

## **Statewide Guidance for Determining Priority for Services Status for Migratory Children and Youth**

1. Common Procedures and Documentation
2. Frequently Asked Questions
3. Implications
4. Laws and Non-Regulatory Guidance
5. Abbreviations

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### **Introduction:**

This guidance document is provided to local Migrant Education Programs (MEP) to assist them in the accurate identification and reporting of migratory children and youth who qualify as *Priority for Services* (PFS).

The common procedures and documentation that have been adopted by Michigan are found in section one beginning on page two. This section provides step by step guidance for completing the Priority For Service panel in MIS2000. The PFS determination must be coded in the Migrant Education Data System (MIS2000) and supporting documentation kept on file with the local MEP.

The Frequently Asked Questions section will be updated as questions arise from the field.

Section three contains implications for the implementation of these required *Priority for Services* changes.

Section four of this document contains the legal precedent regarding Priority for Services, the Non-Regulatory Guidance issued by the United States Office of Migrant Education, and excerpts from the OME's Frequently Asked Questions documents updated in fiscal year 2012.

Section five includes a list of abbreviations used throughout this document and the Eligibility Determination Worksheet.

# **1. Common Procedures and Documentation:**

In compliance with ESEA Title I, Part C Section 1304(d), state and local MEP programs must have consistent criteria used to determine Priority for Services status of migratory children and youth. Migratory children and youth may qualify for priority for services if both of the following criteria are met:

Priority for services status is given to migratory children and youth:

- (1) who have made a qualifying move within the previous 1-year period, **and**
  - a. who are failing, or most at risk of failing, to meet the challenging State academic standards;
  - or**
  - b. have dropped out of school.

For the first criteria, migratory children and youth must have made a qualifying move where they changed residences across school district boundaries due to economic necessity.


For the second criterion, migratory children and youth must meet at least one of the following:

*Note: Assessments must have been administered within the last 12 months.*

1. Scored partially proficient or basic on the Michigan's State Reading Assessment
2. Scored partially proficient or basic on the Michigan's State Mathematics Assessment
3. Scored partially proficient or basic on Michigan's State Writing Assessment
4. Scored partially proficient or basic on Michigan's State Science Assessment
5. Scored partially proficient or basic on Michigan's State Social Studies Assessment
6. Scored below proficient on State Assessments received from other states
7. Scored below the 50th percentile on norm-referenced test (reading and/or math)
8. Scored below grade level on locally administered assessments in reading or math (DRA2, Delta Math or other)
9. Is classified as an English Learner (EL) and has not meet the requirements from the Michigan's Entrance and Exit Protocol to be exited from EL services
10. Qualifies for Special Education services
11. Is behind in accruing credits toward graduation requirements
12. Has grades indicating below average performance in math and/or language arts at the elementary level
13. Has grades indicating below average performance in math, language arts, science, or social studies at the middle or high school levels
14. Repeated a grade level or course
15. Enrolled in a structured, early childhood program for at-risk children (MIS2000 PS grade level code only)
16. Pursuing a GED course of study
17. Has dropped out of school

**Common Procedure:**

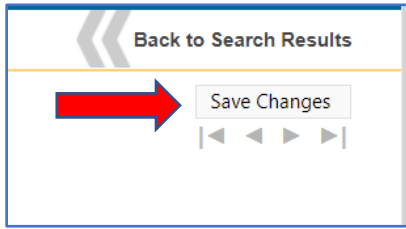
1. Gather assessment data and information relating to educational interruptions.
2. Verify the information in Table A of the Priority For Service panel in MIS2000 is correct or manually enter the qualifying move information.

| Table A. - Qualifying Move          |   |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | 1. Student has a QAD in the previous year (calculated)  |
|                                     | <p><b>Move from and Move to (city, state):</b> LUDINGTON, MI to Grant, MI</p> <p><b>Date of Qualifying Move (QAD):</b> 9/2/2022</p>   |
| <input type="checkbox"/>            | 2. Student has a qualifying move in the previous year that occurred without a QAD   |
|                                     | <p><b>Move from and Move to (city, state):</b> <input type="text" value="Move from and Move to (city, state)"/></p> <p><b>Date of Qualifying Move:</b> <input type="text"/> </p> |

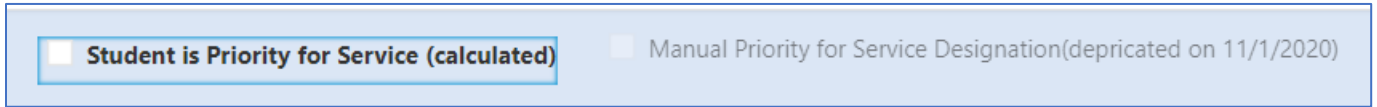
3. Enter the risk factor criteria in Table B in MIS2000 using achievement data that has been administered within the *past twelve months*. Additional guidance follows for each section of the worksheet.

| Table B. - Risk Factors for failing to meet State Standards Criteria |  |                                  |
|--|--|----------------------------------|
| <b>Check all that apply</b>  |  |                                  |
| <input type="checkbox"/>   | 1. Scored partially proficient or basic on Michigan's State Reading Assessment   | <i>Description and/or Scores</i> |
| <input type="checkbox"/>   | 2. Scored partially proficient or basic on Michigan's State Mathematics Assessment   | <i>Description and/or Scores</i> |
| <input type="checkbox"/>   | 3. Scored partially proficient or basic on Michigan's State Writing Assessment   | <i>Description and/or Scores</i> |
| <input type="checkbox"/>   | 4. Scored partially proficient or basic on Michigan's State Science Assessment   | <i>Description and/or Scores</i> |
| <input type="checkbox"/>   | 5. Scored partially proficient or basic on Michigan's State Social Studies Assessment  | <i>Description and/or Scores</i> |
| <input type="checkbox"/>   | 6. Scored partially proficient or basic on State Assessments received from other states  | <i>Description and/or Scores</i> |
| <input type="checkbox"/>   | 7. Scored below the 50th percentile on norm-referenced test (reading and/or math)  | <i>Description and/or Scores</i> |
| <input type="checkbox"/>   | 8. Scored below grade level on locally administered assessments in reading or math (DRA2, Delta Math or other)                                       | <i>Description and/or Scores</i> |
| <input type="checkbox"/>   | 9. Is classified as an English Learner and has not met the requirements from the Michigan's Entrance and Exit protocol to be exited from EL services | <i>Description and/or Scores</i> |
| <input type="checkbox"/>   | 10. Qualifies for Special Education Services   | <i>Description and/or Scores</i> |
|  | <b>Date of IEP (from enrollment):</b> n/a  |                                  |
| <input type="checkbox"/>   | 11. Is behind in accruing credits toward graduation requirements   | <i>Description and/or Scores</i> |
| <input type="checkbox"/>   | 12. Has grades indicating below average performance in math and/or language arts at the elementary level   | <i>Description and/or Scores</i> |
| <input type="checkbox"/>   | 13. Has grades indicating below average performance in math, language arts, sciences, or social studies at the middle or high school levels          | <i>Description and/or Scores</i> |
| <input type="checkbox"/>   | 14. Repeated a grade level or course   | <i>Description and/or Scores</i> |
| <input type="checkbox"/>   | 15. Enrolled in a structured, early childhood program for at-risk children (PS only)   | <i>Description and/or Scores</i> |
| <input type="checkbox"/>   | 16. Pursuing a GED course of study   | <i>Description and/or Scores</i> |
| <input type="checkbox"/>   | 17. Has dropped out of school (calculated from enrollment data)  | <i>Description and/or Scores</i> |
|  | <b>Date of drop out (from enrollment):</b> n/a   |                                  |

- Click on the save changes button at the top right corner of the PFS Panel.



- Then verify that the PFS indicator on the enrollment panel is correct for the date of the enrollment.



- Submit enrollment through the normal approval process. For more detailed information on how to do this, please refer to the MIS2000 Data Entry Manual.
- Maintain the documentation of the risk factor(s) selected in Table B on file with the local MEP Director or Coordinator. This documentation may be requested by the Michigan MEP and/or auditors.

## Directions and examples for completing the Priority For Service Panel in MIS2000 :

### Student Information (verify information in the student header only)

- Student's name:** Include first, middle and last names.
- Date of birth:** Include student's date of birth.
- Facility:** Name of school where student is enrolled.
- Grade:** Current grade of the student, P0-P5, PS, K-12 or OS.
- Enroll Date:** Date PFS determination is applied to.

### Criteria

- Table A. Qualifying Moves:** Check and note the date of the most recent qualifying move. The qualifying move must:
  - have occurred within the previous 1-year period; **and**
  - included a change in residency across school district boundaries due to economic necessity. Document the move, *example: San Antonio, TX to Hart, Michigan. April 26, 2021.*
- Table B. Risk Factors for Failing to Meet State Standards Criteria:** Assessments must have been administered within the last 12 months old. Check all that apply. **At least one item must be checked to be eligible for priority for services.**
  - Scored partially proficient or basic on Michigan's State Reading Assessment (indicate last year's score and year taken; *example: 2021 Partially Proficient*)
  - Scored partially proficient or basic on Michigan's State Mathematics Assessment (indicate last year's score and year taken; *example: 2021 Partially Proficient*)

3. Scored partially proficient or basic on Michigan's State Writing Assessment (indicate last year's score and year taken; *example: 2021 Partially Proficient*)
4. Scored partially proficient or basic on Michigan's State Science Assessment (indicate last year's score and year taken; *example: 2021 Partially Proficient*)
5. Scored partially proficient or basic on Michigan's State Social Studies Assessment (indicate last year's score and year taken; *example: 2021 Partially Proficient*)
6. Scored below proficiency on State Assessments received from other states (indicate year taken, assessment taken, content area tested, and score or level; *example: TAKS, Spring 2021, Reading, Basic*)
7. Scored below the 50th percentile on a norm-referenced test (reading and/or math) (indicate year taken, assessment name, content area tested, and score or level; *example: NWEA Map, Spring 2021, Reading, 21<sup>st</sup> percentile*)
8. Scored below grade level on locally administered assessment in reading or math (DRA2, Delta Math or other) (indicate year taken, assessment name, content area tested, and score or level; *example: DRA2, September 2021 Benchmark, Reading, below grade level/level 5*)
9. Is classified as an English Learner and has not met the requirements from Michigan's Entrance and Exit Protocol to be exited from EL services (indicate EL status, WIDA assessment year taken and score; *example: EL; Spring 2021, Developing*)
10. Qualifies for Special Education services (indicate the date of the IEP and the content area(s) the student qualifies in; *example: 9/12/2021, Reading Comprehension, Math Problem Solving*)
11. Is behind in accruing credits toward graduation requirements (indicate the degree to which the student is behind in credits; for *example: behind 2 English credits and 2 Math credits as of Fall 2021*)
12. Has grades indicating below average performance in math and/or language arts at the elementary level (indicate the content area and the last grade achieved; *example: June 2021 Reading 3-Progressing below expectations; or January 2021 Math D-*)
13. Has grades indicating below average performance in math, language arts, science, or social studies at the middle or high school levels (indicate the content area and the grade achieved; *example: November 2016, 1<sup>st</sup> trimester, English Language Arts Spring 2021 D-*)
14. Repeated a grade level or course (indicate what grade or course was repeated and the year; *example: repeating 2<sup>nd</sup> grade in 2021-19*)
15. Enrolled in a structured, early childhood program for at-risk children; this applies to Preschool (MIS2000 PS grade level) only. Only school-based, state or federally-funded programs that require students to meet at risk criteria for eligibility may be included. Telamon Migrant programs **DO QUALIFY** even though they are not school-based per OME's August 2013 webinar. *Example: GSRP, Fall 2021.*
16. Pursuing a GED course of study; this would apply only to Out of School Youth (OSY). The student must be enrolled or attending a GED program and actively pursuing the GED. Note the program the student is attending and a general statement of when the student enrolled. *Example: MiWorks GED program, Fall 2021 or MSU HEP program, entered September 2021.*
17. Has dropped out of school. *Example: Dropped out 9/26/2021.*

## 2. Frequently Asked Questions:

1. **Kindergarten:** A migratory student enrolling in Kindergarten during the fall with QAD 3/28/21. In 2020-21, she was coded NPFS since there was no data indicating she was at risk of failure. She attended the MEP Summer School. She met the eligibility protocol for English Learners and was classified as EL. She was administered the DRA2 and scored below grade level. She met the following criteria from Table A and B:

Table A: #1: QM in the previous 1-year period

Table B: #12: EL; #13: below grade level on locally administered assessments

The student would qualify as PFS in the RM/Fall Enrollment for this school year.

2. **Summer and Following Year Enrollments:** If the qualifying move occurred during the previous 1-year period, a migratory child or youth meeting the criteria for Table B, may continue to be PFS during the summer enrollment following the school year in which the qualifying move occurred. Depending on the date of the qualifying move, the child or youth may continue to be PFS during the fall enrollment of the following school year.

*Example:* A migratory student enrolls with a QAD of 04/01/2021. The student is below grade level on district-administered assessments and is an English Learner, thus meeting two of the possible criteria in Table B. The assessment information and EL status are documented on the PFS worksheet. If the migratory student continues to meet the criteria for Table B, the student would be eligible for PFS status during the spring 2021 regular year enrollment, summer 2021 summer school enrollment, and fall 2021 regular year enrollment. The migratory student would **not** be eligible for PFS during summer 2022 enrollment if a new qualifying move did not occur.

3. **Timeline for completing the Priority for Services Panel in MIS2000:** All efforts should be made to complete the Priority For Services Panel in MIS2000 within 10 days of approval of the COE in MIS2000. The PFS status will be updated when the Priority For Services Panel in MIS2000 is completed.
4. **Annual PFS determinations:** PFS status must be determined during each reporting cycle (September 1 to June 15, and June 16 to August 31). PFS status does not “roll over”. Complete the new Priority For Services Panel in MIS2000 for each migratory child or youth who qualifies as a priority for service for the current year.
5. **Table A and Table B:** Migratory children and youth must meet one of the criteria in Table A and at least one of the criteria in Table B to qualify as a priority for service, PFS.
6. **PFS Status Services:** Migratory children and youth with priority for service status must be served first – before migratory children and youth who are designated NPFS and those with COS status. All potential services including Special Education services, English Learner services, and services provided through other state and federal grant programs are coordinated with migrant services. Migrant services are **supplemental** to other program services, and within migrant services PFS students are served first.

### **3. Implications:**

#### **Regarding Services:**

When planning to provide services to eligible and participating migratory children and youth, local MEPs must first determine how they will focus on the unmet needs of migratory children and youth who have a “priority for services” before serving other migratory children and youth.

The Title I, Part C plan is embedded into the District Improvement Plan (DIP). When writing Goals, Objectives, Strategies, and Activities in the DIP, local MEP directors and coordinators must identify how Title I, Part C funds will be prioritized to support migratory children and youth in the following order: those who have a “priority for services”, other qualifying migratory children and youth, and finally, former migratory children and youth receiving continuation of services.

#### **Regarding Allocations:**

In accordance with ESSA Title I, Part C, migratory children and youth who have a “priority for services” are funded with a state-determined multiplier in addition to the base allocation received for all K-12 migratory children and youth. These counts are determined from the number of unduplicated eligible migratory children and youth reported in MIS2000.

If a local MEP program were to have a shift in the number of migratory children and youth who have a “priority for services”, the Title I, Part C allocation would be impacted accordingly.

### **4. Law and Non-Regulatory Guidance:**

#### **ESEA/ESSA**

Title I, Part C Section 1304 (d) PRIORITY FOR SERVICES – (d) 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.

#### **Non-Regulatory Guidance —October 2003/2010**

**(Complete document was reviewed and updated in 2010; Chapter V was last updated in 2003)**

## **Chapter V: Provision of Services**

*[Note: Before the agency provides services under these provisions, it should consider whether the child's unmet special educational needs are addressed by the general school program and whether migrant children who have a priority for services have already been served.]*

### **B1. Who has priority for services in the MEP?**

Section 1304(d) of the statute gives priority for services to migrant children: (1) who are failing, or most at risk of failing, to meet the State's challenging State academic content standards and challenging State student academic achievement standards, *and* (2) whose education has been interrupted during the regular school year.

### **B2. How does the SEA determine which children meet the "priority for services" criteria?**

SEAs must establish and implement appropriate procedures to identify and target services to migrant children who meet the priority for services requirement. This requirement applies to all migrant children who are at an age that they are required to attend school in the State. In order to determine who meets this criterion, SEAs should first determine which children are failing or most at risk of failing to meet the State's academic content standards and student achievement standards. Among those children who are failing or at most risk of failing, the SEA must identify and give priority for services to children whose education has been interrupted during the regular school year.

### **B3. How does the SEA determine which children are failing or most at risk of failing the State's academic content standards and student academic achievement standards?**

The SEA should examine students' academic performance within the past 12 months on the State assessment. The State assessment is a valuable source of information regarding which children are failing or at risk of failing to meet the State's standards (e.g., students not scoring at the proficient level). If the SEA does not have State assessment data on a particular migrant child (e.g., the child was not present in the district when the State assessment was administered, the State's assessment system is not yet in place for a particular grade, the child attends school but is too young to be included in the State assessment system), the SEA may use other relevant information, like local academic assessment data or the degree to which the child is subject to multiple risk factors (e.g., being retained in grade/overage for grade, eligible for free/reduced price lunch, limited English proficient) to determine if the child is at risk of failing to meet the State's standards.

### **B4. What is "educational interruption" during the regular school year?**

"Educational interruption" means that a student, in the preceding 12 months, changed schools or missed a "significant" amount of school time (e.g., ten days or more) during the regular school year (usually defined as September through June) due to the child's or family's migrant lifestyle. For example, a student who makes a "qualifying move" (see question C1 in Chapter II – "Child Eligibility") during the school year usually enrolls in a new school and, in doing so, may miss a significant amount of school time and thus experience an educational interruption. [Note: Recruiters may collect information on educational interruption during the initial interview and when they perform annual updates of the COE.]

### **B5. Does the educational interruption have to be caused by a move to seek qualifying work?**

No. While the educational interruption must clearly be related to the migrant lifestyle, it does not need to stem from moves in which a migrant worker seeks qualifying work. For example, the interruption may be caused by an illness, such as an exposure to a pesticide that causes the student to miss a significant amount of school. The move may be a trip back to the home base from qualifying employment to enable the child to return to school, to enable the family to take care of pressing family matters, or to enable the family to get ready for the next migrant move. On the other hand, a move home for a vacation would not constitute an educational interruption due to the migrant lifestyle. It is the SEA's responsibility to clearly define the types of situations that constitute



educational interruption as a result of the migrant lifestyle and to communicate these to local operating agencies so that staff apply them consistently on a statewide basis.

**B6. Should a SEA or local operating agency use *only* the existence of a qualifying move during the school year to determine which migrant students have priority for services?**

No. Although a qualifying move is a proxy measure of educational interruption and student mobility is considered an academic risk factor, a SEA or local operating agency should not rely on one data source to determine whether a student meets both criteria of the priority for services definition. Congress defined "priority for services" as a two-pronged test and SEAs and local operating agencies should use multiple data sources to best determine who meets this definition. If a SEA or local operating agency uses a qualifying move to identify which students experienced educational interruption, it should use data sources such as those outlined in Question B3 of this chapter to determine which students are failing or at risk of failing to meet the State's standards. Such use of multiple indicators will greatly improve the reliability of priority for service determinations.

**B7. May the MEP serve children who do not meet the "priority for services" criteria?**

Yes. SEAs and local operating agencies may serve children who do not meet the "priority for services" criteria so long as they serve children who meet the criteria first. For example, a MEP project that operates only in the summer may serve migrant children who reside in the area during the summer but whose schooling is not interrupted during the regular school year, if it first serves migrant students who meet the "priority for services" criteria.

## **MEP Questions & Answers, v.2 Office of Migrant Education (FY 2012)**

**Q. Can a child who is being served by the Migrant Education Program (MEP) under the Continuation of Services (COS) provision of the statute, also qualify for Priority for Services (PFS)?**

A. OME interprets the statutory definitions of PFS and COS to be incompatible. The definition of PFS indicates its application to migratory children, while the COS provision applies when a child ceases to be migratory/is no longer a migratory child. Under these definitions, it is impossible for a child to be simultaneously a "migratory child" and "no longer a migratory child" [see Sections 1304(d) and (e) of the Elementary and Secondary Education Act (ESEA) of 1965, as amended by the No Child Left Behind Act (NCLB) of 2001].

**Q. Can a State consider children age 3-5 (not Kindergarten) and/or Out-of-School Youth for Priority for Services (PFS), even though these children are not enrolled in school?**

A. The most recent guidance on PFS is found in Chapter V, Section B of the Migrant Education Program (MEP) Non-Regulatory Guidance (NRG). To be identified as PFS, a child must have had his/her education interrupted during the regular school year, and he/she must be failing or at risk of failing state academic achievement and content standards (for the complete definition, see Section 1304(d) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001 (NCLB)).

Although the NRG focuses on children enrolled in school, OME believes that States may identify OSY and preschool age children (age 3-5) as PFS if the State's Comprehensive Needs Assessment concludes that preschool children and OSY have some of the greatest needs statewide. A State might determine that OSY experience an interruption of education and are unlikely to meet State standards because they do not attend school and have not graduated from high school. A preschool child might meet the criteria if they are removed from a structured preschool program because of the migrant lifestyle, and while participating in the program, were failing or at risk of failing the program's milestones.

The State should develop a process for determining under which circumstances an OSY or preschool child qualifies for PFS. For example, the State might feel that it is appropriate to only include OSY who have moved within the past year or OSY who are interested in earning a GED. The State should clearly outline these conditions in its PFS determination process. In addition, the State should ensure that local MEPs implement this process consistently.

## **5. Abbreviations:**

|            |   |
|------------|---|
| COE        | Certificate of Eligibility  |
| COS        | Continuation of Services  |
| DIP        | District Improvement Plan   |
| EL         | English Learner   |
| ESEA/ESSA  | Elementary and Secondary Education Act/Every Student Succeeds ACT                                 |
| GED        | General Equivalency or Educational Diploma  |
| GSRP       | Great Start Readiness Program   |
| LEA        | Local Education Agency  |
| M-STEP/MME | Michigan Student Test of Educational Progress/Michigan Merit Exam                                 |
| MEP        | Michigan Education Program  |
| NPFS       | Not Priority for Services   |
| NRG        | Non-Regulatory Guidance   |
| OSY        | Out of School Youth   |
| PFS        | Priority for Services   |
| PS         | Preschool   |
| QAD        | Qualifying Arrival Date (used in federal policy documentation)                                    |
| QM         | Qualifying Move (change in residency across school district boundaries due to economic necessity) |
| RM         | Regular Year Migrant Program Participation Code   |
| SC         | Summer Migrant Program Participation Code   |
| SEA        | State Education Agency  |