

KNOW YOUR RIGHTS: EDUCATIONAL RIGHTS OF IMMIGRANT STUDENTS

All NYC youth have a right to a quality education regardless of their immigration status.

ENROLLMENT ISSUES

- School officials **cannot** ask about the immigration status of a student or the student's parent/guardian
 - If they ask, they are violating the law and you do not have to answer!
 - Immigrant students have the right to attend school even if they are undocumented.
- To enroll a child in school, you must provide:
 - Immigrant Proof of home address (such as utility bills, a lease, tax return, a letter from a landlord)
 - Birth certificate or passport (proof of age)
 - Immunization record
- Even if you don't have all of the documents, the school **must** allow the child to attend on a temporary basis.
- Students who are homeless or in temporary housing are allowed to enroll in school!
- Unaccompanied Youth or Emancipated Minors (16-17 years of age): Even if the youth is unable to provide the required documents, the school must enroll them **immediately!**
- Contact your local Family Welcome Center to enroll in school. Find your local center on this website <https://www.schools.nyc.gov/enrollment/enrollment-help/family-welcome-centers> or call 311 for help.

PROGRAMS FOR ENGLISH LANGUAGE LEARNERS

- The child's school should give every student a Home Language Identification Survey (HLIS).
You (parent or guardian) must fill out this form and return it to the school.
- If you speak a language other than English at home, your student will be asked to take a New York State English test.
- Depending on the results, your student may be eligible for one of 3 English Language Learner (ELL) programs at school.
 - Transitional Bilingual Education (begin with classes in home language and slowly switch to English)
 - ESL (classes at school taught in English only)
 - Dual Language Programs (classes taught in both home language and in English)
- Students can exit the ELL programs when they pass another New York State English test.



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Legal Services NYC | 40 Worth Street, Suite 606, New York | legalservicesnyc.org

* The information in this factsheet does not constitute legal advice.

WHAT IS A SIFE?

- Students with Interrupted/Inconsistent Formal Education (SIFE) are students who:
 - have been enrolled in school in New York for less than twelve months AND
 - are behind their expected grade level because of inconsistent schooling before they came to the U.S.
- Schools have 30 school days from initial enrollment to make an initial SIFE determination, and place the student in the appropriate setting. If they failed to do so, they can be identified as SIFE at any point within 12 months of enrollment in school.

SPECIAL EDUCATION

- Immigrant students are entitled to special education services like any other student.
- Be aware: sometimes, schools believe immigrant students have learning disabilities when the issue really is that they don't speak English or have a different cultural understanding.
- A school must ask for your consent before evaluating your student for special education services. You are allowed to refuse.

HOW TRAUMA MIGHT IMPACT A STUDENT

- Trauma such as physical or sexual abuse, witnessing violence, or loss of a loved one can impact a student's ability to learn and to form positive relationships at school and in life.
- In some cases, students that have experienced trauma may be eligible for additional services and support in schools. If you think your child needs these services, ask!

TRANSLATION AND INTERPRETATION REQUIREMENTS FOR SCHOOLS

- Schools must provide interpretation and translation to parent/guardians whose first language is not English.
- If you request an interpreter during a phone call or school meeting, the school **MUST** provide an interpreter!
- If you ask for a letter or notice from the school to be translated into another language, the school **MUST** translate it!
- If you have trouble getting translation or an interpreter at your student's school, you can ask for the Language Access Coordinator at your school to assist you.
- You can translate the NYC Department of Education website (<https://www.schools.nyc.gov/>) into any language by choosing the "Select Language" button at the top of the page.

OTHER SCHOOL OPTIONS

- **Transfer Schools:** These are small high schools for students aged 16-21 who dropped out of school or are behind on credits they need to graduate.
- **Pathways:** Pathways schools are schools where students aged 18-21 can earn a High School Equivalency Diploma.
- **International Schools:** There are a few international schools specially designed to support recent immigrant students.
- Ask your Family Welcome Center for more information about these schools!



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