

Enhancing Instructional Opportunities for Immigrant Students

*Identification and
Procedural Companion*



Immigrant Children and Youth Definition—Title III, Part A

Individuals meeting all criteria listed below qualify as an immigrant student. ESSA, Title III, Part A Section 3201 (5) defines “immigrant children and youth” as individuals who

- are aged 3 to 21;
- were not born in any State¹; and
- have not been attending one or more schools in any one or more State for more than three full academic years.

¹This definition is based on Section 3201(13) of the Every Student Succeeds Act (ESSA). For the definition above, “State” indicates the 50 states, the District of Columbia, and the commonwealth of Puerto Rico.

Enrolling Immigrant Students

Local educational agencies (LEAs) shall not unlawfully discourage or bar students, including students who are undocumented or have parents who are undocumented, from enrollment in U.S. schools. The United States Department of Education (USDE) encourages LEAs to proactively implement supportive enrollment policies and practices that create a welcoming and inclusive environment for all immigrant students. The chart below provides examples of acceptable and unacceptable enrollment practices.

Practices for Enrolling Immigrant Students in Texas Schools

It is acceptable to	It is NOT acceptable to
<ul style="list-style-type: none">• solicit documents for address verification, such as a utility bill, rent payment receipt, parent affidavit, mortgage or lease document, telephone bill, or a letter from an employer written on letterhead,• support a lack of proof of residency for undocumented homeless children under the federal McKinney-Vento Homeless Assistance Act, and• require minimal information, such as immunization history, proof of age, and residency within an LEA.	<ul style="list-style-type: none">• deny the right to a free public education,• inquire about a student’s citizenship or immigration status,• refuse entry of a student presenting a birth certificate indicating a birth place outside of the United States,• prevent a student from enrolling if the student’s social security number is not provided, and• discriminate on the basis of color, race, or national origin.

Responsibilities in Support of Immigrant Students

LEAs are responsible for

- ➊ creating a formal process for reviewing the immigrant status of all students based on the Title III, Part A immigrant children and youth definition,
- ➋ understanding that the term immigrant is not synonymous with English learner (EL), as an immigrant student may not be an EL,
- ➌ determining immigrant status for funding and reporting purposes in the Public Education Information Management System (PEIMS) based on the Title III, Part A immigrant children and youth definition, and
- ➍ removing the immigrant status in PEIMS when students have surpassed the allotted three years.

Note: It is important to differentiate a student's immigrant status between the applicable programs and/or services in which this status is required to be reported. Immigrant status under the Title III, Part A definition must not be confused with the immigrant status for the Immigration and Naturalization Service (INS). LEAs should not assume responsibility for determining citizenship status under INS regulations. The Title III, Part A immigrant children and youth definition must not be used for state assessment purposes or for student eligibility or enrollment in English for Speakers of Other Languages (ESOL) I and II courses.

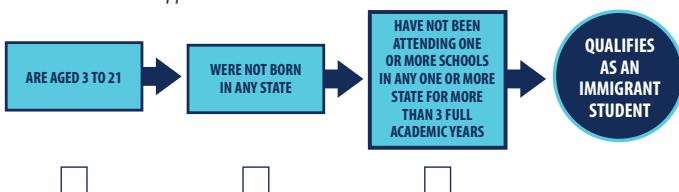
Suggested Data Collection for Determining Immigrant Status

The immigrant status of a student must be reported in PEIMS. LEAs shall collect the number of years the student has been classified as an immigrant. The PEIMS immigrant code will be maintained for each new school year. However, the code must be removed when a student is enrolled in their fourth year of school.

A suggested form for collecting immigrant status is available in the *Enhancing Instructional Opportunities for Immigrant Students* online course available on the Texas Gateway.



After collecting all pertinent data during the registration process, determine if all criteria are met. Check each box as it applies to the student.



Student Name: _____												School Year: _____		
Date of Birth: _____						ID #: _____						Campus: _____		
Years in U.S. Schools: (Check all grade levels the student has attended a U.S. school)														
PK	K	1 st	2 nd	3 rd	4 th	5 th	6 th	7 th	8 th	9 th	10 th	11 th	12 th	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Immigrant Status: _____												YES <input type="checkbox"/>	NO <input type="checkbox"/>	REMOVE STATUS <input type="checkbox"/>
Years Identified as Immigrant: (Check one)												YEAR 1 <input type="checkbox"/>	YEAR 2 <input type="checkbox"/>	YEAR 3 <input type="checkbox"/>

Federal Funding for Immigrant Students

LEAs that experience a significant increase in the number or percentage of immigrant children and youth are eligible to receive Title III, Part A funds to provide teachers with enhanced instructional strategies and approaches in support of successful student outcomes. Title III, Part A immigrant funds are required to be used to assist principals and teachers (including preschool teachers) in

- establishing, implementing, and sustaining effective language instruction educational programs* and
- developing and enhancing their capacity to provide effective instructional programs.

Title III, Part A statute has a **supplement, not supplant** provision in reference to Title III, Part A funds. Supplemental activities enhance the school environment by providing instructional opportunities which add, enhance, increase, and extend programs and services. State or local funds may not be decreased or diverted for other uses merely because of the availability of Title III, Part A funds.

*State bilingual and ESL programs

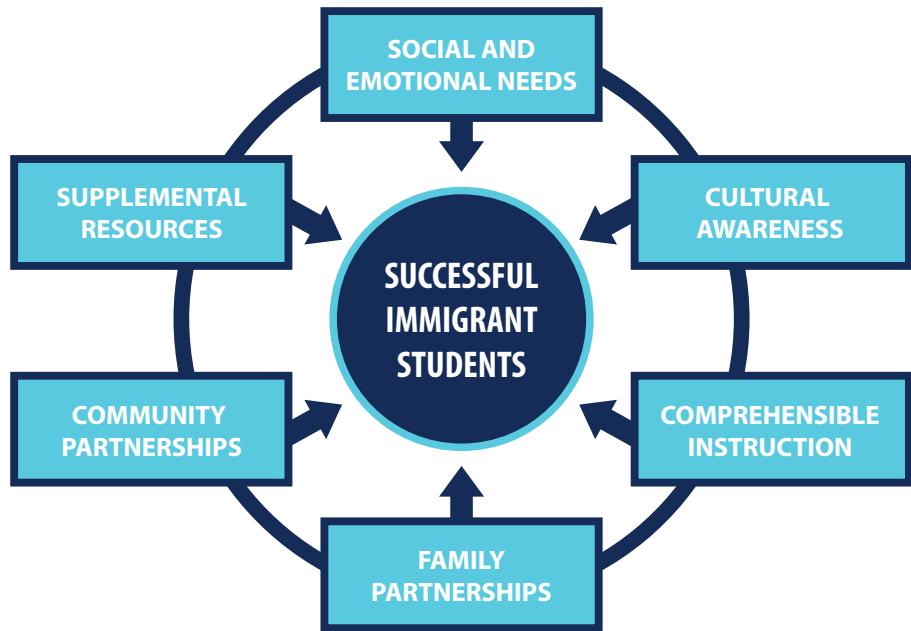
Suggested Activities

ESSA, Title III, Part A Section 3115 (e)(1)(A-G), identifies immigrant-funded activities which can be implemented to meet the requirement of enhancing instructional opportunities for immigrant children and youth. Activities may include

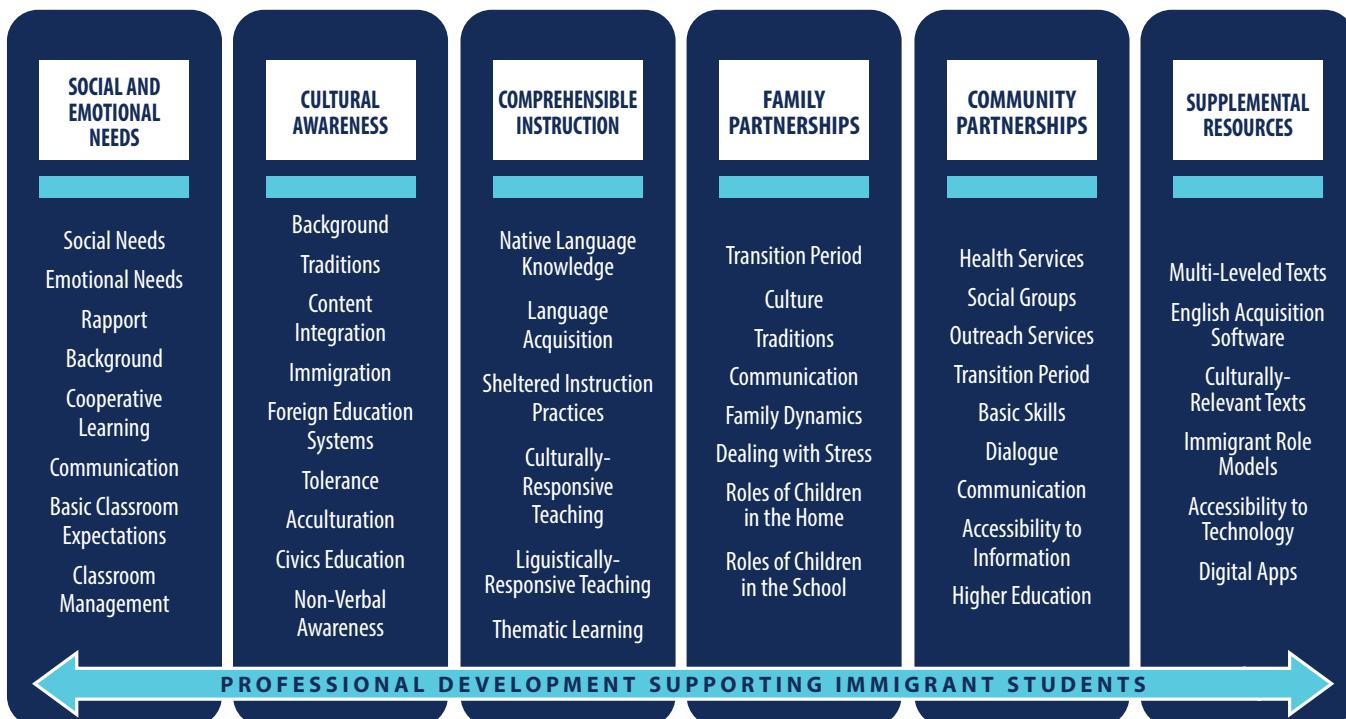
- family literacy, parent and family outreach, and training activities designed to assist parents and families to become active participants in the education of their children,
- recruitment of, and support for, personnel, including teachers and paraprofessionals who have been specifically trained, or are being trained, to provide services to immigrant children and youth,
- provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth,
- identification, development, and acquisition of curricular materials, educational software, and technologies,
- basic instructional services that are directly attributable to the presence of immigrant children and youth, including supplemental classroom supplies, costs of transportation, or other costs directly attributable to such additional basic instructional services,
- other instructional services that are designed to assist immigrant children and youth to achieve in elementary schools and secondary schools in the United States, such as programs of introduction to the educational system and civics education, and
- activities coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents and families of immigrant children and youth by offering comprehensive community services.

Professional Development in Support of Immigrant Students

LEAs must plan for professional development that will support educators of immigrant students in the classroom. Focusing on the following six areas will enhance instructional practices and ensure successful participation of immigrant students in the classroom and at home:



Refer to the *Enhancing Instructional Opportunities for Immigrant Students* online course in the Texas Gateway for additional information referencing these six areas of suggested support for educators.





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