

**Team IV – High School Equivalency Program (HEP) and
College Assistance Migrant Program (CAMP)**

Origin: HEOA Sec. 408

Issue: HEP and CAMP Eligibility

Statutory cites: HEA Sec. 418A(b)(1)(B)(i)

Regulatory cites: 34 CFR §§206.3 and 206.5

Summary of issue: Formerly, the HEA authorized the recruitment into HEP and CAMP programs of individuals “who themselves, or whose parents” have spent a minimum of 75 days during the past 24 months in migrant and seasonal farmwork. The HEOA revised this provision to permit recruitment of those “who themselves or whose “immediate family” spent such time in migrant and seasonal farmwork. Current regulations reflect the law as previously enacted. The HEOA does not define an “immediate family” member.

Updated Information: The Department proposes a draft regulatory definition of “immediate family” in order to maintain a uniform standard of eligibility for all HEP and CAMP grantees. Both the non-federal negotiators and the Department are in agreement about the need for a standard definition of this term. In drafting this proposed language, the Department considered other examples of similar definitions used by other government programs, as well as the comments of the non-federal negotiators and previous discussions with stakeholders in the HEP/CAMP community. The Department agrees with the non-federal negotiators that it is important that this definition extend eligibility to individuals who are dependent upon a migrant or seasonal farmworker, but not to individuals who are not dependent on such a worker who is an immediate family member. In addition, the Department proposes changing “immediate family” to “immediate family member” in order to clarify.

**Team IV – High School Equivalency Program (HEP) and
College Assistance Migrant Program (CAMP)**

Origin: HEA Sec. 418A(b)(1)(A)(ii), as re-authorized in 1998

Issue: HEP and CAMP Eligibility

Statutory cites: HEA Sec. 418A(b)(1)(A)(ii)

Regulatory cites: 34 CFR § 206.5 (c)(7)

Summary of issue: The statute provides for eligibility if an individual or his or her immediate family has “spent a minimum of 75 days during the past 24 months in migrant or seasonal farmwork”. The HEOA made no change in the quoted phrase. Program regulations define the term, “seasonal farmworker” as one who “within the past 24 months, was employed for at least 75 days in farmwork, and whose primary employment was in farmwork on a temporary or seasonal basis (that is, not a constant year-round activity).” The regulation does not clarify whether the requisite “primary employment” must occur within the 75 days or over the two years.

Updated Information: After the discussion of this issue in the sub-committee, the Department had proposed amending the regulations to strike out the “primary employment” clause entirely. The Department agrees with the non-federal negotiators that this clause is confusing, but believes that the regulation instead should be revised to clarify that the “primary employment” in migrant and seasonal farmwork must occur within the period of at least 75 days. This will avoid issues of whether individuals should be eligible to participate in HEP and CAMP where they have only a marginal tie to this employment over the 75-day period (e.g. 1 or 2 hours a day during the period).

Issue Paper Format

Proposed Regulatory Language Team IV – Migrant Education

Origin: HEOA Sec. 408

Issue: Reservation and Allocation of Funds

Statutory cites: HEA Sec. 418A

Regulatory cites: To be determined

Summary of issue: The HEOA provides a formula for determining the amount of appropriated funds to be made available for HEP and CAMP awards. The HEOA permits the Secretary to reserve 1/2 of one percent of the HEP and CAMP appropriation to conduct outreach, technical assistance, and professional development.

Updated Information: The Department believes that no regulation is necessary around these issues. What is written in the statute does not need additional clarification, and no updating of the regulations is needed in response to these statutory changes as these subjects were not addressed in the previous versions of the regulations. The non-federal negotiators representing the HEP and CAMP grantees concurred with this conclusion during discussions in sub-committee.

However, the proposed regulations also include (1) conforming changes the Department would make, as necessary, in response to changes in the statute, and (2) updated references to regulations for the Migrant Education program now in 34 CFR Part 200.