

English Language Learners and School Enrollment

Guidance and Frequently Asked Questions

Registration

Q. I and/or my child is undocumented. Can I register my child for school?

A. Yes. Under federal law, all children in the United States are entitled to a public elementary and secondary education regardless of their race, color, national origin, citizenship, or immigration status of their parents/guardian. (<https://www.justice.gov/crt/dear-colleague-letter-rights-all-children-enroll-public-schools>; *Plyer v. Doe*, 457 US 202 (1982)).

Q. Must a district register unaccompanied minors?

A. Yes. (See response to question above). For more information and resources on unaccompanied minors, [click here](#).

Q. Who is responsible for helping me to register my child?

A. School officials are obligated under federal law to provide equal educational opportunities to all children residing in their districts. This means school districts must make registration and enrollment processes accessible to all parents/guardians. (<https://www.justice.gov/sites/default/files/crt/legacy/2014/05/08/plylerletter.pdf>).

Q. My school district is requesting state identification or a social security number to register my child. Is this permissible?

A. No. School districts are prohibited from requesting any documents that may reveal a parent's or a family's immigration status, ask questions of students or parents that may expose their undocumented status, or conduct any practices that may hinder or discourage parents from registering and enrolling their child in school. (<https://www.justice.gov/sites/default/files/crt/legacy/2014/05/08/plylerletter.pdf>)

Q. Is my child eligible for preschool programs in my neighborhood?

A. All district boards of education must also provide appropriate instructional programs to eligible preschool English language learners (ELLs) based on need according to the [New Jersey Preschool Program Implementation Guidelines](#).

Q. Our family is homeless. Can I still enroll my child in school even if I do not have a proof of residence?

A. [Yes](#). The federal *McKinney-Vento Act*, as amended by the *Every Student Succeeds Act (ESSA)*, and state regulations at N.J.A.C. 6A:17 Education of Homeless Children and Students in State Facilities, mandate immediate enrollment of students who lack a fixed, regular, or adequate housing and are considered homeless. School districts may not require that students experiencing homelessness present residency affidavits as a condition of enrollment. Specifically, students experiencing homelessness are presumed to be best served by their school of origin, except when contrary to the request of the child's or youth's parent or

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guardian, or the youth in the case of an unaccompanied youth. As such, the federal definition of the school of origin, which is the school the homeless child or youth attended when permanently housed or the school in which the child or youth was last enrolled, has been expanded to include preschools and “receiving schools.”

Q. My nephew/niece is living with me and I am not his/her legal guardian. His/her parents are overseas. Can I enroll him/her in my local school district?

A. Yes. (See response to question above). Your niece’s/nephew’s circumstance may be considered homeless under the McKinney-Vento Act. If the student does not meet McKinney-Vento eligibility requirements, the student may be enrolled pursuant to N.J. Student Residency regulations (N.J.A.C. 6A:22-3.2). Student Residency regulations, include considerations for the Education of Homeless Children and Students in State Facilities (N.J.A.C. 6A:17), specifically the determination of homeless status (N.J.A.C. 6A:17-2.2). Moreover, a student is eligible to attend the school district pursuant to N.J.S.A. 18A:38-1.b, if he or she is kept in the home of a person other than the student’s parent or guardian, and the person is domiciled in the school district and is supporting the student without repayment as if the student were his or her own child. Additional information may be required in determining which regulations will guide the enrollment of the students.

Q. My child has not received his/her vaccinations. Can I still enroll my child in the school district?

A. [Yes](#). Schools must not delay or deny enrollment based on their non-receipt of medical information, although attendance at school may be deferred while awaiting immunization records (N.J.A.C. 6A:22-4.1(h); N.J.A.C. 8:57-4). Students entering a NJ school from out of state or out of country are allowed [up to 30 days](#) to provide proof of immunization history before their provisional status begins. For more information on immunization and children attending school, [click here](#).

For more information about registering your child in a New Jersey school, click here for [English](#) or [Spanish \(En Español\)](#).

Transcripts and Credit Transfer

Q. My school district will not accept my child’s foreign transcripts. Is this permissible?

A. No. In addition to the federal law, *New Jersey Administrative Code* (N.J.A.C. 6A:22-3.3) also prohibits the barring of any student from public elementary and secondary schools on the basis of immigration/visa status, except for students on F-1 visas. Districts should continue to enroll all students who are between the ages of 5 and 20 who are domiciled in the district or who are otherwise entitled to attend pursuant to N.J.S.A. 18A:38.1, and the implementing regulations, N.J.A.C. 6A:22-3.2, *et seq.*

Q. My school district will not translate my child’s foreign transcripts. Is this my responsibility?

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- A.** No. It is the responsibility of the school district to review any prior academic records of students entering the district. Therefore, it is the district’s responsibility to translate the foreign transcript. The New Jersey Department of Education determined that practices that incur additional costs for parents to register their child for school violate the rights of students and are discriminatory. In 2009, the [New Jersey Commissioner of Education decided](#) that a school district’s, “Contention that it was not qualified to review school records from a foreign high school – was arbitrary, capricious, and unreasonable, and additionally constituted discrimination based on the national origin.” (p.4) In other words, all school districts are required to review educational records, regardless of the language of records or the country from which records came.
- Q.** **My child completed the 9th grade in my home country. The school district told me she has to repeat 9th grade because her credits do not count. Is this permissible?**
- A.** No. Specific to the *N.J.A.C. 6A:15-1.3(a-b)*, each district must have a policy for enrolling ELLs, which includes the home language survey, screening (interview with parent/students), and review of previous/available academic records, including native language assessments to determine appropriate placement. Therefore, a district must have a written policy for credit transfer and transcript translations to guide appropriate grade placement and program services.
- Q.** **My child is 17 and completed high school in our native country. Can I still enroll my child in a high school in New Jersey so that he/she can obtain her high school diploma in the U.S.?**
- A.** According to *N.J.S.A 18A:38-1*, public schools shall be free of charge to any person over 5 and under 20 years of age, who is domiciled within the school district. Furthermore, school districts may not discriminate based on national origin. Thus, A child who is under 20 years of age and has completed high school in his/her native country *may* be entitled to enroll in a high school in New Jersey. However, this is a fact-sensitive inquiry. The district must determine if the student’s education in his/her native country was sufficient to meet the goals embodied in a New Jersey state-endorsed high school diploma. [In a 2009 case](#), the New Jersey Commissioner of Education set forth a non-exhaustive list of factors that public school districts may consider in making this determination. Only if the district concludes that the student has not received the requisite education is the student entitled to enroll in the district to obtain a New Jersey state-endorsed diploma.

Graduation Requirements

- Q.** **My district will not allow my ELL child to take Advanced Placement (AP) courses. Is this permissible?**
- A.** No. According to *N.J.A.C. 6A:15-1.4(d)*, districts must ensure that all students have equitable access to any instructional program available (e.g., magnet, Gifted & Talented, special education); extra-curricular programs, as well as sports, clubs, ROTC, debate society, student exchange programs; and supports and other services (e.g., tutoring, counseling).

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- Q. My child was unable to attend middle school in my home country. Is there a program to help my child catch up to peers in his/her grade level?**
- A.** Yes. Some students may have had interrupted or limited formal education. These students are considered SIFEs/SLIFEs (students with interrupted or limited formal education). Districts must support all students enrolling in the district. A district may support SIFEs/SLIFEs with an alternative program, which may include a newcomer program that can be used as a bridge to general education classes. For more information on ways to support SIFEs/SLIFEs, [click here](#).
- Q. My child is 15. He was unable to attend middle school. What grade will he start here in N.J.?**
- A.** According to the U.S. Department of Education and Office of Civil Rights [Dear Colleague Letter on January 7, 2015](#), “School districts should place English language learners (ELLs) in age-appropriate grade levels so they can have meaningful access to their grade-appropriate curricula and an equal opportunity to graduate.” The guidance further clarifies, “It would be inappropriate for a district to place high school-aged SIFE students in middle or elementary school campus programs because this would not permit SIFE students to meet high school grade-level standards and graduation requirements within a reasonable amount of time and the placements would not be age-appropriate.”
- Q. Is there another way for students to meet graduation requirements besides taking traditional classes?**
- A.** Yes. The Department acknowledges that not all students may achieve the standards in the same manner or at the same pace. A district may permit an alternative learning experience to enable students to fulfill the expectations set forth in the N.J. Student Learning Standards.
- [Option Two](#) (N.J.A.C. 6A:8-5.1(a)1ii) of the high school graduation requirements allows local school districts to design and/or approve educational experiences that serve as an alternative to traditional instruction and provide meaningful learning experiences that support student achievement of the N.J. Student Learning Standards. Option Two allows schools to provide a superior education for all students through the use of multiple and diverse paths.

For general information and important information about New Jersey Schools, click here in [English](#) and [Spanish \(En Español\)](#) for the Department’s “Guide to Your Children’s Schools – A Parent’s Handbook to New Jersey Schools”.

If you have additional questions, you may contact the Office of Supplemental Educational Programs’ Bureau of Bilingual/ESL Education at (609) 292-8777 or via email at lep@doe.state.nj.us.