



K-12 Student Registration and Enrollment

NYS-MEP

The New York State Migrant Education Program (NYS-MEP) is committed to supporting migratory children in addressing educational disruption, cultural and language barriers, social isolation, health problems, food insecurity, homelessness, poverty, and other barriers that prevent migratory children from doing well in school and making the successful transition to postsecondary education or employment.

Within the statutorily mandated Service Delivery Plan (SDP), the NYS-MEP has established required services and strategies to achieve the Measurable Program Outcomes (MPOs) to meet the identified unique needs of migratory children and help migratory children achieve the State's performance targets. One such required service is: **ALL 3**. Facilitate migratory youth enrollment as appropriate in K-12 educational programs.

Barriers to school registration and enrollment

To ensure equal opportunity, all students are protected in their access to education free from discrimination, regardless of their immigration or citizenship status. This is what we need to know about the right to a public education for students who are not US citizens:

- School districts may not deny access to public education to any child residing in the State, including children who are not citizens and do not have immigration documentation. The Supreme Court made this clear nearly forty years ago in a case called [*Plyler v. Doe*](#).
- School districts may not bar students from enrolling in public elementary and secondary schools based on the citizenship or immigration status of the student or their parent or guardian.
- School districts may not request information about the citizenship or immigration status of students or their families with the purpose or result of denying them access to educational opportunities.
- Students are to be enrolled and begin attendance on the next school day, or as soon as practicable, while their documentation and residency are being verified.
- Students who are English learners have a right to appropriate language assistance services, and parents and guardians have a right to receive communications from their children's school in a language they can understand.
- Students who are experiencing temporary housing/homelessness may be eligible for additional services under the McKinney-Vento Act, such as transportation to the designated school district of attendance.

Strategies to support school registration and enrollment

Migratory children and families may require direct support from NYS-MEP staff, and may need to develop strategies for self-advocacy, related to school registration (not in order of importance and action, and based on demonstrated needs):

- Explain the process of school enrollment to parents and families of migratory children and youth, including how to access interpretation services and translated documents.
- Remind parents and families to obtain the necessary documentation, as needed.
- Assist parents and families in setting up school registration appointments, as necessary, either at the school or through the district's central registration office.
- Accompany parents and families to register or enroll their students in school, to the extent practicable and necessary.
- Assist parents and families in completing student registration documents, as needed.
- The school or school district has the primary responsibility for obtaining students' prior school, academic, health, and other relevant records for registration purposes. If the school or school district has difficulty in obtaining such records, provide assistance to parents and families in acquiring student records, as needed.
- Assist parents and families in acquiring students' medical records and/or immunizations as needed, including communication with health clinics for scheduling of vaccine appointments.
- If the migratory child or youth is eligible for additional services that require parental consent, facilitate obtaining such consent and provide additional support with next steps, to the extent practicable.

Supports for NYS-MEP Staff

If migrant educators face challenges while assisting school-age migratory children and families with registering in NYS public schools and school districts, their next action should be to consult with their local Migrant Education Tutorial and Support Services (METS) Director. The METS Director will determine the best course of action. This may include:

- Consultation with more experienced NYS-MEP colleagues who may have other strategies when working in a particular school district/building and/or
- Consultation with the State Coordinator to determine if the New York State Education Department (NYSED) may be able to expedite certain actions or achieve certain outcomes and/or
- Facilitation of conversations with the school or school district using NYSED resources in

Appendix A

- NYS Education Law and Commissioner's Regulations outline broad requirements for determination of student residency and age, but each school district board of education establishes its own policies in meeting these mandates.
- It is recommended that NYS-MEP staff review local board of education policies (typically available on the district's website) to understand what is required in the applicable district.

- Schools should *not* impose residency requirements that make it difficult or impossible for noncitizens, undocumented students, and people who rent their homes without a lease to register for school.
- If, after working with the school district, the district is not willing to enroll the migratory student, the METS Director will contact NYSED. The State Coordinator will consult with NYSED's Office of Student Support Services, and other offices as needed, on next steps and will keep the METS Director updated.
- In addition to the SED resources outlined in **Appendix A**, NYS-MEP staff may find the following resources to be useful in **Appendix B**.

Appendix A

NYSED Resources for Student Registration and Enrollment

Right to a free public education

- [August 2023 Joint Memo from the NYS Attorney General and NYS Commissioner of Education](#)
 - Know Your Rights Guidance (PDF pages 1-2)
 - Dear Colleagues Memo (PDF pages 3-6)
 - Version with highlighted language:



Adobe Acrobat
Document

Determination of student residency and age

- [Commissioner's Regulation §100.2\(y\)\(3\)](#) states: "When a child's parent(s), the person(s) in parental relation to the child or the child, as appropriate, requests enrollment of the child in the school district, such child shall be **enrolled and shall begin attendance on the next school day, or as soon as practicable...**"
 - Students are to be enrolled immediately and are to continue their attendance in school while their documentation and residency are being verified.
 - Version with highlighted language:



Adobe Acrobat
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New Arrivals

- [August 2023 NYSED Office of Counsel Letter](#)
 - Version with highlighted language:



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Appendix B

Related State (NYSED) and Federal Resources

Other NYSED Resources

- New York State Technical and Educational Assistance Center for Homeless Students (NYSTEACHS): <https://www.nysteachs.org/immigrant-students>
- SED Field Advisories/Memoranda Pertaining to ELLs: <https://www.nysed.gov/bilingual-ed/field-advisoriesmemoranda-pertaining-ells>
 - Example: [Residency Guidance](#)
 - Example: [Changes to the Reporting and Collection of Immigrant Student and Vaccination Data in New York State](#)
- Student Support Services: <https://www.p12.nysed.gov/sss/pps/residency/>

Federal Resources

- US Department of Justice Civil Rights Division:
 - <https://www.justice.gov/crt/combating-national-origin-discrimination-schools>
 - <https://www.justice.gov/crt/resources-0>
- US Department of Education
 - [Dear Colleague Letter on School Enrollment and Student Citizenship](#), including guidance on schools' obligations to permit students to enroll and participate in a school's educational services without discrimination based on the immigration status of students or their parents or guardians.
 - [Dear Colleague Letter on English Learners and Limited English Proficient Parents](#), including guidance on the rights of students who are English learners and the rights of parents and guardians who have limited English proficiency.
 - [Information on the Rights of All Children to Enroll in School: Questions and Answers for States, School Districts and Parents](#), which answers questions about enrollment, documentation, and measures to support students with undocumented immigration status.
 - [Fact Sheet: Information on the Rights of All Children to Enroll in School](#), with information for families and school districts about documentation and enrollment policies.
 - [Resource Guide – Supporting Undocumented Youth](#), with information about legal guidelines, models from the field, and more to support students in elementary, secondary and postsecondary education. Institutions of higher education can continue to provide emergency grants through the Higher Education Emergency Relief Fund to DACA recipients so they can enroll and continue in postsecondary education.
 - [English Learner Family Toolkit](#), including information about enrolling children in school, attending school in the United States, and other educational programs and services for children.