

**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 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 of immediate family 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. In addition, the Department proposes changing “immediate family” to “immediate family member” for clarity.

**Tentative Agreement:** Yes (on language presented at sub-committee meeting on 3/26/2009 and with full committee on 3/27/2009).

**Change :**

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[§206.3 Who is eligible to participate in a project?](#)

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(1) A person, or his or her parent **immediate family member**, must have spent a minimum of 75 days during the past 24 months as a migrant or seasonal farmworker; or

(2) The person must have participated (with respect to HEP within the last 24 months), or be eligible to participate, in programs under 34 CFR part 200, Subpart C~~1~~ (Title I ~~Chapter 1~~ --Migrant Education Program) or 20 CFR part 633 (Employment and Training Administration, Department of Labor--Migrant and Seasonal Farmworker Programs).

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**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)(B)(i)

**Regulatory cites:** 34 CFR § 206.5 (c)(8)

**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 and 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 when and for how long the “primary employment” must occur.

**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 for at least 75 days within the past 24 months. Maintaining the “primary employment” language 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., one or two hours a day during the period). This new definition of “seasonal farmworker” will ensure that individuals whose primary employment over these 75 days was in agriculture on a temporary or seasonal basis will qualify for HEP and CAMP regardless of whether it was their primary employment over the entire past 24-month period."

**Tentative Agreement:** Yes (on language presented at sub-committee meeting on 3/26/2009 and with full committee on 3/27/2009)

**Change :**

[§206.5 What definitions apply to this program?](#)

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(c) \*\*\*

(5) Immediate family member means one or more of the following:

(i) A spouse.

(ii) A parent, step-parent, adoptive parent, foster parent, or anyone with guardianship.

(iii) Any person who--

(A) Claims the individual as a dependent on a Federal income tax return for the previous year, or

(B) Resides in the same household as the individual, supports that individual financially, and is a relative of that individual.

(65) \*\*\*

(76) Migrant farmworker means a seasonal farmworker--as defined in paragraph (c) (87) of this section--whose employment required travel that precluded the farmworker from returning to his or her domicile (permanent place of residence) within the same day.

(87) Seasonal farmworker means a person whose primary employment, within the past 24 months, had his or her primary employment was in farmwork on a temporary or seasonal basis (that is, not a constant year-round activity) during for a period of at least 75 days be in farmwork on a temporary or seasonal basis within the past 24

~~months?? was employed for at least 75 days in farmwork, and whose primary employment during this period was in farmwork on a temporary or seasonal basis (that is, not a constant year-round activity).~~

(d) Other definitions. For purposes of determining program eligibility under Sec. 206.3(a)(2), the definitions in 34 CFR ~~200.811.3~~ (Chapter 1 Title I--Migrant Education Program) and 20 CFR 633.104 (Employment and Training Administration, Department of Labor--Migrant and Seasonal Farmworker Programs) apply.

**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 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.

**Tentative Agreement:** Yes (on language presented at sub-committee meeting on 3/26/2009 and with full committee on 3/27/2009)

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

**ADDITIONAL ISSUE**

**Origin:** HEA Sec. 418A(3)

**Issue:** Prior Experience of Service Delivery Points for HEP and  
CAMP Projects

**Statutory cites:** HEA Sec. 418A (e)

**Regulatory cites:** To be added as 34 CFR § 206.31

**Summary of issue:** Section 418A(e) of the HEA, as amended by the HEOA, provides that in making HEP and CAMP grants, the Department is to consider an applicant's prior experience of service delivery under the program for which it seeks further funding, and is to give prior experience "the same level of consideration" as given to applicants for TRIO grants. The Department has interpreted this provision to mean that existing HEP and CAMP project grantees in the final year of their projects are eligible to receive up to 15 additional points for prior experience of service delivery. As explained in the application packages for HEP and CAMP, in awarding points for prior experience the Secretary reviews information relating to an applicant's performance under its expiring HEP or CAMP project. However, while the information the Department examines in awarding these points for prior experience has been the subject of prior consultation with program grantees, the criteria are not currently the subject of program regulations. To be consistent with the Department's approach in TRIO, the Department proposes adding its criteria language to the program regulations.

**Updated Information:** This issue was not on the agenda during the first negotiated rulemaking session. In considering the issue of prior experience under TRIO, the Department believes that the regulations for HEP and CAMP should likewise address prior experience. The Department proposes to adopt its existing criteria for prior experience.

**§206.31 How does the Secretary evaluate points for prior experience for HEP and CAMP service delivery?**

(a) In the case of an applicant for a HEP award, the Secretary considers the applicant's experience in

implementing an expiring HEP project with respect as to

(1) ~~Whether the applicant served the number of participants described in its approved application;~~

(2) ~~The extent to which the applicant met or exceeded its funded objectives with regard to project participants, including theits targeted number and percentage of~~

(i) Participants who received a ~~G~~eneral ~~E~~ducational ~~D~~evelopment (GED) credential certificate, and

(ii) GED credential recipients who were reported as entering postsecondary education programs, career positions, or the military; and

(3) ~~The extent to which the applicant met the administrative requirements, including recordkeeping, reporting, and financial accountability, under the terms of the previously funded award.~~

(b) In the case of an applicant for a CAMP award, the Secretary considers the applicant's experience in

implementing an expiring CAMP project with respect as to



(1) ~~—~~Whether the applicant served the number of participants described in its approved application;~~;~~

(2) ~~—~~The extent to which the applicant met or exceeded its funded objectives with regard to project participants, including ~~theirs~~ targeted number and percentage of participants who~~---~~

(i) Successfully completed the first year of college, and

(ii) Continued to be enrolled in postsecondary education after completing their first year of college;  
and

(~~3iii~~) The extent to which the applicant met the administrative requirements, including recordkeeping, reporting, and financial accountability~~r~~ under the terms of the previously funded award.

Conforming Changes

§206.4 What regulations apply to these programs?

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(a)\*\*\*

(6) 34 CFR part 84 (Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)).

(76) 34 CFR part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)).

(87) 34 CFR part 86 (Drug-Free Schools and Campuses).

(9) 34 CFR part 97 (Protection of Human Subjects).

(10) 34 CFR part 98 (Student Rights in Research, Experimental Programs, and Testing).

(11) 34 CFR part 99 (Family Educational Rights and Privacy).

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§206.10 What types of services may be provided?

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(b) \* \* \*

(1)\*\*\*

(iii)\*\*\*

(B) Placement services designed to place students in a university, college, or junior college program (including

preparation for college entrance examinations), or in  
military services or career positions; and

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(v) ~~Weekly stipends~~ Stipends for high school  
equivalency program participants.

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(viii) Other essential supportive services (such as  
transportation and child care), as needed, to ensure the  
success of eligible students.

(ix) Other activities to improve persistence and  
retention in postsecondary education.

(2) \*\*\*

(ii) Supportive and instructional services to improve  
placement, persistence, and retention in postsecondary  
education, including:

(A) Personal, academic, career, and economic education  
or personal finance counseling as an ongoing part of the  
program;

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(vi) Internships.

(vii) ~~Othersupport~~ essential supportive services  
(such as transportation and child care) as necessary to  
ensure the success of eligible students.

§206.11 What types of CAMP services must be provided?

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(b) \*\*\*

(2) Referring these students to on- or off-campus providers of counseling services, academic assistance, or financial aid, and coordinating such services, assistance, and aid with other non-program services, assistance, and aid, including services, assistance, and aid provided by community-based organizations, which may include mentoring and guidance; and

(3) For students attending two-year institutions of higher education, encouraging the students to transfer to four-year institutions of higher education, where appropriate, and monitoring the rate of transfer of such students.

§206.20 What must be included in an application?

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(b) \*\*\*

(2) Includes an annual budget of not less than \$150,000-180,000.