



Supporting and Enrolling Undocumented Students

Florida is committed to ensuring the educational success of all learners, while providing districts with greater flexibility, design processes and procedures that meet the needs of the students and families who enroll in Florida public schools. This guidance will ensure continued compliance with Florida Statutes and Rule.

As you review your current policies and procedures, we encourage you to include in the enrollment process those district administrators who have oversight of programs for English for Speakers of Other Languages (ESOL), Student Services, Exceptional Student Education (ESE) and Management Information Services (MIS). The Florida Department of Education (FDOE) recommends that families contact the school district's student enrollment/registration office for information regarding the process of registering their student(s).

Registration

In an effort to assist families with registering in a Florida public school, the following provisional requirements for documentation are acceptable (in lieu of an official birth certificate), as per section (s.) [1003.21\(4\)\(a\)-\(g\)](#), Florida Statutes (F.S.).

- A duly attested transcript of the child's birth record filed according to law with a public officer charged with the duty of recording births;
- A duly attested transcript of a certificate of birth and place of baptism of the child, accompanied by an affidavit sworn to by the parent;
- An insurance policy on the child's life that has been in force for at least two years;
- A bona fide contemporary religious record of the child's birth accompanied by an affidavit sworn to by the child's parent;
- A passport or certificate of arrival in the United States showing the age of the child;
- A transcript of record of age shown in the child's school record of at least four years prior to application, stating the date of birth; or
- If none of these evidences can be produced, an affidavit of age sworn to by the parent, accompanied by a certificate of age signed by a public health officer or by a public school physician, or, if these are not available in the county, by a licensed practicing physician designated by the district school board, which states that the health officer or physician has examined the child and believes that the age as stated in the affidavit is substantially correct. Children and youths who are experiencing homelessness and children who are known to the department, as defined in s. [39.0016](#), F.S., shall be given temporary exemption from this section for 30 school days.

If you have questions regarding registration, contact Damera Hopkins, school counseling consultant for elementary and middle grades, at 850-245-7844 or Damera.Hopkins@fldoe.org; or Felicia Trumpler, school counseling consultant for high school, at 850-245-0457 or Felicia.Trumpler@fldoe.org.

School Attendance

If none of these evidences can be produced, an affidavit of age, sworn to by the parent, accompanied by a certificate of age, signed by a public health officer, or by a public school physician or, if they are not available in the county, by a licensed practicing physician designated by the district school board that states that the health officer or physician has examined the child and believes that the age as stated in the affidavit is substantially correct. Children and youth who are experiencing homelessness and children who are known to the department, as defined in s. [39.0016](#), F.S., shall be given temporary exemption from this section for 30 school days, as per s. [1003.21\(g\)](#), F.S.

If you have questions regarding school attendance, contact Martha Rodriguez, school social work consultant, at 850-245-7837 or Beverley.Wilks@fldoe.org.

Immunization

In accordance with s. [1003.22](#), F.S., all children entering Florida schools, pre-kindergarten through 12th grade, must have the following:

- Evidence of medical examination to be completed within 12 months of entering school. The Florida School Entry Health Exam Form (DH 3040) and Guide are available at http://www.doh.state.fl.us/Family/school/parent/parent_info.html. Parents are encouraged to contact the child's current physician to complete the School Entry Health Exam before moving if possible.
- The Florida Certification of Immunization (Form 680) must be used to document the immunizations required for entry and attendance in Florida schools. These forms are not available to the public and must be completed by a Florida physician or a Florida county health department. It is recommended that parents obtain a copy of the child's complete immunization history before leaving their current residence.

If you have questions regarding immunizations, contact school health consultant, by phone at 850-245-7851.

Immigration Status

1) Florida Consent Decree

- The Consent Decree addresses the civil rights of English Language Learners (ELL) students, foremost among these their right to equal access to all education programs. In addressing these rights, the Consent Decree provides a structure that ensures the delivery of the comprehensible instruction to which ELL students are entitled.
 - In accordance with federal law (*Plyler v. Doe*, 1982 U.S. Supreme Court), any student who lives in any state and is of compulsory school age is entitled to equal access to public school. This student need only produce evidence of residence in the attendance zone of the school district ([Florida Consent Decree](#)).
 - No district shall classify students as non-residents based upon their immigration status.
 - No district shall inquire into a student's or his parents' immigration status ([Florida Consent Decree](#)).

2) Guardianship

- Legal guardianships are temporary legal relationships where an adult who is not the child's parent provides care for a child. A parent who consents to guardianship has not necessarily given up all parental rights ([Chapter 744, Guardianship, F.S.](#)). These statutes and rules describe the duties and obligations of guardians to ensure they act in the best interests of the child.

3) Status

- Districts should not request proof of immigration status such as alien registration number, tourist visa, passport, etc. In order to fulfill its requirement for eligibility for federal funds such as Title III Recently Arrived Immigrant Children and Youth funds, the only information that may be required from undocumented students is their country of birth and the date they entered a United States school ([Florida Consent Decree](#)).
- Districts should ensure that undocumented children are provided free, equal and unhindered access to appropriate public education. School districts should not classify undocumented students as non-residents based on their federal immigration status. No district shall in any case elicit, compile nor maintain lists of students with alien registration numbers and those without. No copies of any immigration documentation may be elicited and maintained as part of the student's records ([Florida Consent Decree](#)).
- Districts shall provide for Equal Educational Opportunity to National Origin Minority/ELL students. The district shall comply with the requirements of, or based on:
 - The Florida Consent Decree;
 - The Title VI and VII Civil Rights Act of 1964;
 - The Office for Civil Rights (OCR) memorandum of May 25, 1970;
 - The Supreme Court decision of *Lau v. Nichols*, 1974;
 - The Equal Educational Opportunities Act of 1974;
 - The Fifth Circuit Court decision of *Castaneda v. Pickard*, 1981;
 - The Supreme Court decision of *Plyler v. Doe*, 1982;
 - OCR standards for Title VI compliance;
 - Title IX; and
 - The Dear Colleague Letter from U.S. Department of Education dated January 7, 2015.
- A Social Security number may be requested but not required for enrollment.

If you have questions regarding immigration status, contact Chane Eplin, bureau chief, Student Achievement through Language Acquisition, at 850-245-0417 or Chane.Eplin@fldoe.org.

Student Placement Considerations

Each Florida district, in its student progression plan, addresses placement of and promotion of students leading to high school graduation as well attainment of high academic standards. FDOE offers the following student placement considerations for district and school decisions:

- 1) Verification of student's prior attendance and grade level.
- 2) Age-appropriate grade placement.
- 3) Not required to enroll if student possesses terminal diploma or certificate equivalent to a high school diploma.

- 4) ELLs are entitled to equal access to programs such as compensatory, exceptional, early childhood, dual enrollment, gifted and career and technical education programs. ELLs should not be restricted from such access by the imposition of any criteria or methods of program administration, such as preset time limits regarding eligibility for reasons related to limited English proficiency or minimum prerequisite levels of proficiency prior to being served, which delays or denies them from being served. Students must receive understandable instruction ([Florida Consent Decree](#)).
- 5) Districts should follow the processes for placement of a student in compliance with the Uniform Transfer of High School Credits in s. [1003.4282](#), F.S.; the Uniform Transfer of Students in Middle and High School in Rule [6A-1.09941](#), Florida Administrative Code; and the authorities provided in s. [1003.02](#), F.S.

For students with disabilities, if records are not available, accept and document the parent/guardian statement that the student is a student with a disability. Based upon the information available, determine the most appropriate placement and program, obtain parental consent for services, develop an individual educational plan (IEP) and provide services as soon as possible. Monitor the student's progress, proceed with consent for initial evaluation and eligibility procedures and provide the parent with procedural safeguards.

- 6) In addition, s. [1003.433](#), F.S., Learning opportunities for out-of-state and out-of-country transfer students and students needing additional instruction to meet high school graduation requirements, specifies the following:
 - Students who enter a Florida public school at the 11th or 12th grade from out of state or out of country shall not be required to spend additional time in a Florida public school in order to meet the high school course requirements if the student has met all requirements of the school district, state or country from which he or she is transferring. Such students who are not proficient in English should receive immediate and intensive instruction in English language acquisition. However, to receive a standard high school diploma, a transfer student must earn a 2.0 grade point average and meet the requirements under s. [1008.22](#), F.S.
 - Students who earn the required 24 credits for the standard high school diploma except for passage of any must-pass assessment under ss. [1003.4282](#) or [1008.22](#), F.S., or an alternate assessment by the end of grade 12, must be provided the following learning opportunities:
 - a) Participation in an accelerated high school equivalency diploma preparation program during the summer;
 - b) Upon receipt of a certificate of completion, be allowed to take the College Placement Test and be admitted to developmental education or credit courses at a Florida College System institution, as appropriate; and
 - c) Participation in an adult general education program as provided in s. [1004.93](#), F.S., for such time as the student requires to master English, reading, mathematics or any other subject required for high school graduation. A student attending an adult general education program shall have the opportunity to take any must-pass assessment under ss. [1003.4282](#) or [1008.22](#), F.S., an unlimited number of times in order to receive a standard high school diploma.
 - Students who have been enrolled in an ESOL program for less than two school years and have met all requirements for the standard high school diploma except for passage of any must-pass assessment under ss. [1003.4282](#) or [1008.22](#), F.S., or alternate assessment may

receive immersion English language instruction during the summer following their senior year. Students receiving such instruction are eligible to take the required assessment or alternate assessment and receive a standard high school diploma upon passage of the required assessment or alternate assessment. This subsection shall be implemented to the extent funding is provided in the General Appropriations Act.

If you have questions regarding student placement considerations, contact Damera Hopkins, school counseling consultant for elementary and middle grades, at 850-245-7844 or Damera.Hopkins@fldoe.org; or Felicia Trumpler, school counseling consultant for high school, at 850-245-0457 or Felicia.Trumpler@fldoe.org. For questions related to ESE students, contact Wendy Metty, ESE specialist, at 850-245-0475 or Wendy.Metty@fldoe.org.

Resources for School Districts

FDOE would like to provide the following resources that include information on enrollment, placement and support of these students:

1) U.S. Department of Education Resources

- Resource Guide: <https://www2.ed.gov/about/overview/focus/supporting-undocumented-youth.pdf>
- English Learner Tool Kit: <https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/eltoolkit.pdf>
- January 7, 2015, Dear Colleague Letter: <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf>

2) Florida District Resources

- Immigrant Support Plan - Example from Broward County: <https://www.browardschools.com/Page/38611>
- 2020-2021 Student Progression Plan - Example from Miami-Dade: <http://ehandbooks.dadeschools.net/policies/93.pdf>

If you have questions regarding resources for districts, contact Chane Eplin, bureau chief, Student Achievement through Language Acquisition, at 850-245-0417 or Chane.Eplin@fldoe.org.

Thank you for your continued support in helping our students have a smooth transition into your schools and receive a world-class education. Should you have any additional questions regarding this memo or need further assistance, you may contact Andrew Weatherill, bureau chief, Student Support Services, at 850-245-7851 or Andrew.Weatherill@fldoe.org.