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Technical Assistance Paper (TAP) Priority for Services (PFS) and Definitions for Migratory Students

Summary:

In providing services with funds received under Title I, Part C – Migrant Education Program, each recipient of such funds shall give priority to migratory children who have made a qualifying move within the previous one-year period and who are failing, or most at risk of failing, to meet the challenging State academic standards or have dropped out of school [Elementary and Secondary Education Act, as Amended by the Every Student Succeeds Act (ESSA) of 2015, Section 1304(d)].

This document is designed to provide guidance and clarification to Local Educational Agencies (LEAs)/Consortia on the requirements for identifying and providing services to migratory students who meet the federal mandate and state criteria for Priority for Services.

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Background

The Migrant Education Program (MEP) is authorized under the Elementary and Secondary Education Act (ESEA) as amended by the Every Student Succeeds Act (ESSA). As part of the ESSA requirements for Title I, Part C, every State must set its priority for services; likewise, every MEP in each State is required to maintain a list of eligible migrant students as well as a listing of the students designated as Priority for Services (PFS). In addition to these lists, reasons for the decision to designate a student as PFS must remain on file with the student records at each MEP site.

Purpose of This Technical Assistance Paper

This Technical Assistance Paper (TAP) was revised to reflect considerations of changes to the PFS requirements enacted in the ESSA. New PFS statutory requirements under the ESSA for MEP took effect on July 1, 2017. This TAP clarifies statutory requirements and provides examples of how Local Educational Agencies (LEAs) may comply with these requirements.

Definitions

A.1 What is the definition of a “migratory child”?

According to U.S. Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education, *Non-Regulatory Guidance for the Title I, Part C Education of Migratory Children*, Chapter II, Section A, a child is a “migratory child” if the following conditions are met:

1. The child is not older than 21 years of age; *and*
2. (a) The child is entitled to a free public education (through grade 12) under State law, *or*
(b) The child is not yet at a grade level at which the LEA provides a free public education, *and*
3. The child made a qualifying move in the preceding 36 months as a migratory agricultural worker or a migratory fisher, or did so with, or to join a parent or guardian or spouse who is a migratory agricultural worker or a migratory fisher; *and*
4. With regard to the qualifying move identified in paragraph 3, above, the child moved due to economic necessity from one residence to another residence, and-
 - a. From one school district to another; *or*
 - b. In a State that is comprised of a single school district, has moved from one administrative area to another within such district; *or*
 - c. Resides in a school district of more than 15,000 square miles and migrates a distance of 20 miles or more to a temporary residence. Currently, there are no districts in Florida with more than 15,000 square miles.

A.2 What is the definition of “migratory agricultural worker”?

Under section 1309(2) of the ESEA, as amended, a “migratory agricultural worker” is a person who, in the preceding 36 months, made a qualifying move and, after doing so, engaged in new temporary or seasonal employment or personal subsistence in agriculture (which may be dairy work or the initial processing of raw agricultural products). Section 1309(2) provides that an individual who did not engage in such new employment soon after a qualifying move may still be considered a “migratory agricultural worker” if he or she meets both of the following criteria:

1. The individual actively sought such new employment; *an*
2. The individual has a recent history of moves for temporary or seasonal agricultural employment.

A.3 What is the definition of “migratory fisher”?

Under section 1309(4) of the ESEA, as amended, a “migratory fisher” is a person who, in the preceding 36 months, made a qualifying move, and after doing so, engaged in new temporary or seasonal employment or personal subsistence in fishing.

Section 1309(4) provides that an individual who did not engage in such new employment soon after a qualifying move may still be considered a “migratory fisher” if he or she meets both of the following criteria:

1. The individual actively sought such new employment; *and*
2. The individual has a recent history of moves for temporary or seasonal fishing employment.

A.4 What is the definition of “qualifying move”?

Under section 1309(5) of the ESEA, as amended, a qualifying move is:

- made due to economic necessity; *and*
- from one residence to another residence; *and*
- from one school district to another school district.*

*In a State that is comprised of a single school district, a move qualifies if it is from one administrative area to another within the district. In addition, in a school district of more than 15,000 square miles, a move qualifies if it is over a distance of 20 miles or more to a temporary residence. Currently, there are no districts in Florida of more than 15,000 square miles.

A.5 What is the State statutory definition of a dropout student? (Section 1003.01, Florida Statutes [F.S.])

“Drop-out” means a student who meets any one or more of the following criteria:

- The student has voluntarily removed himself or herself from the school system before graduation for reasons that include, but are not limited to, marriage, or the student has

withdrawn from school because he or she has failed the statewide student assessment test and thereby does not receive any of the certificates of completion;

- The student has not met the relevant attendance requirements of the school district pursuant to State Board of Education rules, or the student was expected to attend a school but did not enter as expected for unknown reasons, or the student's whereabouts are unknown;
- The student has withdrawn from school, but has not transferred to another public or private school or enrolled in any career, adult, home education, or alternative educational program;
- The student has withdrawn from school due to hardship, unless such withdrawal has been granted under the provisions of section 322.091, F.S., court action, expulsion, medical reasons, or pregnancy; or
- The student is not eligible to attend school because of reaching the maximum age for an exceptional student program in accordance with the district's policy.

Identifying Priority for Services Students

B.1 Who has priority for services in the Migrant Education Program?

Section 1304(d) of ESEA, as amended, states:

PRIORITY FOR SERVICES.—In providing services with funds received under this part, each recipient of such funds shall give priority to migratory children who have made a qualifying move within the previous 1-year period and who-

- (1) Are failing, or most at risk of failing, to meet the challenging State academic standards;
or
- (2) Have dropped out of school.

B.2 How should a qualifying move, within the previous 1-year period, be calculated?

The Florida Department of Education (FDOE) recommends that the timeframe for PFS be based on whether the child's Qualifying Arrival Date (QAD) is within one year from the date that the needs assessment is initiated. If the LEA is assessing PFS the day after the start of the new term (e.g., September 2, 2018), the QAD must be within one year of this date (e.g., no earlier than September 1, 2017).

B.3 How must LEAs/ Consortia determine which students meet the Priority for Services criteria?

The State has determined that the following indicators **shall** be used to identify the students who should receive PFS:

A migratory child who:

- Has made a qualifying move within the previous 1-year period
- AND**
- Scored at Level 1 or Level 2 on the State Assessment (SA); or
 - Is an English Language Learner (ELL); **or**
 - Has an age/grade discrepancy; **or**
 - Was retained; **or**
 - Is at risk of failing to meet the State graduation requirements in one of the following areas:
 - Has an unweighted grade point average of 2.0 or below, **or**
 - Has insufficient credits for promotion or graduation
- OR**
- Has dropped out of school

For example, based on a PFS assessment on September 1, 2018 (start of the term), a migrant child with a QAD of July 1, 2018, and who has, at minimum, one of the indicators would meet the PFS criteria. In addition, a newly arrived migrant student with a QAD of January 1, 2019, and who has, at minimum, one of the indicators would meet the PFS criteria.

Preschool PFS – School readiness has been identified as a top priority in the FDOE ESSA State Plan. As such, if a preschool child meets any of the following criteria they are determined to meet the PFS criteria:

- (1) The student is at least 3 years old, not currently enrolled in an approved academically rigorous preschool program (or had not been enrolled in such program for at least 3of the previous 12 months) AND is not fluent in English OR the home language is not English.
- (2) The student is at least 3 years old and has a documented suspected developmental delay.
- (3) The student is expected to start Kindergarten in the upcoming school year and is not meeting generally accepted school readiness targets.

B.4 Should LEAs/Consortia prioritize students with multiple indicators?

Yes, when LEAs and consortia have identified a significant number of students who meet the criteria for PFS, these LEAs and consortia have the flexibility to further prioritize these students by ranking the PFS indicators either by number or weight to ensure services to the neediest of these students first.

B.5 How must LEAs and consortia report a student as a drop-out student?

DNE -Any PK-12 student who was expected to attend a school but did not enter as expected for unknown reasons
W05 -Any student age 16 or older who leaves school voluntarily with no intention of returning
W13 -Any PK-12 student withdrawn from school due to court action
W15 -Any PK-12 student who is withdrawn from school due to nonattendance
W18 -Any PK-12 student who withdraws from school due to medical reasons
W21 -Any PK-12 student who is withdrawn from school due to being expelled
W22 -Any PK-12 student whose whereabouts are unknown
W23 -Any PK-12 student who withdraws from school for any reason other than W01-W22 or W24-W27

B.6 Why are graduation and promotion requirements included in the PFS criteria?

These indicators are included to target migratory students who have passed the FSA, have the appropriate age or grade placement, are not English Language Learners and have not been retained, **but** remain at risk of failing to meet State graduation and promotion requirements as a result of low grade point averages or insufficient required credits. Such students should be served **first** to ensure that their academic progression is monitored and services are provided as needed to make certain that these students are promoted or graduate.

B.7 Are out-of-school youth considered to have dropped out of school in regards to PFS criteria?

Per the Office of Migrant Education Guidance, out-of-school youth are children through age 21 who are entitled to a free public education in the State and who meet the definition of a “migratory child,” but who are not currently enrolled in a K-12 institution. Out-of-school youth could include students who have dropped out of school, youth who are working on a high school equivalency diploma outside a K-12 institution, and youth who are “here-to-work” only.

For the purposes of the Florida MEP, only out-of-school youth who meet any of the drop-out codes identified in B.5 can be identified as students who meet the criteria for PFS.

Local Educational Agencies/Consortia Requirements

C.1 How must LEAs and consortia receiving Title I, Part C funds ensure compliance with the PFS component?

LEAs and Consortia must:

- Develop, implement, maintain, and revise as needed a PFS Action Plan that describes how the LEA or consortium will use MEP funds and other resources to address the unique needs of migratory children who meet the criteria for PFS **first**, before expending funds on other migratory children and to document the services that these children receive. This plan should also include a component to evaluate the impact of services provided on student achievement;
- Target the areas of need for migratory children identified through local and State needs assessment processes when designing a PFS Action Plan;

- Coordinate with local, State, and Federal programs and projects that benefit migratory children and families [section 1304(c)(1)(B) of ESEA, as amended].
- Utilize the State-designated indicators to identify students who must receive priority for services; and
- Document the services provided to students who meet the PFS criteria by continuously capturing and recording data onsite (to monitor student progress) and reporting the data using existing data elements.

C.2 Why is the State requiring a PFS Action Plan?

The State must ensure that sub-grantees comply with section 1304 of the ESEA, as amended. This component is included in the sub-grantee Request for Application. The development, implementation and maintenance of a PFS Action Plan will document compliance and assist LEAs and consortia in identifying, assessing and providing appropriate services to the neediest migratory students **first**, before expending funds on other migratory children.

C.3 How must the LEAs and Consortia articulate the PFS requirement?

LEAs and consortia must provide a description of the PFS Action Plan when applying for Title I, Part C funds. The supporting documentation, which verifies that the plan is being implemented as described in the project application, should be maintained at the local level and may be requested by the State under special circumstances and during program monitoring or audits.

Documenting/Reporting Services and Student Data

D.1 What methods are recommended for continuously capturing and recording the PFS data onsite?

LEAs and consortia, in collaboration with their Management Information System departments, should develop a PFS document outlining specific data requirements. **The document should be used to continuously track and monitor the academic progress of students served**, as well as to verify program compliance for monitoring and audit purposes.

The document should include:

- a list of students who meet the PFS criteria that includes student identifying information such as name, student number, date of birth, grade and QAD;
- identification of each student's PFS indicator(s);
- service(s) provided to address the need(s) identified by the indicator(s); and
- drop out data.

D.2 May LEAs and consortia differentiate services to students who meet PFS criteria based on the design and implementation of their MEP?

Yes, LEAs and consortia may develop PFS Action Plans that differentiate services being provided to eligible students identified for PFS based on:

- the availability of MEP funds;
- the number of eligible students enrolled at a particular site, or throughout a particular region;
- whether MEP personnel are based at one school, serve children at multiple schools, or serve children in the home;
- the availability of resources at schools; **or**
- the unique programmatic needs as identified by single and multi-district MEPs.

Examples of services that may be provided are:

- monitoring attendance with the development and implementation of appropriate interventions to increase attendance;
- providing supportive services;
- delivering individualized or small group instruction or tutoring based on students' needs;
- conducting formal and informal student academic assessments and developing individual academic intervention plans based on identified needs;
- ensuring access to literacy resources for the student and the family;
- ensuring access to other available Federal, State and local resources; or
- ensuring access to any service that will address the unique needs of a migratory child.

D.3 How should LEAs and consortia identify and report services provided to students who meet PFS criteria?

Services to migratory children are currently and will continue to be reported via the Florida Student Information System in the Federal and State Compensatory Project Evaluation Format, Survey 5.

Please contact Teresa Sancho with the FDOE, PK-12 Education Information Services, at askeais@fldoe.org or 850-245-9075 for specific data elements.