



## Immigrant Student Reporting and Services

### Definition of Immigrant Children and Youth

Under Title III (Sec. 3201(5) of ESEA), the term “immigrant children and youth” refers to individuals who:

- **Are aged 3 through 21.**
- **Were not born in any State.** “State” includes each of the 50 states, the District of Columbia, and the Commonwealth of Puerto Rico (Sec. 3201(13) of ESEA). Therefore, students born in Puerto Rico may not be classified as “immigrant” students under Title III. Children born abroad to U.S. citizens (e.g., military bases overseas) may be included if they meet all three criteria.
- **Have not been attending one or more schools in any one or more States for more than 3 full academic years.** The months in attendance need not be consecutive. If a student has been in different schools in different school districts, the number of months that the student has been in school in U.S. schools must not add up to a total of more than 3 full academic years.

Although many immigrant students are classified as multilingual learners (MLLs),<sup>1</sup> not all immigrant students are MLLs. Students who meet the Title III definition of “immigrant” must be reported regardless of their English language proficiency level or MLL status.

### Federal, State, and Local Reporting

Districts submit immigrant student data through their Student Information System (SIS) to RIDE.

Data Source for Immigrant Student Indicator		
Federal criteria	Home Language Survey items	Reporting to RIDE
Aged 3 through 21	<i>Birth Date</i>	<b>Any student meeting these criteria must be flagged in enrollment submissions as Immigrant Y— otherwise N.</b>
Not born in any State	<i>Birth Place</i>	
Less than or equal to 3 full academic years attending school in the States	<i>Date First Enrolled in Any U.S. School</i>	

The data for all three immigrant student criteria come from the [Home Language Survey \(HLS\)](#), which districts are required to administer as part of the registration process for all newly enrolling students to the district. A copy of the HLS must be kept in students’ record in the district.

*Birth Place* is not a required field on the HLS, but it is required as part of districts’ enrollment submissions to RIDE from their SIS. For students whose parents or guardians decline to provide birth place on the HLS, districts should enter *Not Disclosed*.

RIDE has issued guidance within its [MLL Identification, Placement, and Reclassification Guidance](#) about HLS administration for all newly enrolling students in the district. RIDE has also developed a [HLS FAQ](#) and [HLS Training Module](#) to support districts with administering the HLS.

### Rights of Immigrant Students

All children in the United States have the right to a free public education, regardless of immigration status, national origin, or home language. In *Plyler v. Doe*, the U.S. Supreme Court ruled it is unconstitutional to discriminate on the basis of immigration status in providing access to basic educational programs.

<sup>1</sup> RIDE uses *multilingual learner* to refer to the population in federal policy as *English learners*. The term *multilingual learner* reflects the agency’s asset-based stance towards students who come to RI schools with broad linguistic repertoires.

## R.I. DEPARTMENT OF ELEMENTARY & SECONDARY EDUCATION

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**RIDE** Rhode Island  
Department  
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Education agencies are prohibited from taking actions that significantly interfere with the right to a basic public education. Therefore, districts should not ask about the immigration status or date of entry into the United States of students or their parents/guardians. The federal government has noted such questions may create a “chilling effect” that discourages students and families from enrolling in school. Districts should pose the same questions of all students, as indicated in RIDE’s HLS guidance and supporting materials. For additional information about enrollment for immigrant students, please see the [U.S. Department of Education’s Fact Sheet](#).

Please note: eligibility for free and reduced lunch is entirely based on income. Parents or guardians without social security numbers are allowed to complete the application for the free and reduced price school meals. Immigration status should not impact participation in the program.

### *Services through Title III Immigrant Grant*

On an annual basis with April 1 data, RIDE uses the required formula to determine the degree of increase of immigrant students in each district. Districts that have experienced a significant increase are invited to apply for a grant to fund supplementary programs and services for immigrant students and families.

Examples of activities that districts can fund with the immigrant grant 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 to be used in the program,*



- *Basic instruction services that are directly attributable to the presence of immigrant children and youth in the LEA, including the payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instruction services,*



- *Other instruction services that are designed to assist immigrant children and youth to achieve in elementary and secondary schools in the U.S., 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<sup>2</sup>*

**For additional information about Immigrant Student Reporting, please contact Flavia Molea Baker ([flavia.moleabaker@ride.ri.gov](mailto:flavia.moleabaker@ride.ri.gov)) or Veronica Salas ([veronica.salas@ride.ri.gov](mailto:veronica.salas@ride.ri.gov)).**

<sup>2</sup> Please see Title III Sec. 3115(e) of ESEA [[20 U.S.C. 6825](#)].