



**UNITED STATES DEPARTMENT OF EDUCATION**  
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January 31, 2007

**Control Number**  
**ED-OIG/A02G0009**

Richard P. Mills  
Commissioner of Education  
New York State Education Department  
Education Building  
89 Washington Avenue  
Albany, NY 12234

Dear Commissioner Mills:

This **Final Audit Report**, entitled *Mid-Hudson Migrant Education Outreach Program (MEOP)*, presents the results of our audit. The purpose of the audit was to determine whether 1) the Mid-Hudson MEOP adhered to the Migrant Education Program (MEP) student eligibility rules, and 2) the Mid-Hudson MEOP conducted prohibited lobbying. Our review covered the period of September 1, 2002, through August 31, 2005.<sup>1</sup> During our limited review, we found that 1) the Mid-Hudson MEOP adhered to MEP student eligibility rules, and 2) that Mid-Hudson MEOP did not conduct prohibited lobbying.

New York State Education Department (NYSED) MEP's re-interviewing initiative found an error rate of 3.91 percent for all of New York State (NYS), which resulted in a reduction of the NYSED migrant students population count. However, based on the March 1, 2005, NYSED MEP's re-interviewing initiative report, Mid-Hudson MEOP's number of eligible students participating in the NYSED MEP was not reduced. As a result of further review of the entire migrant children population conducted by NYSED MEP as well as a routine review of existing and new Certificates of Eligibility (COEs),<sup>2</sup> Mid-Hudson MEOP's eligible migrant students population was reduced by a total of 431 (191 in 2002-2003, 152 in 2003-2004, and 88 in 2004-2005).

Our review was made for the limited purpose described above and would not necessarily disclose all material weaknesses in the administration of the NYSED MEP program.

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<sup>1</sup> NYSED MEP had already identified certain migrant students as ineligible during our audit period, and it is reflected in our sample population in Table 2.

<sup>2</sup> A COE is a form to document migrant eligibility.

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## BACKGROUND

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The MEP is authorized under Part C of Title I of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001. The statutory purposes of the program are to support high-quality and comprehensive educational programs for migrant children, to help reduce the educational disruption and other problems from repeated moves, and to ensure that migrant children benefit from state and local system reforms. Pursuant to 34 C.F.R. § 200.81 (2003), federal regulations define an 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.

The goal of the MEP is to ensure that children of migrant workers have access to and benefit from the same free, appropriate public education, including public preschool education, provided to other children. MEP funds help state and local educational agencies remove barriers to the school enrollment, attendance, and achievement of migrant children.

The MEP provides formula grants to State Educational Agencies (SEAs) to establish or improve programs of education for migratory children. Federal funds allocated to SEA are based on each state's per-pupil expenditure for education and counts of eligible migratory children, ages 3 through 21, residing within the state.

NYSED funding for fiscal year 2002-2003 was \$9,779,974, for 2003-2004 \$9,859,142, and for 2004-2005 \$9,594,158. In addition, only a minimal amount of the NYSED's MEP funds were retained at the NYSED for administration of the program. The remainder of the funds was distributed among 11 MEOPs, which are comprised of one or more school districts, as well as between various Support Services. Mid-Hudson MEOP received funding of \$1,119,663 to provide services for 2,029 migrant students for 2002-2003, \$1,183,718 for 1,431 in 2003-2004, and \$1,250,964 for 1,084 in 2004-2005.

On July 6, 2004, the U. S. Department of Education's Office of Migrant Education requested that each state complete a re-interview of the migrant child count for the year 2003-2004. The NYSED MEP in conjunction with Kansas, Missouri, and Nebraska MEPs began auditing the eligibility of migrant children on October 12, 2004. All 11 NYS MEOPs were represented in a sample of 383 migrant students. The process of re-interviewing the sampled migrant students concluded on January 27, 2005, and resulted in the final error rate of 3.91 percent with 15 students determined to be ineligible from the total of 383 children sampled. Moreover, based on the March 1, 2005, NYSED MEP's re-interviewing initiative report, Mid-Hudson MEOP's number of eligible students participating in the NYSED MEP was not reduced.

## AUDIT RESULTS

We found that, based on our limited review, the Mid-Hudson MEOP did adhere to the MEP eligibility rules for the families we were able to interview, and it did not conduct prohibited lobbying. Based on our interviews with the parents, guardians, or individuals of 10 students in our sample of 150, the students appeared to have been eligible at the time the COEs were originally completed. Nevertheless, we were unable to interview most of the parents, guardians, or individuals for students we attempted to interview. We noted, however, that as a result of the re-interviewing initiative, further review of the entire NYSED MEP migrant children population, as well as a routine review of existing and new COEs, Mid-Hudson MEOP’s eligible migrant students population was reduced by a total of 431 (191 in 2002-2003, 152 in 2003-2004, and 88 in 2004-2005). In addition, we reviewed the grant expenditures with supporting purchase orders and invoices and found no evidence of prohibited lobbying.

### *Objective 1 - Student Eligibility*

We determined that, based on our limited review, the Mid-Hudson MEOP did adhere to the MEP eligibility rules for the families we were able to interview. Three samples of 50 students for each year (2003 – 2005) were selected for our review, totaling 150 migrant students sampled for the entire audit period. The population for each year included only students that had not already been identified by NYSED MEP as “ineligible.” For the MEP participants selected for testing, we reviewed COEs and the documentation included in participant records for all 150 students identified in our sample.

We attempted to interview 71 parents, guardians, or individuals of the 150 migrant students selected, and were only able to interview parents, guardians, or individuals representing 10 students sampled. All 10 students appeared to have been eligible at the time the COEs were originally completed.

We were unable to locate the remaining 61 parents, guardians, or individuals out of the 71 attempted during our visits. See the table below for illustrative interview results.

**Table 1: Interview Results**

	2002-2003	2003-2004	2004-2005	Total
Interviewed and Found Ineligible	0	0	0	0
Interviewed and Found Eligible	1	4	5	10
Attempted Not Interviewed	23	22	16	61
Not Attempted	26	24	29	79
<b>Total Sample</b>	<b>50</b>	<b>50</b>	<b>50</b>	<b>150</b>

### ***Objective 2 - Prohibited Lobbying***

We determined that the Mid-Hudson MEOP did not use MEP funds for prohibited lobbying. The documentation reviewed did not provide evidence that Mid-Hudson MEOP spent any MEP funds for lobbying activities. We determined that it was acceptable for Mid-Hudson MEOP to fund and participate in meetings and camps sponsored by Rural & Migrant Ministry (RMM) as they provided educational services and information, and they did not involve lobbying.

Upon review of supporting documentation provided, we found several purchase requisition documents with attached receipts and additional information pertaining to purchases related to RMM. The Mid-Hudson MEOP reimbursed employees for meeting registration fees and refreshments at meetings and summer camp organized and sponsored by RMM. According to the relevant documentation for the meetings and summer camp, none of the sessions were related to influencing Congress or the State legislature. The amounts were minor as many were less than \$10. Therefore, we determined that the meetings and summer camp expenses did not violate the prohibition on the use of appropriated funds to influence legislation or appropriations pending before Congress or any State legislature as contained in Public Law 108-447, Division F, § 503 (b) of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2005.

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## **OBJECTIVES, SCOPE, AND METHODOLOGY**

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The objective of our audit was to determine whether 1) the Mid-Hudson MEOP adhered to the MEP student eligibility rules, and 2) the Mid-Hudson MEOP conducted prohibited lobbying. Our review covered the period of September 1, 2002, through August 31, 2005.

To accomplish our objective, we reviewed federal policy and procedures for identifying and recruiting migrant children. We obtained the NYSED's migrant funding amounts, which were awarded based on the count. We interviewed NYSED MEP officials and reviewed relevant documentation to gain an understanding of, and assessed Mid-Hudson MEOP's controls for ensuring student eligibility and the accurate reporting of migrant child counts to the NYSED MEP in accordance with applicable statute, regulations, and guidance. We also interviewed Mid-Hudson MEOP officials.

In addition, we reviewed relevant documentation including payroll, conference registration fees, meeting expenses, supplies, and advertising supporting records, to ascertain the validity of the allegation pertaining to lobbying activities conducted by the Mid-Hudson MEOP. We relied on Mid-Hudson MEOP grant summary reports for the period of September 1, 2002, through August 31, 2005, generated from its financial accounting system. We verified the completeness of the data by comparing the total expenditures on the report to the total expenditures reported to NYSED. Based on the results of these tests, we concluded that the reports were sufficiently reliable to be used in meeting the audit objective.

We relied on computer-processed data extracted and provided by NYS Migrant Education Identification and Recruitment Program (ID&R). We obtained and validated the population of Mid-Hudson MEOP migrant children for each year in our review. The population for each year's validated count included students whom had been determined by the NYSED MEP to be ineligible for services (see Table 2). Since NYSED MEP had already determined these students to be ineligible, we decided to omit these individuals from the population to be sampled in each year. The adjustments to each year's Mid-Hudson MEOP migrant children population are noted below:

**Table 2: Adjusted Mid-Hudson Migrant Children Population by Year**

<b>Year</b>	<b>Total Count</b>	<b>Ineligible Count</b>	<b>Net Count</b>
2002-2003	2,220	191	2,029
2003-2004	1,583	152	1,431
2004-2005	1,172	88	1,084
<b>Total</b>	<b>4,975</b>	<b>431</b>	<b>4,544</b>

Sequential numbers were assigned to each of the records in the "adjusted" population files. For each of the funding years, we randomly selected 50 students from each year, totaling 150 migrant students sampled for the entire audit period. We then reviewed COEs for all 150 MEP participants selected for testing. For the selected participants, we attempted to perform interviews of parents, guardians, or individuals for 71 of the selected students, and reviewed the documentation included in participant records. We were only able to interview parents, guardians, or individuals representing 10 students who were found eligible, from our sample of 150. Therefore, our scope was limited regarding our first audit objective.

We performed our fieldwork at Mid-Hudson MEOP at State University of New York in New Paltz, NY, and the ID&R office in Albany, NY, during the period February 24, 2006, through March 30, 2006. We performed the interviews of the parents, guardians, or individuals of the selected students in Orange County, NY, from April 24, 2006, through April 28, 2006.

We held an exit briefing with NYSED MEP and Mid-Hudson MEOP officials on November 16, 2006. During the exit briefing, we discussed the results of our audit, and both NYSED MEP and Mid-Hudson MEOP officials agreed that a draft report was not necessary. Our audit was performed in accordance with generally accepted government auditing standards appropriate to the scope of the review described above.

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## ADMINISTRATIVE MATTERS

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In accordance with the Freedom of Information Act (5 U.S.C. § 552), reports issued by the Office of Inspector General are available to members of the press and general public to the extent information contained therein is not subject to exemptions in the Act.

We appreciate the cooperation and assistance extended by your staff during the audit. If you have any questions, please contact Daniel P. Schultz, Regional Inspector General for Audit, at (646) 428-3888.

Sincerely,

/s/

Daniel P. Schultz

Regional Inspector General for Audit