*Policy*

**ADMISSION OF ENGLISH LEARNER**

**AND MIGRANT STUDENTS**

*Code* **JFABE\*** *Issued* **DRAFT/19**

English Learner (EL) and migrant students will have equal access to the same educational opportunities as other students within the district.

A student will not be denied enrollment due to the lack of proof of immigration status and the district will not request information regarding immigration status from the parents/legal guardians.

Only the following two documents are required for enrollment:

* immunization records (the South Carolina Department of Health and Environmental Control will issue a Certificate of Special Exemption providing a 30-day waiver for students to present records or to begin immunizations)
* birth certificates or proof of age (required for first-time enrollment of children entering kindergarten or first grade)

Parents/Legal guardians do not have to present a South Carolina driver’s license or other photo ID for access to the main office in order to enroll their children in school.

English Learner and migrant students will be placed in their age-appropriate grade level regardless of their English-language proficiency.

English Learner and migrant students are eligible to participate in all age-appropriate school programs and to receive all available services.

The district will not deny admission to any student on the basis of race, religion, sex, color, disability, national origin, immigrant status, English-speaking status, or any other applicable status protected by local, state, or federal law.

Parents/Legal guardians may contact the South Carolina Department of Education to file a complaint if they believe their children have been denied enrollment due to their English-speaking or immigration status.

Cf. IHBEA, JFAA

Adopted ^

Legal References:

1. United States Code of Laws, as amended:
2. Every Student Succeeds Act, Pub. L. No. 114-95, 129 Stat. 1802.
3. Section 504 of the Rehabilitation Act of 1973, 29 U.S.C.A. Section 701, *et seq*.
4. Title II of the Americans with Disabilities Act, 42 U.S.C.A. 12132.
5. Title IV of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000c, *et seq*.
6. Title VI of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000d, *et seq*.
7. Title IX of the Education Amendments of 1972, 20 U.S.C.A. Section 1681, *et seq*.
8. S.C. Code of Laws, 1976, as amended:
9. Section 59-1-435 - Religious Viewpoints Antidiscrimination Act.
10. Section 59-63-40 - Discrimination on account of race, creed, color, or national origin prohibited.
11. Federal Cases:
12. Parents Involved in Community Schools v. Seattle School District No. 1, 551 U.S. 701 (2007).
13. *Plyler v. Doe*, 457 U.S. 202 (1982).
14. S.C. Department of Health and Environmental Control Regulations:
15. R61-8 - Immunization requirements for students.