Chapter 8. Completing the Certificate of Eligibility

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| Chapter 8 Learning Objectives |
| The recruiter will learn |
| how to follow the principles of proper records management; |
| the importance of reviewing all of the information that he or she is required to collect in order to complete a COE meeting both the national and state requirements; |
| situations in which he or she will need to include a written explanation in the Comments section of the COE; |
| the importance of confirming with his or her supervisor what the state’s process is for reviewing and storing completed COEs; and |
| the importance of finding out his or her state’s process and procedures to safely and securely store copies of COEs. |

Documenting Eligibility

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

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

States are required to use the COE template issued by ED. (34 CFR § 200.89(c)). The form and accompanying instructions establish the minimum requirements the SEA must meet to document its eligibility determinations under the MEP. States may add requirements in addition to the minimum requirements established by the National COE, but they may not remove any of the minimum requirements. The COE is comprised of three parts:

* **Required data elements**, which states can organize according to state preference and need
* **Required data sections,** which states can place according to state preference and need, but must be maintained in whole and unaltered
* **State required/requested information,** where space is available, for states to use if they choose to collect other data (ED, 2017, National COE Instructions)

The instructions for completing a COE in this chapter are based on the national COE form. This chapter outlines all required data elements in addition to offering instruction for the most common state required information. The chapter notes when data elements are not federally required.

The Purpose of a COE

You should be able to read a COE like a storybook that tells the story of a   
migratory family.

The SEA is ultimately responsible for documenting every migratory child’s eligibility for the MEP on the national COE form. The COE serves as the official record of why the recruiter and state believe the child is eligible for the MEP. Because the COE establishes the basis for a particular child’s eligibility, it is crucial that the information on the COE be adequate, accurate, and reliable. As such, it is important that the COE be properly reviewed, filed, secured, and maintained so it is available for review at any time.

The recruiter obtains the information needed to complete the COE by conducting a personal interview with a migratory worker or credible family member and collects supporting documentation, where needed. As stated in previous chapters, states may require recruiters to complete other forms to provide additional information on why the child is eligible or to gather additional information needed by the state (e.g., parental permission for the child to participate on field trips, a supplemental interview form). The recruiter should only enter 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 migratory children who live in the state each year and to compile demographic information about these migratory children. States are required to complete a COE before the MEP provides services to a child. For these reasons, the COE is the most important document generated by the MEP, and it is vital that it is completed adequately and accurately.

Required Data Elements

Family Data Child Data

Parent/Guardian 1 Last Name Residency Date

Parent/Guardian 1 First Name Last name 1

Parent/Guardian 2 Last Name Last name 2

Parent/Guardian 2 First Name Suffix

Current Address First name

City Middle name

State Sex

Zip Birth Date

Telephone Multiple Birth Flag (or MB)

Birth Date Verification Code (or Code)

Required Data Sections

**Qualifying Moves & Work Section**

1. The child(ren) listed on this form moved due to economic necessity from a residence in \_\_\_\_\_\_\_\_School district / City / State / Country\_\_\_\_\_\_ to a residence in \_\_\_\_\_\_\_\_School district / City / State\_\_\_\_\_\_\_\_\_\_.

2. The child(ren) moved (complete both a. and b.):

a. 🞎 as the worker, OR 🞎 with the worker, OR 🞎 to join or precede the worker.

b. The worker, \_\_\_\_\_\_First Name and Last Name of Worker\_\_\_\_\_\_\_, is 🞎 the child or the child’s 🞎 parent/guardian 🞎 spouse.

i. (Complete if “to join or precede” is checked in #2a.) The child(ren) moved on \_\_\_\_MM/DD/YY\_\_\_\_.

The worker moved on MM/DD/YY\_. (provide comment)

1. The Qualifying Arrival Date was \_\_\_\_\_\_MM/DD/YY\_\_\_\_\_\_\_.
2. The worker moved due to economic necessity on \_\_\_\_\_\_MM/DD/YY\_\_\_\_\_\_\_, from a residence in School District/ City/ State/ Country to a residence in School District/ City/ State , and:

a. 🞎 engaged innew qualifying work soon after the move (provide comment if worker engaged more than 60 days after the move), OR

b. 🞎 actively sought new qualifying work, AND has a recent history of moves for qualifying work (provide comment)

1. The qualifying work,\* \_\_\_\_\_\_\_\_\_describe agricultural or fishing work\_\_\_\_\_\_\_ was (make a selection in both a. and b.):

a. 🞎 seasonal OR 🞎 temporary employment

b. 🞎 agricultural OR 🞎 fishing work

\*If applicable, check:

🞎 personal subsistence (provide comment)

6. (Complete if “temporary” is checked in #5a) The work was determined to be temporary employment based on:

a. 🞎 worker’s statement (provide comment), OR

b. 🞎 employer’s statement (provide comment), OR

c. 🞎 State documentation for ­­­­­­­­­­­­­\_\_\_\_\_\_\_\_\_Employer\_\_\_\_\_\_\_\_\_\_.

**Comment Section (Must include 2bi, 4a, 4b, 5, 6a and 6b of the Qualifying Move & Work Section, if applicable)**

Interviewee Signature Section

I understand the purpose of this form is to help the State determine if the child(ren)/youth listed on this form is/are eligible for the Title I, Part C Migrant Education Program. To the best of my knowledge, all of the information I provided to the interviewer is true. *[This section must include fields labeled “Signature,” “Relationship to the child(ren),” and “Date”.]*

Eligibility Certification Section

I certify that based on the information provided to me, which in all relevant aspects is reflected above, I am satisfied that these children are migratory children as defined in 20 U.S.C. 6399 and implementing regulations, and thus eligible as such for MEP services. I hereby certify that, to the best of my knowledge, the information is true, reliable, and valid and I understand that any false statement provided herein that I have made is subject to fine or imprisonment pursuant to 18 U.S.C. 1001. *[The section must include fields labeled “Signature of Interviewer,” “Signature of Designated SEA Reviewer,” and “Date” for each signature.]*

NATIONAL CERTIFICATE OF ELIGIBILITY



Instructions for the National COE

The National COE template and corresponding instructions are available on the RESULTS website. For convenience, the instructions are also provided, in full, in this chapter of the National ID&R Manual.

General Instructions

* A COE must be completed every time a child makes a new qualifying move that would renew the child’s eligibility for the MEP.
* All attempts should be made to complete all data elements and sections of the COE. In cases where a response may not be required or does not apply, flexibility has been built into the instructions. In these cases, the recruiter must write a dash (-) or “N/A” in the appropriate blank. All other information must be provided.
* With the exception of the “Qualifying Move and Work” section, if the instructions ask for additional information in the Comments section and the state has required this information as a state data element, the recruiter does not need to provide the information again in the Comments section. For example, the instructions recommend that recruiters record the first and last names of the child’s legal parent/guardian(s) in the Comments section if different from the current parent/guardian(s). However, if the state includes data elements for legal parent information, the recruiter would not have to repeat this information in the Comments section.
* 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 for any child who has different eligibility criteria than the rest of the children in the family, such as an OSY who may have moved as the worker. The QAD is the date that both the child and worker completed moves to the same school district (listed in #1 of the Qualifying Moves and Work section.) There are special cases that are described in the instructions for the section titled “Qualifying Move and Work Section.” If more than one COE is necessary, the recruiter must complete all sections on each form.
* The recruiter must not include any child who:
  + Was born after the qualifying move described on the COE in #1 of the Qualifying Moves and Work section.
  + Is not eligible to receive a free public school education through grade 12 under state law; or
  + Did not make the qualifying move described on the COE in #1 of the Qualifying moves and Work section.

Completing the Required Data Elements of the COE (Part I)

* **Family Data.** In this section of the COE, the recruiter will record the contact information for the child(ren) and name of the child(ren)’s parent(s)/guardian(s).

The recruiter may have to pay special attention to ensure that the family’s last name is accurate. A parent or guardian may have different last names or hyphenated names, or the use of last names may vary by culture or ethnic group. It is important that the recruiter become familiar with the naming customs of the various groups that the local MEP serves.

* Parent/Guardian 1 [Last Name(s), First Name]. Record the name of the individual (if any) currently responsible for the child(ren). Record this individual’s legal last name (or names) and legal first name. If the parent/guardian has two last names or a hyphenated last name, record the individual’s last name(s) as it legally exists. The term “parent/guardian” 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 (in loco parentis), such as a grandparent or stepparent with whom the child lives. If the child(ren)’s legal parent/guardian is different from the current parent/guardian, ED recommends providing the name of the child(ren)’s legal parent/guardian in the Comments section. If there is no parent/guardian information disclosed, or if the child is responsible for his or her own welfare (e.g., emancipated youth), write a dash (-) or “N/A.”
* Parent/Guardian 2 [Last Name(s), First Name]. Record the name of the second individual (if any) currently responsible for the child(ren). Record this individual’s legal last name (or names) and legal first name. If the parent/guardian has two last names or a hyphenated last name, record the individual’s last name(s) as it legally exists. The term “parent/guardian” 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 (in loco parentis), such as a grandparent or stepparent with whom the child lives. If the child(ren)’s legal parent/guardian is different from the current parent/guardian, ED recommends providing the name of the child(ren)’s legal parent/guardian in the Comments section. If there is no parent information disclosed, or if the child is responsible for his or her own welfare, (e.g., emancipated youth), write a dash (-) or “N/A.”
* Current Address. Record the physical address, including the complete name of the street or road where the child(ren) currently resides. In cases where a formal physical address is not available, include as much other identifying information as possible (e.g., trailer number, rural route, migrant camp, landmark). If the physical address is different from the mailing address, ED recommends providing the mailing address in the Comments section of the COE.
* City. Record the name of the city or town where the child(ren) currently resides.
* State. Record the postal abbreviation used by the U.S. Postal Service for the state where the child(ren) currently resides.
* Zip. Record the five or nine-digit zip code where the child(ren) currently resides. The U.S. Postal Service has an online zip code directory service (<http://zip4.usps.com/zip4/welcome.jsp>).
* Telephone. Record the telephone number, including area code, of the family. If no telephone number is available, write a dash (-) or “N/A.”

Child Data. Child data includes the name, sex, birth date, etc. of each child. A recruiter should include all children with the same family and eligibility data on the same COE. Any child who has different (1) current family [see “Family Data” above for additional definition] or (2) eligibility data—including a different QAD—must be documented on a separate COE.

* Residency Date. Record the date (MM/DD/YY) that the child(ren) moved to (i.e., arrived in) the present school district. Use the two-digit number that refers to the month and day, and the last two digits of the year. For example, May 20, 2016, would be written as 05/20/16. If the child(ren) qualified for the MEP on a move prior to the move to the present school district, the residency date will be later than the QAD. If the child(ren) moved prior to the worker’s move, the residency date would precede the QAD. Note, although it is possible to record a residency date that precedes the QAD, a COE cannot be filled out and a child cannot be enrolled in the MEP until after the child and worker each make a qualifying move.
* Last name 1. Record the legal last name of each eligible child in the family. If the child has a multiple or hyphenated last name (e.g., Ramírez-García), record the first part of the name (i.e., Ramírez).
* Last name 2. If the child has a multiple or hyphenated last name (e.g., Ramírez-García), record the second part of the name (i.e., García). If the child does not have a multiple or hyphenated name, write a dash (-) or “N/A.”
* Suffix. Where applicable, record the child’s generation in the family (e.g., Jr., Sr., III, 3rd). Otherwise, write a dash (-) or “N/A.”
* First name. Record the legal 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 legal middle name of each eligible child in the family. This is the secondary 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). If the child does not have a middle name, write a dash (-) or “N/A.”
* Sex. Record the child’s sex: “Male” or “Female”. States may abbreviate these responses as “M” or “F”, respectively.
* 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 last two digits of the year. For example, September 20, 2003, would be written as 09/20/03.
* Multiple Birth Flag (MB). Record “Yes” if the child is a twin, triplet, etc. Write “No” if the child is not a twin, triplet, etc.). States may abbreviate these responses as “Y” or “N,” respectively.
* Birth Date Verification Code (Code). Record the four numbers that correspond to the evidence used to confirm each child’s birth date (see the codes and corresponding evidence listed below). States may choose to abbreviate the codes listed below by recording only the last two digits.

A birth certificate is the best evidence of the child’s birth date, if available. 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.

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| --- | --- |
| * 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 * 9999 – other. |

If written evidence is not available, the interviewer may rely on the interviewee’s verbal statement. In such cases, the interviewer should record “1007” – the number that corresponds to “parent’s affidavit.”

Completing the Required Data Elements of the COE (Part II)

Qualifying Move & Work Section.

In this section, record the qualifying move and qualifying work information which the state believes documents the child’s eligibility for the program. Note that exceptions apply for moves within states comprised of a single school district and school districts of more than 15,000 square miles. See #1 (immediately below) for how to document these exceptions.

Throughout this section, the term “worker” refers to the child(ren)’s parent/guardian or spouse who is a migratory agricultural worker or migratory fisher. The term “qualifying work” as used in this section refers to the new temporary or seasonal employment (or personal subsistence) in agriculture or fishing. The “qualifying moves” documented in this section are the qualifying moves that meet the MEP-eligibility criteria [i.e., #4 documents the move soon after which the worker engaged in qualifying work (or after which he or she actively sought qualifying work), and #1 documents the child(ren)’s moves as, or with or to join, the worker].

1. The child(ren) listed on this form moved due to economic necessity from a residence in \_\_\_\_\_\_\_\_\_ (School District/City/State/Country) to a residence in \_\_\_\_\_\_\_\_\_\_ (School District/City/State).

* from a residence in \_\_\_\_\_\_\_\_\_ (School District/City/State/Country). This location is the child(ren)’s last place of residency immediately prior to the qualifying move. Note that the child(ren) might have made subsequent non-qualifying moves.
* to a residence in \_\_\_\_\_\_\_\_\_\_ (School District/City/State). This location is where the child(ren) resided immediately following the qualifying move as the worker, or with or to join, the worker. 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.
  + **Exception.** If the child(ren) migrated a distance of 20 miles or more to a temporary residence in a school district of more than 15,000 square miles:
    - Record the name of the school district where the child(ren) resided immediately prior to and immediately following the qualifying move, in order to identify this move as one that meets the 20 miles criterion.
  + **Exception.** If the child(ren) moved from a residence in one administrative area to a residence in another administrative area within a U.S. state that is comprised of a single school district:
    - Record the full legal or commonly used name of the administrative area where the child(ren) listed resided immediately prior to and immediately following the qualifying move.

Provide as much of this information in these blanks as available. At a minimum (with the exception of states comprised of single school districts or school districts of more than 15,000 square miles), the state must be able to document that the child moved from one school district to another and changed residences in the process. In the case of states comprised of a single school district, the state must be able to document that the child moved from one administrative area to another and changed residences in the process. In the case of school districts of more than 15,000 square miles, the state must be able to document that the child migrated a distance of 20 miles or more and changed residences in the process.

If the child and worker moved from different previous residences, record the child’s prior residence in response to #1 and record the worker’s prior residence in the Comments section.

1. The child(ren) moved (complete both a. and b.):
   1. 🞎 as the worker, OR 🞎 with the worker, OR 🞎 to join or precede the worker. [Mark only one box]

* Mark the box “ as a worker” if the child moved as the worker.
* Mark the box “with the worker” if the child(ren) moved with the worker.
* Mark the box “to join or precede the worker” if the child(ren) moved either before or after the date the worker moved. If this box is marked, also complete “i” under 2b.
  1. The worker, \_\_\_\_\_\_\_\_\_\_\_\_\_\_ (First and Last Name of Worker), (Continued below)
* Record the first and last name of the individual who is a migratory agricultural worker or migratory fisher (i.e., the child(ren)’s parent/guardian or spouse, or the child – if the worker).

(Continued from above) … 🞎 is the child or the child(ren)’s 🞎 parent/guardian 🞎 spouse. [Mark only one box]

* Mark the box that indicates whether the worker is the child or the child(ren)’s relationship to the worker (i.e., parent/guardian or spouse).

*(Complete 2bi if “to join or precede” is checked in 2a.)*

* + The child(ren) moved on \_\_\_\_\_\_\_\_\_(MM/DD/YY). The worker moved on \_\_\_\_\_\_\_\_\_(MM/DD/YY). (provide comment)
    - If the worker moved separately from the child(ren), record the date that the child(ren) moved to the school district listed in #1, and record the date the worker moved to the school district listed in #1. Also record the reason for the different move dates, and whether the worker moved from a different location than the child(ren), in the Comments section.

1. The Qualifying Arrival Date (QAD) was ­­­\_\_\_\_\_\_\_\_\_\_\_ (MM/DD/YY). Record the QAD, using the two-digit numbers that refer to the month and day, and the last two digits of the year. For example, May 20, 2016, would be written as 05/20/16.

The QAD is the date that both the child and worker completed the move to the school district listed in #1. The child must have moved as a worker, or with or to join a parent/guardian or spouse who is a migratory agricultural worker or migratory fisher. As referenced in #2a, the child and worker will not always 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. (For more on “to join” moves, see the NRG, Ch. II, E2.) 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  The child. . . | Qualifying Arrival Date (QAD)--Eligibility Begins  The QAD is. . . |
| --- | --- |
| . . .moved with the worker. | . . .the date the child and worker both arrived in the district. |
| . . .moved before the worker moved. | . . .the date the worker arrived in the district where the child was residing. |
| . . .moved to join the worker afterthe worker moved. | . . .the date the child arrived to join the worker. |

1. The worker moved due to economic necessity on \_\_\_\_\_\_\_\_\_(MM/DD/YY), from a residence in \_\_\_\_\_\_\_(School District/City/State/Country) to a residence in \_\_\_\_\_\_\_(School District/City/State), and: [Mark only one of the following boxes: either a or b.]
   1. 🞎 engaged in new qualifying work soon after the move (provide comment if worker engaged in qualifying work more than 60 days after the move), OR

* Mark this box if the individual listed as the worker in #2b moved due to economic necessity from a residence in one school district to another, and, soon after doing so, engaged in new temporary or seasonal employment (or personal subsistence) in agriculture or fishing.
* Explain in the Comments section if the worker is determined to be a migratory agricultural worker or migratory fisher based on his or her engagement in new qualifying work more than 60 days after the qualifying move described in #4.
  1. 🞎 actively sought new qualifying work, AND has a recent history of moves for qualifying work (provide comment)
* Mark this box if the individual listed as the worker in #2b moved due to economic necessity from a residence on one school district to another and actively sought new qualifying work before or after the qualifying move described in #4, and has a recent history of moves for qualifying work.
* Explain in the Comments section how and when the worker actively sought new qualifying work. For example, the individual stated that he or she (or someone on his or her behalf) applied for qualifying work at a particular agricultural or fishing job site, or applied at a center that coordinates available qualifying work.
* Explain in the Comments section the worker’s recent history. For example, the recruiter could write, “worker moved from Brownsville, Texas, to Decatur, Michigan, and planted tomatoes in May 2016, and moved from Decatur, Michigan to Presque Isle, ME, and picked potatoes in October 2016.”

1. The qualifying work\*, ­­­­­­­­­­­­­­­­\_\_\_\_\_\_\_\_\_\_\_\_\_ (describe agricultural or fishing work),

* Describe agricultural or fishing work. When describing the specific agricultural or fishing work, the recruiter should use an action verb (e.g., “picking”) and a noun (e.g., “strawberries”). In other words, the recruiter should describe the worker’s action (e.g., “picking”) and the crop, livestock, or seafood (e.g., “strawberries”). For example: picking strawberries; thinning sugar beets; pruning grapes; detasseling corn; catching chickens; planting oysters; walking (weeding) soybeans; and harvesting crabs.

was (make a selection in both a. and b.):

* 1. 🞎 seasonal OR 🞎 temporary employment, (Continued below)
* 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. Examples include planting, cultivating, pruning, harvesting, and related food processing in agriculture. Also, planting and harvesting clams and oysters, fishing during seasonal runs of fish, and related food processing in commercial fishing [34 CFR § 200.81(o)].
* 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 worker states that the worker does not intend to remain in that employment indefinitely, the employer states that the worker was hired for a limited time frame, or the SEA has determined on some other reasonable basis that the employment is temporary. [34 CFR § 200.81(p)].
  1. 🞎 agricultural OR 🞎 fishing work.
* Mark the box for “agricultural work” if the work involves the production or initial processing of raw agricultural products such as crops, poultry, or livestock, dairy work, as well as the cultivation or harvesting of trees (Section 1309(2) of the ESEA; 34 CFR § 200.81(a)). The work may be performed either for wages or personal subsistence.
* Mark the box for “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 1309(4) of the ESEA; 34 CFR § 200.81(c)]. The work may be performed either for wages or personal subsistence.

*\*If applicable, check:*

🞎 *personal subsistence (provide comment)*

*\*If applicable, check:*

🞎 *personal subsistence (provide comment)*

* (\*) Mark the box for “personal subsistence” 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” [34 CFR § 200.81(m)]. Also provide a comment in the Comments section.

1. (Only complete if “temporary” is checked in #5a) The work was determined to be temporary employment based on:
   1. 🞎 worker’s statement (provide comment), 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 (provide comment). For example, the worker states that he or she only plans to remain at the job for a few months. Provide explanatory comments in Comments section.
  1. 🞎 employer’s statement (provide comment), 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 Comments section. Attach supporting documentation if available.
  1. 🞎 state documentation for \_\_\_\_\_\_\_\_\_\_\_\_\_\_ (employer).
* Mark this box upon verification that the state has current documentation to support that the work described in #5 is temporary employment for this particular employer.
* Employer. Identify the employer, whether it is the name of or code for a farmer, a grower, a business, or a corporation, where the worker engaged in qualifying work.

Comments Section. **(Must include 2bi, 4a, 4b, 5, 6a and 6b of the Qualifying Moves & Work Section, if applicable.)** 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. 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. At a minimum, the recruiter must provide comments that clearly explain items 2bi, 4a, 4b, 5, 6a, and 6b of the Qualifying Moves & Work Section, if applicable. The Comments section must be self-contained and include at a minimum, the required comments, but states may choose to divide the required comments into subsections. As mentioned previously, these items include the following scenarios documented in the Qualifying Moves and Work Section:

* #2bi: The child(ren) and worker moved separately. If the child(ren) joined or preceded the worker, record the reason for the child’s later move or the worker’s later move. If the worker moved from a different school district than the child(ren), record the name of the school district in which the worker resided immediately prior to the move.
* #4a: The worker engaged in new qualifying work more than 60 days after the qualifying move.
* #4b: The worker did not engage in new qualifying work soon after the qualifying move. In this case, the recruiter must document that:
  + The worker actively sought new qualifying work; AND
  + The worker has a recent history of moves for qualifying work.
* #5: The worker is a migratory agricultural worker or migratory fisher 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.” (34 CFR § 200.81(m)).
* #6a or 6b: The employment is temporary based on the worker’s statement or the employer’s statement. In particular, record the information provided by the worker or employer regarding how long they expect the employment to last. The comment should be of sufficient length to adequately document how the recruiter came to the eligibility decision.

ED recommends that the recruiter provide additional comments on the COE in the following circumstances and in any other circumstances in which a third party may question the eligibility determination:

* 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 qualifying work. An explanation is needed to enable a reviewer to understand how the preliminary eligibility determination was made.
* The work could be part of a “series of activities” that, viewed together, would constitute year-round employment (e.g., mending fences on a dairy farm and bailing hay 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).
* A "move" is of such brief duration that one could question whether it was a move from one residence to another residence, due to economic necessity.
* An interviewee uses a symbol such as an “X” or other valid mark as a signature.
* The person who provided the information on the COE form (interviewee) is not the worker.
* The mailing address is different from the child(ren)’s physical residence.
* The child(ren)’s legal parent/guardian(s) differ from the current parent/guardian(s) listed.

Interviewee Signature Section. The interviewee signs and dates the COE on the day the interview is conducted. The interviewee must also write his or her relationship to the child.

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

Signature, Relationship to the child(ren), Date

The person who signs the COE must be the source of the information contained in the document and should verify any information provided by another source. If the interviewee is unable to sign his or her name, he or she must mark an “X” in the signature section and the recruiter must print the parent’s name and relationship to the child in the Comments section. If the interviewee refuses to sign his or her name, the recruiter must document the interviewee’s refusal in the Comments section and print the interviewee’s name and relationship to the child.

If a state chooses to include other statements that require, for example, a parent/guardian signature specifically, the state can include those statements separately from the Interviewee Signature. ED strongly recommends that states obtain the approval of their legal counsel to ensure that additional statements they add to this section comply with the applicable federal, state, and local laws and policies.

**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. Once the SEA-designated reviewer reviews, signs, and dates, the COE, the MEP should send a copy of the COE by mail or hand-deliver it at a later date.

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

I certify that based on the information provided to me, which in all relevant aspects is reflected above, I am satisfied that these children are migratory children as defined in 20 USC 6399 and implementing regulations, and thus eligible as such for MEP services. I hereby certify that, to the best of my knowledge, the information is true, reliable, and valid and I understand that any false statement provided herein that I have made is subject to fine or imprisonment pursuant to 18 USC 1001.

Signature of Interviewer, Date

Signature of Designated SEA Reviewer, Date

At least one SEA-designated reviewer must check each completed COE to ensure that the written documentation is sufficient and that, based on the recorded data, the child(ren) may be enrolled in the MEP. The SEA-designated reviewer must sign and date the COE on the day it was reviewed.

NOTE: If an SEA wishes to add to any portion of the Eligibility Certification Section, it must submit its proposed statement to OME for approval.

Processing and Storing the COE

After the recruiter completes the COE, the SEA or LOA 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

* Check the COE for accuracy. Are all the items filled in? Are the dates of birth, QAD, and residency date correct? Are the names spelled properly? Are the recruiter’s and the interviewee’s signatures included? Is the writing legible?
* Review the eligibility determination. Were all of the applicable eligible factors met? 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 must forward the COE to at least one SEA-designated reviewer, usually a recruitment supervisor, local administrator, or other trained recruiter, who reviews the form. If the reviewer finds errors, the reviewer will return the form to the recruiter for corrections. If the form is complete and error-free, the reviewer signs and dates the COE to certify that, based on the information provided, each child listed is eligible for the MEP. Some states require additional reviews. Once the COE has the recruiter’s and the reviewer’s signatures, and it has gone through any other reviews the SEA requires, the COE is entered in the state MEP database. States that use electronic COEs generally have a comparable review process. 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 cannot provide services or include a child in the   
annual child counts reported to ED until the SEA (or its designee) has certified each child is eligible for the MEP.

COEs contain personal information that, under FERPA and some state laws, is not authorized for public disclosure. For this reason, the recruiter should check with a supervisor about policies and procedures for storing and securing COEs.

Record Keeping Requirements

Generally, records must be maintained for three years after the date the grantee or local operating agency submits its last expenditure report for the period in question (Uniform Guidance, Subpart D, 2 CFR § 200.333). 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.

In practical terms, the length of time that an SEA/LOA must keep a COE to meet this three-year retention period depends on whether the child makes subsequent qualifying moves which result in new QADs, which will increase the amount of time. For example, a COE that indicates that a child made a qualifying move in October 2012 means that the child will remain eligible, without another qualifying move, until October 2015. A child eligible in October 2015 would be included in the Category 1 child count for the period September 1, 2015 – August 31, 2016, and would generate funding for the state through fiscal year (FY) 2019. FY 2019 funds may be used, with carryover, until September 30, 2021. The SEA does not need to submit the final expenditure report for these funds to ED until as late as December 31, 2021. The three-year record retention period begins in December 2021 when the SEA submits the final expenditure report and runs until December 31, 2024. Therefore, the SEA would have to keep this particular COE until December 31, 2024. (NRG, Ch. XI, C3). Of course, the SEA might have to keep this COE longer if there is any litigation, claim, negotiation, audit, or other action involving the record.

The SEA/LOA should ensure that records are stored in an orderly fashion and readily available if needed. By carefully maintaining and preserving MEP records, the SEA

* satisfies regulatory requirements,[[1]](#footnote-2)
* 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 migratory 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 migratory children.

Individual State Requirements: Depending on state procedures or data-entry systems, additional instructions might apply. The recruiter should speak with his or her supervisor if additional instructions are required. Common ones include

* The COE should be completed legibly in blue ink to show that it is an original document, not a photocopy.
* Corrections that are made after the original interview should (1) be made in an ink color other than blue 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).
* Additional comments in the Comments section of the COE may be requested such as, last grade completed in home country for OSY, additional children not eligible for MEP services but who reside in the household or any safety concerns that service providers should be aware of.

Electronic COEs. States may use paper or electronic versions of the COE. For purposes of the MEP an electronic COE is one for which information is entered by the recruiter/interviewer at the time of the interview using an electronic device (e.g., tablet). COEs that are completed on paper at the local level and entered electronically for transmission to the state, are not electronic COEs for the purposes of the MEP. States must collect the required information, including required signatures, in a manner that follows the COE instructions, regardless of whether they use paper or electronic COEs. States should also be able to print the COE according to the requirements outlined in the instructions.

Each state has its own procedures for ensuring that electronic signatures are valid and authentic. ED would consider an electronic signature captured via stylus or PIN code to be equally acceptable for audit purposes, and would hold states accountable for any failure to implement its own procedures. States should

* consult with the state’s auditors, Attorney General, or other appropriate state personnel who know and understand electronic signatures, to validate that the state will be able to rely on such signatures for purposes of identifying the person signing the document; and
* keep the assurance referenced above on file for audit purposes. (ED, 2017, National COE Instructions, p. 2)

Historically, the MEP has made efforts to incorporate technology into all aspects of the program and the area of ID&R has been no exception. The use of technology for documenting child eligibility is an emerging trend that states may wish to explore.

Some of the advantages of using laptops, tablets, or other hardware that can be loaded with an electronic COE include

* Electronic COEs are more likely to be completed in a standardized way. In particular, electronic COEs can be designed with drop down lists and option buttons that help how the data is received.
* The SEA can build edit and logic checks into an electronic COE that will help to identify inconsistent or illogical data relationships (e.g., comparing date of birth to grade level).
* Electronic COEs can be used for data analysis that could ultimately improve the quality of the data (e.g., the program could flag families who move north to do agricultural work in the middle of winter).
* Some recruiters can fill out an electronic COE faster than a paper COE, thus reducing the amount of time needed to complete the COE and freeing up time for other recruitment activities.
* Completing an electronic COE reduces the extra step of filling out a paper COE and then typing the same data into an electronic system.
* Electronic COEs can be linked to other data sources such as postal abbreviations for states, zip codes, lists of cities in other countries, etc.
* Having an electronic COE with a parent signature or even scanning a paper COE can reduce the number of paper files the MEP is required to maintain.
* Some people find electronic files easier to retrieve than paper files.

Some disadvantages and considerations around using an electronic COE include

* For audit and quality control purposes, it is important for states to be able to produce a version of the COE that has all the original data (including signatures) and to track any subsequent changes, corrections, and/or updates (by date and source). Therefore, the state must ensure that even if the most current information is displayed in the electronic database, users are able to examine the history of the COE.
* The information that is collected on the COE has to reflect the information on the national COE and has to print out in the same format (i.e., a one page document with all required data elements and sections).
* States need to be sure that parents can see what they are signing on the COE form and should make provisions for the parent to receive a copy.
* Some migratory parents may be more apprehensive about signing an electronic COE versus a paper document.
* States need to make security provisions to guard against identity theft and the release of personally identifiable information.

States should carefully weigh the advantages and disadvantages of anything new before deciding whether to adopt it, including performing a cost-benefit analysis of new technology and piloting the technology to work out any technical problems before it is fully implemented.

Lessons Learned: Completing COEs

Do Things Right the First Time. It is very important that preliminary child eligibility determinations are clearly documented. If the recruiter makes errors or does not submit complete paperwork, the work will have to be re-done. Having to re-do work delays services to children in need and costs the local MEP additional expenses which could otherwise be spent on educational services. When a recruiter does things right the first time, this saves time and money. The recruiter should always double check work before it is turned in.

Do Not Hide Mistakes. We are all human, and we all 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. The recruiter should use this experience to find ways of avoiding and/or catching mistakes in the future.

Conclusion

The COE is both a legal document and 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 the determination of a 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 to obtain 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.

1. The Uniform Guidance requires that records documenting compliance with federal statutes, regulations, and the terms and conditions of the federal award, must be sufficient to permit the preparation of reports required by general and program-specific terms and conditions and the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to the federal statutes, regulations, and the terms and conditions of the federal award (Uniform Guidance, Subpart D, 2 CFR § 200.302).

   [↑](#footnote-ref-2)