check with a supervisor about policies and procedures for storing and securing COEs.

Electronic COEs. Historically, state MEPs have made efforts to incorporate technology into all aspects of the program and the area of ID&R has been no exception. Some states are working on the use of technology to document child eligibility. If using electronic COEs to document child eligibility determinations, the recruiter should follow the instructions of the state MEP. Further consideration regarding a state's use of electronic COEs is in the Administrator's Guide of the [Draft MEP ID&R Manual](#).

Record Keeping Requirements

The recruiter should be aware that records must be maintained for at least three years after the date the grantee or local operating agency submits its last expenditure report for the period in question. (See sections 80.42(b) and (c) of EDGAR.) ~~The SEA would A-COE would~~ have to be maintain ~~the COEed~~ if any litigation, claim, negotiation, audit, or other action involving the records has been started before the expiration of the three year period, the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular three year period, whichever is later.

Because a COE may ~~affect~~ affect the funding a state MEP for subsequent years, the storage of a COE has an effect on the length of the record keeping retention requirement. For example, a certificate of eligibility that indicates that a child made a qualifying move in October 2000 means that the child will remain eligible, without another qualifying move, until October 2003. A child eligible in October 2003 would be included in the Category 1 child count for the period September 1, 2003 – August 31, 2004 and would generate funding in fiscal year (FY) 2005 for the state. FY 2005 funds may be used, with carryover, until September 30, 2007. The SEA does not need to submit the final expenditure report for these funds to the Department until as late as December 31, 2007. The three-year record retention period begins in December 2007, when the SEA submits the final expenditure report, and runs until December 31, 2010. Therefore, if no other actions are pending concerning these funds, the SEA would have to keep this particular certificate of eligibility until December 31, 2010. (See MEP draft Non-Regulatory Guidance, Chapter XI, Question C3.). If any funds are in question, records need to be kept until such a time that all parties (ED and the state) agree that there are no obligations on the funds and the grant can be closed.

While the SEA does not have to keep all COES at the state-level, the SEA must ensure that records are stored and readily available, if needed, in an ordered way. By carefully maintaining and preserving MEP records, the SEA:

- Satisfies regulatory requirements;³
- Increases efficiency and saves administrative costs (both time and storage) by making it easy to locate and retrieve records;
- Makes current data readily available to decision makers;
- Helps document the demographic characteristics of migrant children and achievement of the MEP performance targets and measurable objectives;
- Demonstrates accountability for the use of federal funds; and
- Protects the confidentiality and interests of migrant children.

Lessons Learned: Completing COEs

Do things right the first time. It is very important that the recruiter clearly document the preliminary child eligibility determination. If the recruiter makes errors or does not submit complete paperwork, the work will have to be done again. When a recruiter does things right the first time, the work doesn't have to be redone, which saves time for both the recruiter and the person who reviews the COE. The recruiter should also make a point of checking all work before it is turned in.

³ Section 76.730 of the Education Department General Administrative Regulations (EDGAR) requires SEAs and subgrantees to keep records that show (1) the amount of funds under the grant or subgrant; (2) how the SEA or subgrantee uses the funds; (3) the total cost of the project; (4) the share of that cost provided from other sources; and (5) other records as needed to facilitate an effective audit. Section 76.731 requires the SEA and its subgrantees to keep records to show their compliance with program requirements.

Don't hide mistakes. Humans make mistakes. If the recruiter finds mistakes when checking the COE, he or she should either fix them or find someone else who can fix them. [If the review at the next level of quality control finds an error and informs the recruiter, the recruiter should not be embarrassed or offended, but consider the detection of an error to be a part of the SEA's quality control process.](#) The recruiter [and the SEA](#) should use this experience [to improve processes and](#) to find ways of avoiding and/or catching mistakes in the future.

Conclusion

The COE is the most important document the recruiter will generate for the MEP, and it should be treated as such. The recruiter should complete the COE with care so that it is easy to read and understand, and serves as a clear basis for determining the child's eligibility. The COE tells a very private story about a family's movement and employment. The family shares this information with the recruiter with the understanding that the information will remain confidential, and that the recruiter will use it to determine whether their child is eligible for needed services. Moreover, federal law requires the recruiter and other federal program staff, as well as SEA staff, to maintain the privacy of this information.

The next chapter will provide information for administrators of ID&R systems.

| RECRUITER CHECKLIST Chapter 8: Completing the Certificate of Eligibility | |
|---|---|
| Did you: | |
| | Think about how to follow the principles of proper records management? |
| | Review all of the information that you should collect in order to complete a COE? |
| | Consider situations in which you will need to include a written explanation in the comments section of the COE? |
| | Practice explaining the information in the parent/guardian/spouse/worker? |
| | Confirm with your supervisor what your state's process is for reviewing and storing completed COEs? |
| | Prepare a safe and secure place to store your copies of COEs? |

United States Postal Service
Official State Abbreviations

| <u>State/Possession</u> | <u>Abbreviation</u> | | |
|-----------------------------------|---------------------|-----------------------------|----|
| | | KENTUCKY | KY |
| ALABAMA | AL | LOUISIANA | LA |
| ALASKA | AK | MAINE | ME |
| AMERICAN SAMOA | AS | MARSHALL ISLANDS | MH |
| ARIZONA | AZ | MARYLAND | MD |
| ARKANSAS | AR | MASSACHUSETTS | MA |
| CALIFORNIA | CA | MICHIGAN | MI |
| COLORADO | CO | MINNESOTA | MN |
| CONNECTICUT | CT | MISSISSIPPI | MS |
| DELAWARE | DE | MISSOURI | MO |
| DISTRICT OF COLUMBIA | DC | MONTANA | MT |
| | | NEBRASKA | NE |
| FEDERATED STATES OF MICRONESIA | FM | NEVADA | NV |
| FLORIDA | FL | NEW HAMPSHIRE | NH |
| GEORGIA | GA | NEW JERSEY | NJ |
| GUAM | GU | NEW MEXICO | NM |
| HAWAII | HI | NEW YORK | NY |
| IDAHO | ID | NORTH CAROLINA | NC |
| ILLINOIS | IL | NORTH DAKOTA | ND |
| INDIANA | IN | NORTHERN MARIANA ISLANDS | MP |
| IOWA | IA | | |
| KANSAS | KS | OHIO | OH |

OKLAHOMA

OK

OREGON

OR

| | | | |
|----------------|----|----------------|----|
| PALAU | PW | UTAH | UT |
| PENNSYLVANIA | PA | VERMONT | VT |
| PUERTO RICO | PR | VIRGIN ISLANDS | VI |
| RHODE ISLAND | RI | VIRGINIA | VA |
| SOUTH CAROLINA | SC | WASHINGTON | WA |
| SOUTH DAKOTA | SD | WEST VIRGINIA | WV |
| TENNESSEE | TN | WISCONSIN | WI |
| TEXAS | TX | WYOMING | WY |

Mexican State Abbreviations

| State | Abbreviation |
|---------------------|--------------|
| AGUASCALIENTES | AGS |
| BAJA CALIFORNIA | BC |
| BAJA CALIFORNIA SUR | BCS |
| CAMPECHE | CAM |
| COAHUILA | COAH |
| COLIMA | COL |
| CHIAPAS | CHIS |
| CHIHUAHUA | CHIH |
| DISTRITO FEDERAL | DF |
| DURANGO | DGO |
| GUANAJUATO | GTO |
| GUERRERO | GRO |
| HIDALGO | HGO |
| JALISCO | JAL |
| MEXICO | MEX |
| MICHOACAN | MICH |
| MORELOS | MOR |
| NAYARIT | NAY |
| NUEVO LEON | NL |
| OAXACA | OAX |
| PUEBLA | PUE |
| QUERETARO | QRO |
| QUINTANA ROO | QROO |
| SAN LUIS POTOSI | SLP |
| SINALOA | SIN |
| SONORA | SON |
| TABASCO | TAB |
| TAMAULIPAS | TAM |
| TLAXCALA | TLAX |
| VERACRUZ | VER |
| YUCATAN | YUC |