



DEPARTMENT OF EDUCATION

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GUIDANCE FOR ENROLLING IMMIGRANT CHILDREN as of 09.03.14

The following is being provided to districts and charters as guidance on federal laws governing the enrollment of immigrant children in our school system. It provides guidance for:

- Unaccompanied children/youth who have been processed through the U.S. Department of Health and Social Services' Office of Administration for Children and Families, Office of Refugee Resettlement (HHS/ORR).
- Unaccompanied children/youth who have not been processed through the HHS/ORR.

We suggest sharing this document with your secretaries, registrars, front office staff, counselors, nurses, homeless liaisons, and nutrition supervisors and those who will be assisting in enrolling new students.

Federal Law

- Under Federal law, state and local educational agencies are required to provide all children with equal access to public education at the elementary and secondary level and may not discriminate on the basis of race, color, or national origin, among other factors
- Districts are prohibited from utilizing criteria or administration processes that have the effect of subjecting individuals to discrimination or have the effect of substantially impairing the process
- Students should not be asked to provide evidence of their legal status regarding immigration at any time during the enrollment process or afterward
- Likewise, a school district may not bar a student from enrolling because he/she lacks a birth certificate and/or a social security number. A birth certificate is not required for enrollment. If a district requests a social security number, it has to inform the individual that the disclosure is voluntary.

Processed Children

- Defined as children that have been processed through HHS/ORR. When immigrant children come into the U.S. and are detained at the border, they are processed through the HHS/ORR office
- HHS/ORR assures DOE that when children come into the custody of the HHS/ORR, they receive a physical and mental health assessment. Additionally, they are immunized if needed and receive a tuberculosis assessment
- The person who is assigned custody of the child when he/she leaves HHS (known as the sponsor) will receive documents that will show evidence of current immunization status, a current physical, and tuberculosis screening. These documents should be presented to the school district in order to enroll the child

- If the sponsor has lost these documents, the sponsor can request a new copy from HHS/ORR via e-mail at Requests.DUCS@ acf.hhs.gov

Unprocessed Children

- Defined as children that have not been in the custody of HHS/ORR and as such may not be able to provide documentation of immunizations, health examinations, tuberculosis or lead testing or documentation of residence or guardianship
- School should work with the family or caregiver to obtain the necessary documents

Registering a processed/unprocessed child

- School may not inquire if the child is documented
- School must enroll these students, and follow these steps:
 - School should ascertain custody (see Relative Caregiver section)
 - Determine homeless status
 - Help family obtain necessary documents or complete the Relative Caregiver form or make a referral for the health requirements. (see Processed Children section and Relative Caregiver section)

Relative Caregiver Form/Guardianship/Custody

- The school should receive proof of custody.
- The Relative Caregiver Form is normally used to establish guardianship/custody from parents/families from within the U.S. For the enrollment of immigrant students whose parents/families are outside the U.S., note the following exceptions:
- Children who have been processed through the HHS/ORR are provided a form which states: "The HHS/ORR has released from its custody the above-named minor into the care and custody of _____ (name listed)." This HHS/ORR form acknowledges the legal and custodial relationship of the local person with whom the child is living. For those immigrant students who possess the HHS/ORR form, the school may accept the HHS/ORR form as proof of custody and as fulfillment of the Relative Caregiver Form Sections A-E.
- Children who have not been processed through the HHS/ORR will not have the HHS/ORR form, nor will they have been officially released into the care and custody of a specific caregiver. In the absence of the ORR form, the local caregiver of the child must provide a signed statement to the district attesting to this relationship with the child to establish the caregiver role. The school may accept the signed statement as proof of custody and as fulfillment of the Relative Caregiver Form Sections A-E.

School entry requirements

- All students (processed or not) entering a public school for the first time are required to provide evidence of immunizations (up-to-date), a current health examination (within 2 years), and tuberculosis screening (within a year)
- Also, there must be documentation of: age; a completed lead test if the child is age 5 or younger; and guardianship or the relationship of the child to the person with whom the child is residing

Proof of age

- While a birth certificate may be requested to document the age of a child, a school may not mandate this as the only acceptable means of proof

- Family bibles, health records, and other documents are allowed under the law

Immunizations

- Minimally, the child (processed or not) must have one dose of each required vaccine to enter school. Then a catch-up schedule, if needed, must be implemented
- Working with the child's new healthcare provider, it may be determined that the immunization record is a "lost record". In this case, no further immunizations are needed
- For more information refer to Regulation 804
<http://regulations.delaware.gov/AdminCode/title14/800/804.shtml#TopOfPage>

Health Examination

- The child (processed or not) may enroll and begin school without a physical, but a health examination must be received within 30 days after entry
- For more information refer to Regulation 815
<http://regulations.delaware.gov/AdminCode/title14/800/815.shtml#TopOfPage>

Tuberculosis Assessment

- The child (processed or not) will need to have tuberculosis screening. They may remain in school until this can be completed if the school nurse has assessed for possible risk and illness. The school nurses have a form for this assessment. Please note that active tuberculosis infection is VERY unlikely
- For more information refer to Regulation 805
<http://regulations.delaware.gov/AdminCode/title14/800/805.shtml#TopOfPage>

Homeless children

- Homeless children and youth often do not have the documents ordinarily required for school enrollment such as proof of residency or birth certificates. The Homeless Liaison must determine if the child is "homeless" under McKinney-Vento. A school who receives a homeless child must immediately enroll the child, even if the child's parent or guardian is unable to produce the records normally required for enrollment
- As with all students, immigrant eligibility for McKinney-Vento services is determined by the local liaison on a case by case basis. According to the McKinney-Vento Act, a student is eligible for McKinney-Vento services if he/she "lacks a fixed, regular, and adequate nighttime residence." The McKinney-Vento Act defines the term "homeless children and youth" as including, in part, "children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason...."
- A determination of homeless status (and free/reduced meal eligibility) is made by the district/charter's Homeless Liaison and the Nutrition Supervisor, respectively
- For more information, please refer to
http://www.serve.org/nche/downloads/briefs/det_elig.pdf
<http://www.ed.gov/programs/homeless>

Free/Reduced Lunch Eligibility

- Eligibility is based on the household status of the family with which the child is living
- Immigrant children do not automatically qualify for free/reduced lunch
- The School Nutrition Supervisor will be able to determine if the household qualifies for

- free or reduced meals, on a case-by-case basis
- Children who are migrant, however, have federal categorical eligibility for this program
- The Delaware Department of Education, Title I, Part C Migrant Education Program determines migrant eligibility on a case-by-case basis

For English as a Second Language/ESL processes

- All incoming students, including recently arrived immigrant students, are required to complete a Home Language Survey (HLS). If the HLS indicates the student speaks a language other than English or if another language is spoken in their home, the district ESL department is required to administer the English language proficiency diagnostic screener (WIDA W-APT, or WIDA MODEL) within the first 25 days of student enrollment
- A student who is determined to be an English Language Learner (ELL) must be provided ESL services and the parent/guardian notification sent to the student's place of residence
- All ELL students in Delaware are assessed annually through the ACCESS for ELLs. ESL services must continue to be provided until the student reaches English language proficiency
- Immigrant students who are ELLs must have an immigration date/first date of U.S. school attendance entered into the ELL 2.0 system. Immigrant students are eligible for a one-year exemption from specific sections of the DCAS/Smarter Balanced State Achievement Assessment. The diagnostic screener W-APT must be administered and the student officially classified as ELL and the immigrant date entered before this exemption can be entered into the system
- For more information, please refer to <http://www.doe.k12.de.us/infosuites/staff/fedstprog/TitleIII/Title-III.shtml>

Other Resources

- La Esperanza - Address: 216 North Race Street, Georgetown, DE 19947-1165
Telephone: 302-854-9262
Email: laesperanza@dmv.com
- La Red - Address: 319 N. Race Street, Georgetown, DE 19947
Telephone: 302-855-1233
- La Casita (First State Community Action Agency) - Address: 200 Ingramtown Road, Georgetown, DE 19947
Telephone: 302-856-7761
- Westside Family Healthcare - 1020 Forrest Ave, Dover, DE 19904
Telephone: 302-678-4622
- State Refugee Coordinator: Thomas Hall 302-255-9605
- Federal Contact - HSS/ORR State Analyst: Makda Belay 202-401-5087
- DOE Contacts:
 - Health Issues: Linda C. Wolfe, 302-735-4060
 - General Refugee, Migrant, and ELL Children Issues - Terry Richard - 302-735-4210

