



STATE OF CONNECTICUT
STATE DEPARTMENT OF EDUCATION



**GUIDANCE FOR CONNECTICUT SCHOOL DISTRICTS:
ENROLLMENT PROCESS AND PRACTICE**

I. TIPS FOR DESIGNING A LAWFUL AND EFFECTIVE ENROLLMENT PROCESS

The Connecticut State Department of Education (CSDE) recognizes that the start of the school year presents school districts with competing obligations relating to student information. On the one hand, school districts have a duty under federal civil rights laws to limit the decision of whether a child may enroll in school solely to checking the specific information necessary to confirming the student’s residency in the district and age. When making the enrollment determination, it can be a violation of law to ask for information or documents that are not necessary for determining age or residency or to give parents/guardians the impression that if they do not answer certain questions or provide certain documents, the child cannot enroll.¹

At the same time, however, at the start of the school year – and typically as part of the enrollment process – districts often collect additional data about their students (e.g. demographic information, place of birth, primary language, etc.) to better serve students and to fulfill obligations relating to data reporting and other responsibilities. To collect this data in a way that does not interfere with a student’s right to enroll in school, districts should separate enrollment and data collection into two separate interactions. Here are some suggestions:

- For example, during the enrollment session, a district could dedicate one space (this could be an office or a table in a larger space) to enrolling students and a separate space for data collection, to occur after the enrollment discussion.
- Enrollment and data collection may take place in one visit to a school or district office, but the district should make clear to families and staff that these are two separate steps in the process to appropriately protect a child’s fundamental right to enroll in school.
- A district also could use color-coded materials to separate enrollment from data collection. For example, a district could use one color for enrollment forms and another color for data collection forms, or place the forms in folders of different colors to signify which is for enrollment and which is for additional data collection following enrollment.

Whatever approach a district decides to take, the district should clearly communicate to its staff and to parents and guardians that: (1) a child who resides in the district has a legal right to enroll in school if residency and age are confirmed;² (2) there are various ways of showing residency and age, and no specific documentation is required in order to enroll (see Section II); and (3) the district may need to request additional information as part of its data collection obligations, but this will not affect the child’s enrollment. On enrollment issues, districts should communicate with parents/guardians with limited English proficiency in a language they understand.

¹ Appropriate implementation of immunization and health assessment requirements, in light of federal civil rights obligations concerning enrollment, is discussed on page 4.

² Districts may not require children experiencing homelessness to show residency. The special rules concerning children experiencing homelessness are discussed on pages 3-4.

Districts should review their enrollment-related policies, communications and webpages with their attorneys to clarify the purpose for requesting information/documents from families and ensure alignment with the applicable legal requirements discussed in this Guidance.

II. INFORMATION/DOCUMENTS RELEVANT FOR ENROLLMENT

This section provides suggestions for addressing a number of issues which arise in the course of enrolling students in public schools. Some of these issues have received the attention of regulatory agencies and are also discussed in the attached federal guidance materials.

Residency in the District

Districts should request only documentation which is useful in establishing town of residency.

Districts should not, when determining residency, request documentation of citizenship or immigration status of a student or the student's parents or guardian. This documentation is not relevant to establishing residency. Also, because it may discourage parents of undocumented children from enrolling their children in school, a school district should not state on its website or elsewhere that such information is required to enroll a child.

There are many documents which may be used to establish residency which will not have the effect of discouraging the parents of immigrant children, documented or undocumented, from enrolling the children for school. Examples include:

- A current apartment or home lease agreement, a mortgage document, property tax record, rent receipt, home owners insurance.
- A current utility bill (electric, gas, water), cable, home or cell phone bill, insurance correspondence.
- Current proof of government benefits (disability, Medicare, Supplemental Assistance Nutrition Program, SNAP) or other government correspondence showing an address.
- A current Connecticut driver's license, automobile registration, automobile insurance.

If documents such as these cannot be provided because the parent and student live with someone else, an Affidavit of Residence from a parent, guardian or from the person with whom the child resides, signed before a notary or commissioner of the superior court, may be used.

All students under the age of 21 who have not obtained a high school diploma are entitled to attend the public schools in their district of residence. It is not permissible to tell students under the age of 21, who have not graduated high school, that they are too old or otherwise ineligible to enroll in school for any reason (including lack of credits or English language skills).

Proof of Age

School districts have the right to determine a student's age.

However, a student should not be barred from enrolling because the student's family cannot produce a birth certificate. An original or certified copy of a birth certificate is not the only way

to verify a student's age, and a birth certificate may not be available to a foreign born child. Other documents that may be accepted as proof of a student's age include, but are not limited to:

- Photocopy of a birth certificate
- Earlier school records
- State-issued identification document
- Driver's license, passport, etc.
- Parent's affidavit or unsworn statement as to a student's age
- Physician's certificate verifying a student's age
- Immunization records

Social Security Number

Requiring a parent's or student's social security number has been addressed in federal guidance materials.

A school district may not deny enrollment to a student if his or her parent refuses to provide a social security number. If a school district chooses to request a social security number, the school district must do the following in the request:

- Inform the individual that disclosure is voluntary;
- Provide the statutory or other basis for why the district is requesting the number; and
- Explain how the district will use the number.

Children and Youth Experiencing Homelessness

The federal McKinney-Vento Homeless Assistance Act provides special legal protections for children and youth experiencing homelessness, including homeless "unaccompanied youth" who are not in the custody of a parent or guardian. Under the law, children and youth experiencing homelessness are individuals who:

- lack a fixed, regular, and adequate nighttime residence, including children and youths who share the housing of others, due to loss of housing, economic hardship, or similar reasons;
- have a nighttime residence that is a public or private place not designed for or used as a regular sleeping accommodation for human beings;
- live in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations or similar settings;
- live in emergency or transitional shelters, or are abandoned in hospitals; or
- live in facilities which provide emergency shelter for a specified limited period of time.

A school district in which a student is attending school must assure that if the student becomes homeless during a school year, or between school years, such student continues to receive educational services for the duration of homelessness. To the extent feasible, a school district must keep a student experiencing homelessness in the school of origin, unless this is contrary

to the wishes of the student's parent or guardian. A student experiencing homelessness who becomes permanently housed during an academic year is permitted to remain in the school of origin for the remainder of the academic year.

A school district must immediately enroll a student experiencing homelessness and allow the student to attend school even if the student is unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation. The district must then immediately contact the last school attended to obtain any relevant records and make appropriate referrals for required immunizations, health exams, and the like. The process of obtaining records concerning a child or youth experiencing homelessness should not delay attendance at school; it is not permissible to wait for records before allowing children and youth experiencing homelessness to attend school.

For more information, please visit <http://www.sde.ct.gov/sde/cwp/view.asp?a=2678&q=320796>.

If you have any questions concerning issues relating to students experiencing homelessness, please contact Louis Tallarita at (860) 807-2058 or Louis.Tallarita@ct.gov.

Children not living with parents or guardians

A child may be entitled to school accommodations in the school district where the child resides even if the child is not living with a parent or guardian. If a child is living with relatives or nonrelatives, when it is the intention of the relatives or nonrelatives and of the child or the child's parents or guardians that such residence is: (a) to be permanent; (b) provided without pay; and (c) not for the sole purpose of obtaining school accommodations; the child is entitled to all free school privileges accorded to resident children of the school district in which they then reside. A board of education may require documentation from the parent, guardian, relative, nonrelative, emancipated minor, or pupil eighteen years of age or older that the requirements stated above are met. See Conn. Gen. Stat. Sec. 10-253(d).

Immunizations and Health Assessments

CSDE understands the relevant decisions of the Supreme Court, as applied by the U.S. Department of Justice, to require school districts to limit the decision of whether a child is *eligible to enroll* in school (i.e., eligible to receive school accommodations in the district) to confirming residency in the district and age. See, e.g., *Martinez v. Bynum*, 461 U.S. 321, 328 (1983); *Plyler v. Doe*, 457 U.S. 202 (1982); U.S. Department of Justice and U.S. Department of Education, Dear Colleague Letter, May 18, 2014 (attached hereto). Connecticut school districts also have critically important duties of ensuring compliance with statutory immunization and health assessment requirements. See Conn. Gen. Stat. §§ 10-204a, 10-206. In light of the expectations of federal law concerning the right to enroll in school, a district's implementation of immunization and health assessment requirements should be independent from – and should not delay – the decision whether to enroll a child. Completion of immunization and health assessment requirements may be required prior to a child's attendance in school, but should not be required as pre-requisites for enrolling a child who resides in the district and is of appropriate age to attend school.

English Proficiency

The parents/guardians of all new students enrolling for the first time and all re-enrolling students who have not previously attended a Connecticut public school must complete a Home Language Survey (HLS) at the time of enrollment. This may result in the student taking a screening exam. Neither the survey nor the exam are conditions of enrollment. The only purpose of this process is to determine the student's eligibility for ESL or bilingual programs. The student should be enrolled first before administering the assessment.

III. CONCLUSION

The enrollment process should focus on obtaining only the information that is necessary to establish residency and age. School districts should not request other information as a condition of enrollment or state in their policies or on their websites or otherwise that other information is required to enroll students. Additional data collection may, of course, occur, but should be completed in a manner that does not interfere with enrolling a child in school.

Please find attached a 2014 joint "Dear Colleague" letter from the U.S. Department of Education and U.S. Department of Justice that provides guidance to school districts about ensuring a fair enrollment process that makes all families, including immigrant and refugee families, feel welcome when they register their children for school. In addition, please also find attached a chart providing an at-a-glance overview of which information/documents may be requested at various stages of the process beginning with enrollment and leading to a child's start at school.

If you have any questions, please contact Attorney Louis Todisco of the CSDE Legal Affairs office at (860) 713-6594 or Louis.Todisco@ct.gov. Thank you for your work in ensuring that Connecticut public schools enroll students as quickly as possible and are welcoming and accepting of all new students.

Attachments