



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF INSPECTOR GENERAL

Audit Services  
Dallas Audit Region

December 4, 2007

**AUDIT CLOSEOUT MEMORANDUM**

To: Alexander Goniprow  
Acting Director, Migrant Education Programs  
Office of Migrant Education

From: Jon E. Kucholtz /s/, for  
Sherri L. Demmel  
Regional Inspector General for Audit

Subject: Closure of our Audit of the *Review of the Migrant Education Program*  
**Control Number ED-OIG/A06G0007**

This memorandum advises you that we have terminated our audit of the Migrant Education Program (MEP) at the Office of Migrant Education (OME). The audit objectives were to determine whether (1) the Department implemented adequate internal controls to ensure that states accurately counted eligible migrant children; and (2) the law and guidance clearly defines qualifying migrant children, migrant moves, and migrant workers. Our review covered the migrant child count for the period September 1, 2003, through August 31, 2004. Because of the ongoing changes to Department monitoring, and proposed changes to the migrant law, we decided to terminate our audit.

The MEP is authorized under Part C, Title I of Elementary and Secondary Education Act (ESEA) of 1965, as amended by the No Child Left Behind Act of 2001. ESEA defines a MEP eligible migratory child as a child who is, or whose parent, spouse, or guardian is, a migratory agricultural worker, including a migratory dairy worker or a migratory fisher, and who, in the preceding 36 months, has moved from one school district to another to obtain temporary or seasonal employment in agricultural or fishing work. In July 2004, OME requested all states, plus Puerto Rico and the District of Columbia, to re-interview a statistically valid sample of qualifying migrant students to determine the accuracy of the 2003/2004 Migrant Child Count.

To accomplish our audit objectives, we interviewed OME officials and reviewed the current migrant law, Department guidance, the Notice of Proposed Rule Making (NPRM), OME's monitoring protocol and monitoring reports, and the states' re-interviewing reports. OME conducted four scheduled on-site monitoring visits in 2004 and suspended monitoring in 2005 because of the re-interviewing initiative. In 2006, OME completed five onsite reviews and two desk reviews and made changes to the monitoring protocol to address the Office of Inspector

General's (OIG) concerns regarding the identification and recruitment of ineligible migrant children. OME completed several on-site and desk reviews during 2007 and contracted with an outside contractor to review the re-interviewing reports to determine the accuracy and reliability of the reports submitted.

In May 2007, the Department issued a NPRM to: (1) better define a "move," which emphasized that students who return from vacation should not be counted; (2) require additional oversight by the state migrant offices to ensure adequate counts in the future; (3) no longer tie the allocation of migrant funds to a base year, but rather adjust each year for the new counts for the year; and (4) implement a standardized Certificate of Eligibility. In August 2007, the House Committee on Education and Labor circulated a draft proposal for reauthorization of the ESEA, which includes improvements for MEP eligibility requirements.

Due to the ongoing changes to Department monitoring and proposed changes to the migrant law, we have decided to terminate our audit. The termination of this audit does not preclude further reviews of these or similar areas by the OIG in the future, nor is our review to be construed as a substitute for any other reviews required by law, license, or accreditation. Also, the termination of this review does not preclude the Department of Education from taking action concerning any aspect of the entities reviewed.

The audit was conducted in accordance with generally accepted government auditing standards appropriate to the scope described above, and it was conducted for the limited purpose described above and would not necessarily disclose all material weaknesses in OME's administration of the MEP. Accordingly, the contents of this memorandum should not be construed as acceptance or approval of OME's practices and procedures.

We wish to express appreciation for the cooperation and assistance extended by your staff during this review. Should you have any questions regarding this review, please contact me at 214-661-9530. No response to this memorandum is required.

cc: Delores Warner, ALO, Office of Elementary and Secondary Education (OESE)