

Chapter 1

Enrolling Your Child in School

Overview

Enrolling your child in school can be a very exciting time. Some things may be familiar, and other things may be different for you and your child. It is important to note that states may not deny undocumented school-age children the free public education that is provided to children who are citizens of the United States or who are legally admitted residents.⁴

States may have preschool or pre-kindergarten programs at public schools.

School staff can provide important information about enrolling your child in school. Please ask them questions. Teachers, principals, guidance counselors, and other staff will work together to help you and your child learn and succeed in school.

Family and Student Rights

As a family member with school-aged children, you have certain rights. This is very important. Your national origin, citizenship, or immigration status does not change these rights. They include the following:

- All school-age children, regardless of their citizenship or immigration status, may access free public school education in the school district where they live.⁵
- Schools and school districts can ask for documentation from multiple sources, which may include immunization records from a clinic or doctor, proof of age, and proof of residency (for example, a utility bill that reflects your current address). Requirements can vary from state to state and district to district. Check the school and district websites to learn about the documents required to enroll your child in school.
- Schools cannot ask for documentation that would prohibit or discourage a student from enrolling in or attending school.⁶ For example, schools cannot ask for proof of citizenship status or a parent's social security card.
- In general, schools and school districts cannot share personally identifiable information from a student's education records without the prior written consent of the student's parents unless the

“Enrolling Your Child in School” is the first chapter of the English Learner Family Toolkit, which is designed to support families of English learners (ELs). Each chapter has five parts: (1) Overview, (2) Family and Student Rights, (3) Suggested Questions to Ask School Staff, (4) Tips for Families, and (5) Resources. Information in each chapter varies. As readers can choose to access only certain chapters of the toolkit, it is important to note that some information may be repeated in multiple chapters.

⁴ *Plyler v. Doe*, 457 U.S. 202 (1982)

⁵ Students with F-1 or M-1 non-immigrant visas attending private schools are responsible for paying tuition, while F-1 visa holders attending a public secondary school are responsible for paying the full, unsubsidized per capita cost of attending school (see: <https://studyinthestates.dhs.gov/kindergarten-to-grade-12-schools>).

⁶ U.S. Department of Justice, Civil Rights Division, and U.S. Department of Education, Office for Civil Rights. (2014). *Fact sheet: Information on the rights of all children to enroll in school*. Washington, DC: Authors. Retrieved from <https://www.justice.gov/sites/default/files/crt/legacy/2014/05/08/plylerfact.pdf>.

student is 18 years of age or older, attends an institution of postsecondary education, or is otherwise permitted by law.⁷

- Title I of the Elementary and Secondary Education Act (ESEA) says that school districts must provide the required communications to parents of ELs under Title I in an understandable format and, when possible, in a language that the parents understand.⁸ This means that schools must try to communicate with parents of ELs in their first language, such as in Spanish or Chinese. They must provide information to all parents regardless of their native language or proficiency in English about any program, service, or activity of a school district.⁹ Additionally, Title VI of the Civil Rights Act of 1964 requires that school districts and state educational agencies (SEAs) ensure meaningful communication with parents with limited English proficiency (LEP) in a language they can understand and adequately notify LEP parents of information about any program, service, or activity of a school district or SEA that is called to the attention of non-LEP parents.¹⁰ The Individuals with Disabilities Education Act (IDEA) requires that consent (agreement or permission) from parents must be requested in the parent’s native language or through another form of communication understandable to the parents.¹¹
- Schools must identify EL students who need services to learn English. First, most schools will ask you to fill out a Home Language Survey. The results of this survey will help the school decide if your child needs to be tested to determine eligibility for English language services.
- If your child is eligible for specialized language services based on the English proficiency assessment, the school will provide the services. However, you can decline to enroll your child in such services.¹²
- If your child is identified as an English learner, the school must notify you in writing within 30 days of the school year starting. The school should provide information about your child’s English language proficiency level, programs, and services available to meet your child’s educational needs, and your right to opt your child out of a program or service for English learners.¹³

⁷ The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g and 34 CFR part 99, governs education records, and the personally identifiable information contained therein, maintained by educational agencies (for, e.g., school districts) and institutions (i.e., schools). Further information about FERPA can be found at https://studentprivacy.ed.gov/sites/default/files/resource_document/file/for-parents.pdf

⁸ ESEA 1112(e)(4).

⁹ U.S. Department of Education, Office for Civil Rights & U.S. Department of Justice Civil Rights Division. *Fact sheet: Information for limited English proficient (LEP) parents and guardians and for schools and school districts that communicate with them.* Retrieved from <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-lep-parents-201501.pdf>

¹⁰ U.S. Department of Education, Office for Civil Rights & U.S. Department of Justice Civil Rights Division. *Fact sheet: Information for limited English proficient (LEP) parents and guardians and for schools and school districts that communicate with them.* Retrieved from <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-lep-parents-201501.pdf>

¹¹ IDEA, 34 CFR 300.9.

¹² ESEA 1112(e)(3).

¹³ U.S. Department of Education, Office for Civil Rights & U.S. Department of Justice Civil Rights Division. *Fact sheet: Information for limited English proficient (LEP) parents and guardians and for schools and school districts that communicate with them.* Retrieved from <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-lep-parents-201501.pdf>

- Students have the right to be free from discrimination based on race, color, national origin, sex, and disability.¹⁴

Suggested Questions to Ask School Staff

The following are sample, optional questions you may ask school staff to help you to enroll your child in school:

1. Who can help me enroll my child in school?
2. Will my child's brothers and sisters enroll in this school?
3. How old does my child have to be to start preschool or kindergarten in my state?
4. What is the maximum age at which I can enroll my child in high school in my state?
5. What documents must I provide to the school or district office to enroll my child? How can this information be provided to the school, i.e., hard copies, uploaded electronically, sent via email, etc.?
6. What are the deadlines for providing the required documents and getting any required vaccinations?
7. What information, if any, must I provide to a new school for the school to obtain my child's education records from his or her previous school?
8. A minor relative is living with me, and I am not the legal guardian of that child. The child's parents are not living with the child. Can I enroll the child in my local district?
9. Can I get materials translated and an interpreter to help me talk with school staff?
10. What time does school start and end?
11. How does my child get to school? Do I have to pay for transportation? Where can I find information on bus routes and bus stops? How can I find out if the bus is late?
12. My child needs help learning English. How can I be sure that my child receives help learning English?
13. What supplies will my child need for school?
14. Can my child receive school meals for free or at a reduced price? What information do I need to provide to qualify for free or reduced-price meals for my child?
15. Does the school have before- and after-school care for my child, and how can I enroll my child in these activities or an aftercare program (for elementary school children)?
16. Is there a preschool program for my four-year-old child? If so, how can I get information about that program?
17. What information about my child will the school share with people outside of the school?
18. My child will be in high school. How can I get information about graduation requirements?

¹⁴ Educational institutions have a responsibility to protect every student's right to learn in a safe environment free from unlawful discrimination and to prevent unjust deprivations of that right. The U.S. Department of Education's Office for Civil Rights (OCR) enforces several federal civil rights laws that prohibit discrimination in programs or activities that receive federal financial assistance from the Department of Education. Discrimination on the basis of race, color, and national origin is prohibited by Title VI of the Civil Rights Act of 1964 (This includes discrimination based on a person's limited English proficiency or English learner status; and actual or perceived shared ancestry or ethnic characteristics, including membership in a religion that may be perceived to exhibit such characteristics (such as Hindu, Jewish, Muslim, and Sikh individuals)); sex discrimination is prohibited by Title IX of the Education Amendments of 1972; discrimination on the basis of disability is prohibited by Section 504 of the Rehabilitation Act of 1973; and age discrimination is prohibited by the Age Discrimination Act of 1975. OCR also has responsibilities under Title II of the Americans with Disabilities Act of 1990, which prohibits disability discrimination by public entities, whether or not they receive federal financial assistance.

Tips for Families

- Do not sign any paperwork until you understand the information and agree to what is being asked of you.
- If possible, take a parent or guardian whose child already attends your school with you to enroll your child.
- If possible, visit your school and district websites to see what information is available to help you prepare for enrolling your child.
- Ask for a school calendar and information about when the school opens late, closes early, and the days on which the school is closed.
- Sometimes families must pay for the child's breakfast or lunch, school supplies, and before- and after-school activities. Ask the school if you must pay for these things or if the school can provide you with financial assistance if needed.
- Sometimes schools close due to holidays, teacher workdays, bad weather, or other events. Schools let families know about these events in several ways, such as sending text alerts, email alerts, or broadcasting them on the local news or radio stations. Ask how you can receive this information.

Resources

Adult Learning Resource Center. (2012). "Enrolling in school" in *A guide to your children's schools: A parent handbook*, pp. 4-6. Des Moines, IL: Illinois State Board of Education. Retrieved from <https://www.isbe.net/Documents/PGuide-english.pdf>. This is a guide developed by the State of Illinois to help parents learn how to enroll their children in school. Some items are specific to the state, like specific documents needed for proof of residence, but some of the information is more general.

Education Law Center. (August 2019). *Fact sheet: How to enroll a child in public school*. Philadelphia, PA: Author. Retrieved from [How-to-Enroll-A-Child-in-Public-School.pdf \(elc-pa.org\)](https://www.elc-pa.org/How-to-Enroll-A-Child-in-Public-School.pdf). This is a guide developed by a nonprofit organization in Pennsylvania to help parents navigate enrollment in school. Some of the information is specific to Pennsylvania, but some of the information is more general. This guide is meant to help new arrivals navigate the public school system and includes questions and answers about enrollment.

U.S. Department of Education, Office for Civil Rights (OCR). (2015) *Dear Colleague Letter: English Learner Students and Limited English Proficient Parents*. Retrieved from <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf>. This Dear Colleague letter reminds states, school districts, and schools of their obligations under federal law to ensure that English learner students have equal access to a high-quality education and the opportunity to achieve their full academic potential. More information about OCR, including how to file a complaint, can be found at <https://www2.ed.gov/about/offices/list/ocr/index.html>. **This resource is available in numerous languages, including Spanish, Arabic, Korean, Chinese, and Vietnamese.**

U.S. Department of Justice, Civil Rights Division, and U.S. Department of Education, Office for Civil Rights. (2014). *Fact sheet: Information on the rights of all children to enroll in school*. Washington, DC: Authors. Retrieved from <https://www.justice.gov/sites/default/files/crt/legacy/2014/05/08/plylerfact.pdf> This fact sheet outlines the rights of all children residing in the United States to enroll in school, regardless of citizenship or immigration status.

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