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FAQ: Enrollment Considerations for Immigrant/Migrant Students and Students Experiencing Homelessness

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CSI offers this guidance to relay requirements and considerations for enrolling immigrant/migrant students and students experiencing homelessness. It is provided for informational purposes only and is not to be construed as legal advice or a formal legal opinion on behalf of the author or CSI. All CSI Schools should review their policies and practices to ensure compliance with the requirements established in law, rule and regulation.

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# Frequently Asked Questions

## Who must CSI Schools serve?

Enrollment in a CSI School must be open to any child residing in Colorado. Immigrant or migrant students and students experiencing homelessness have the same rights to enrollment in public schools, including CSI Schools, as all other students. Students experiencing homelessness also have special protections under federal law.

## What are the requirements around access to schools for special populations of students generally?

CSI Schools are subject to the same federal and state requirements as traditional district schools for providing access and services to special populations of students, including English language learners, students experiencing homelessness, and gifted students.

Federal and state law prohibit schools from creating unnecessary roadblocks (“undue barriers”) for students during either admissions or enrollment. Roadblocks typically include any policy or practice that might exclude students based on socioeconomic, family, or language background, prior academic performance, special education status, or parental involvement.

In practice, ensuring that students do not face roadblocks during application and enrollment means that:

* Schools should admit students through a publicly verifiable selection process that is either random in nature or first-come, first-served.
* CSI Schools must conduct a two-stage admissions and enrollment process that should be clearly communicated on the school’s website and include a non-discrimination statement. Theapplication process should require applicants to provide only the most basic information about the student prior to offering the student a seat.
  + Application forms/process should not: ask about status as a protected class (unless it is for purposes of a weighted lottery), require a Home Language Survey, or require an entrance exam.
* Application and enrollment forms should be available online and in-person and be easy for families to complete and submit.
* Lack of documentation may not prevent a student from enrolling in a CSI School, and school communications/forms should not imply or indicate otherwise.
  + When students cannot provide traditional documentation proving age, identity, and residence, schools should accept alternative documentation or, if alternatives are not available, proceed with the enrollment process.

## What information can be collected during enrollment?

The enrollment process begins after a student has been offered a seat or a fixed spot on a waitlist at the school. During this stage, the school may gather more specific information about the student. The family/student may complete detailed registration paperwork, such as the student’s enrollment history, and provide any pre-existing identification for special programming such as English language development, special education services, etc.

Information about race, ethnicity, English Learner status, country or origin, disability status, or free and reduced lunch eligibility should not be collected until a student is offered a seat and the enrollment process begins, unless it is for purposes of a lottery preference/weighted lottery, or (for inquiries related to special education status) the School is chartered to serve students with a particular disability.

In some instances, the student may be required to complete diagnostic assessments. Results may be used to determine the grade and classroom in which the student will be placed. For students with disabilities, the current [CSI IEP/504 review process](https://resources.csi.state.co.us/sped-enrollment-procedures/) to determine placement should be followed.

## What should schools do when students do not have a required document?

Lack of documentation may not prevent a student from enrolling in a CSI School. When students lack traditional documentation, schools should, to the extent possible, accept other documents, such as: a passport, a state-issued ID, an I-94, an adoption record, an affidavit from a parent, a religious, hospital, or physician’s certificate showing date of birth, an entry in a family bible, or previously verified school records.

## What should schools consider when enrolling migrant or immigrant students?

CSI Schools may not require students/families to disclose or document their citizenship or immigration status (for example, by producing a birth certificate) during the application or enrollment processes. Additionally, records that indicate a foreign place of birth, such as a foreign birth certificate or passport, may not prevent a student from enrolling in a CSI School.

Generally, for purposes of determining if a student qualifies for additional supports for migrant or immigrant students (see #6 below), a school should request only information necessary for eligibility, such as a student’s place of birth and prior school enrollment. In some cases, such as for Title III eligibility, schools should note in writing that providing the information is not required and that it will only be used to determine whether the child may be eligible for instructional supports. Citizenship or immigration status information should be kept confidential.

CSI Schools that have reached maximum capacity for enrollment should address immigrant/migrant students who seek enrollment in the same way as all other students. Schools may choose to prioritize immigrant/migrant students on their waitlists or extend application deadlines to better accommodate these students. Additionally, schools should be aware that immigrant/migrant students may be [highly mobile](https://www.cde.state.co.us/studentsupport/hmyfaqs) and also qualify as students experiencing homelessness.

## What are some of the additional supports available for migrant or immigrant students?

Title III of the federal Elementary and Secondary Education Act (ESEA, reauthorized as ESSA) provides funds to help limited English proficient students attain English proficiency and participate in educational programs. [See more about determining Title III immigrant status here](https://www.ed.gov/sites/ed/files/policy/rights/guid/unaccompanied-children-2.pdf).

Students may also qualify for additional support under the [Migrant Education Program](https://resources.csi.state.co.us/migrant-education-program/), which supports students up to age 21 who have moved within the past three years, across state or school district lines with or to join a migrant parent or guardian who has obtained qualifying temporary or seasonal employment in agriculture, fishing, or dairy. [See the Migrant-Occupational Survey.](https://resources.csi.state.co.us/admissions-and-enrollment/)

Additionally, there are special considerations for identifying and supporting immigrant students who may have disabilities. See more at [CDE’s Students who are Newcomers: Considerations for Special Education](https://www.cde.state.co.us/cdesped/newcomer-considerations-for-special-education).

## What should schools consider when enrolling unaccompanied minors specifically?

An unaccompanied child is defined by federal law as a child who:

* Has no lawful immigration status in the United States;
* Is under 18 years old; and
* Has no parent or legal guardian in the U.S. or the parent or legal guardian is not available to provide care and physical custody.

These children are temporarily housed in a federal Office of Refugee Resettlement facility or program until they can be placed with an appropriate sponsor (typically, a relative in the U.S.) and immigration proceedings begin.

Unaccompanied minors, like all other immigrant children, have a right to attend public school and should be enrolled as soon as possible after placement with a sponsor. In addition to the supports described above (#6), unaccompanied minors in Colorado may be eligible for the [Unaccompanied Refugee Minors Program](https://ona.colorado.gov/refugee-services/unaccompanied-refugee-minors-program).

## What should schools consider when enrolling students experiencing homelessness?

A homeless student is one that meets the requirements of the federal [McKinney Vento Act](https://nche.ed.gov/legislation/mckinney-vento/) and the state definition of a homeless child (see [CRS 22-1-102.5](https://leg.colorado.gov/sites/default/files/images/olls/crs2023-title-22.pdf)). Generally, children and youth who lack “a fixed, regular, and adequate nighttime residence,” as well as those who are sharing the housing of others due to loss of housing, economic hardship, or a similar reason are covered under the McKinney Vento Act.

In general, the McKinney-Vento Homeless Assistance Act requires the immediate enrollment of children and youth experiencing homelessness, even in the absence of records normally required for enrollment. In practice, this means that:

* Schools must eliminate enrollment delays caused by requirements of immunization and other health records; residency requirements; lack of birth certificates, school records, or other documentation; guardianship issues; or uniform or dress code requirements.
* A CSI School must immediately enroll a student who meets the charter school’s admissions criteria, if any enrollment slots remain available. If the grade of enrollment already has a waitlist, the school may choose to enroll the student anyway or may prioritize the student on its waitlist. If the school does not immediately enroll the student, it must assist the student with finding another school in the local attendance area where the family or youth is staying. CSI Schools with lotteries or waitlists should be as flexible as possible with application deadlines to accommodate students experiencing homelessness.

## What additional supports must schools provide for students experiencing homelessness?

Every CSI School is required to have a [liaison](http://www.cde.state.co.us/dropoutprevention/homeless_liaisons) for homeless students who will assist the school, students, and families with the implementation of the McKinney-Vento Act. Contact information for Colorado’s State Coordinator can be found [here](http://www.cde.state.co.us/dropoutprevention/homeless_contact).

A homeless student has the right to receive transportation to their enrolled school. Schools are responsible for making transportation accommodations for these students, even if they do not otherwise offer student transportation. Funding exists to support transportation; schools receive an allocation on a per pupil basis for students identified under the McKinney Vento Act, and emergency funding is available for schools that might require resources in addition to the McKinney Vento allocation.

CSI Schools must waive all mandatory fees for FRL-eligible students, including homeless and foster children. Students who are FRL-eligible but who are not actually participating in the lunch program must still be granted the fee waiver.

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# Example Enrollment Scenarios

**A student attempts to enroll with a relative (aunt, cousin) who is not the student’s guardian. The relative explains that the child has been living with them because the student’s parents are out of the country, with no foreseeable return date.**

While schools may hesitate to enroll a student in the absence of a guardian, the absence of a guardian cannot be a barrier to enrollment. Additionally, while students may not be able to provide documentation of age, identity, or residence, absence of documentation cannot be a barrier to enrollment.

Here, the school should not inquire about the student’s citizenship status for purposes of enrollment. However, the school may request information about a student’s date of birth, place of birth, and prior school enrollment to determine whether the student may be eligible for or require additional supports. The school should note in writing that providing the information is not required and that it will only be used to identify additional instructional supports.

If the school is at capacity for enrollment, it is not obligated to enroll migrant and unaccompanied minor students. However, the school may choose to prioritize the student on its waitlist or extend application deadlines to better accommodate the student.

**A student experiencing homelessness would like to enroll, but the school cannot locate the student’s parents or guardians.**

While schools may hesitate to enroll a student in the absence of a guardian, the absence of a guardian cannot be a barrier to enrollment. Additionally, while students may not be able to provide documentation or previous school records, absence of documentation cannot be a barrier to enrollment.

The school should work to immediately enroll the student if any enrollment slots remain available, including by ensuring the prompt transfer of records from previous schools and by supporting the student in their transportation needs. If the grade of enrollment already has a waitlist, the school may choose to enroll the student anyway or may prioritize the student on its waitlist. If the school does not immediately enroll the student, it must assist the student with finding another school in the local attendance area where the family or youth is staying. CSI Schools with lotteries or waitlists should be as flexible as possible with application deadlines to accommodate students experiencing homelessness

**A student is offered a spot at a CSI School. The school requires a diagnostic assessment. The entry assessment indicates that the student is far below grade level in literacy.**

The student’s diagnostic assessment results cannot create a barrier to enrollment; the school may not withdraw an offer of admission based on the outcome of diagnostic testing. After enrollment, a Home Language Survey or previous school records, such as an IEP, may provide information to help appropriately place the student in a grade and classroom and ensure appropriate services/supports are in place.

**A student is offered a spot at a CSI School. The school requires a diagnostic assessment. After administering the diagnostic assessment, the school learns the student has an IEP with testing accommodations.**

A student must be served according to their previous IEP. The school should retest the student with appropriate testing accommodations. The outcome of the assessment cannot bar enrollment.

The school also has additional responsibilities with respect to a student’s IEP or Section 504 Plan. When a student with an IEP enrolls, the previous IEP must be adopted or the school must develop a new IEP prior to the first day of school. Transitioning a student with an IEP to a new school includes conducting a transfer meeting and requesting any relevant records from previous school. A review team should review the IEP or 504 plan and determine whether the CSI School will be the least restrictive environment appropriate for the student. The student should be placed in a program that meets the requirements of the student’s existing IEP or Section 504 Plan.

**A student is offered a spot at a CSI School. The school requires a diagnostic assessment. The student’s Home Language Survey indicates the student may qualify for Multilanguage Learner (ML) services.**

If a Home Language Survey indicates that the student uses a language other than English, all public schools are required to further investigate to determine a student’s English language proficiency, including by administering a screener (WIDA). Students identified as Multilingual Learners (MLs) should be placed in evidence-based English language proficiency programs.

Here, to appropriately place the student, the school may need to first administer a screener, then provide testing accommodations to the student during diagnostic testing. The outcome of the diagnostic assessment cannot bar enrollment.

Additionally, schools must make information about enrollment, classes, and other educational programs and activities accessible to parents, guardians, and sponsors who have limited English proficiency. Schools can accomplish this by providing accurate written translation or oral interpretation.

**A student is offered a spot at a CSI School. The school requires a diagnostic assessment. The family/student declines to take the entry assessment.**

The student’s diagnostic assessment results, or lack thereof, cannot create a barrier to enrollment; the school may not withdraw an offer of admission based on the outcome of diagnostic testing. If available, the school should reference any previous school records to determine appropriate grade and classroom placement.

**A high school student and their older cousin visit the school’s office to learn how to enroll. In conversation with front office staff, the cousin shares that the student recently arrived from another country, is 19 years old, attended high school for two years in their home country, and has limited English language skills.**

All Colorado public schools, including CSI Schools, must be open to all children ages 5-21 years old. Here, the student cannot be denied admission based on his or her age or, as described above, their citizenship status/country of birth. (See CRS § 22-1-102)

The school should investigate whether the student qualifies as a Multilingual Learner (ML) and whether the student is eligible for [Title III](https://www.cde.state.co.us/fedprograms/tiii/index) supports under the federal ESEA or for additional supports under the [Migrant Education Program](https://resources.csi.state.co.us/migrant-education-program/).

**During the enrollment process, front office staff learn that the student/family is currently living with a neighbor due to the parent losing their job. The family asks about transportation options for the child, given current housing instability.**

The student likely meets the definition of a homeless student under state and federal law and so would qualify for transportation services. The school’s homeless student liaison can provide support for the student, family, and the school in meeting the student’s unique needs and ensuring an efficient enrollment process, despite possible lack of documentation and records.

# Resources

**Enrollment Duties Generally**

[CSI Admission and Enrollment Guidance](https://resources.csi.state.co.us/admissions-and-enrollment/)

[CSI Enrollment Policies and Practices](https://resources.csi.state.co.us/enrollment-policies-and-practices/)

[CSI New Enrollment and Transfer Students slides](https://resources.csi.state.co.us/wp-content/uploads/2021/06/New-Enrollment-and-Transfer-Students-2021.pdf)

[CSI SPED Enrollment Procedures](https://resources.csi.state.co.us/wp-content/uploads/2021/07/Enrollment-Procedures-2.pdf)

CRS 22-30.5-507(3); 22-30.5-509(1)(l)

1 CCR 301-88, Section 2.02

**Lack of Documentation**

U.S. Departments of Justice/Education:

[Fact Sheet: Information on the Rights of All Children to Enroll in School](https://www.justice.gov/sites/default/files/crt/legacy/2014/05/08/plylerfact.pdf) (2014)

[Record Integration Tracking System Guidance](https://www.cde.state.co.us/datapipeline/ritsdocumentationguidance2020) (2020)

**Migrant & Immigrant Students, including Unaccompanied Minors**

[CSI’s EL Resource website](https://resources.csi.state.co.us/multilingual-learners/)

[CSI’s Multilingual Learners (MLs) website](https://resources.csi.state.co.us/multilingual-learners/)

[CSI’s Identifying and Addressing Enrollment Barriers for Multi-lingual Families](https://resources.csi.state.co.us/identifying-and-addressing-enrollment-barriers-for-multi-lingual-families/)

[CDE’s Migrant Education Resources](https://www.cde.state.co.us/migrant/resources)

[CDE’s English Language Development Guidebook: Designing, Delivering, and Evaluating Instruction and Services for Multilingual Learners](https://www.cde.state.co.us/cde_english/eldguidebook)

[Colorado’s Unaccompanied Refugee Minors (URM) program](https://cdhs.colorado.gov/urm-program)

U.S. Departments of Justice/Education:

[Protecting Access to Education for Migratory Children](https://www.ed.gov/sites/ed/files/about/offices/list/ocr/docs/ocr-factsheet-migratory-children-202306.pdf) (2023)

[Protecting Access to Education for Unaccompanied Children](https://www.ed.gov/sites/ed/files/about/offices/list/ocr/docs/ocr-factsheet-unaccompanied-children-202306.pdf) (2023)

[Information on the Rights of Unaccompanied Children to Enroll in School and Participate Meaningfully and Equally in Educational Programs](https://www.ed.gov/sites/ed/files/about/overview/focus/rights-unaccompanied-children-enroll-school.pdf)

U.S. Department of Education:

[Fact Sheet: Educational Services for Immigrant Students and Those Recently Arrived to the United States](https://www.ed.gov/media/document/unaccompanied-childrenpdf)

[Fact Sheet II: Additional Questions & Answers on Enrolling New Immigrant Students](https://www.ed.gov/sites/ed/files/policy/rights/guid/unaccompanied-children-2.pdf)

[Office of Refugee Resettlement Unaccompanied Children Bureau Policy Guide](https://www.acf.hhs.gov/orr/policy-guidance/unaccompanied-children-bureau-policy-guide)

**Students Experiencing Homelessness**

[CSI’s McKinney-Vento Homeless Act Page](https://resources.csi.state.co.us/mckinney-vento-homeless-act/)

[CDE’s McKinney-Vento Homeless Education Homepage](https://www.cde.state.co.us/studentsupport/homeless_index)

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**[NCHE’s Serving Children and Youth Experiencing Homelessness in Charter Schools](https://nche.ed.gov/wp-content/uploads/2023/06/Charter.pdf)**

[NCHE’s Understanding the Definition of Homeless](https://nche.ed.gov/wp-content/uploads/2019/01/2.pdf)

[SchoolHouse Connection Website](https://schoolhouseconnection.org/)

**CONTACT INFORMATION**

For questions related to enrollment, please contact the Legal and Policy Department at [legalandpolicy@csi.state.co.us](mailto:legalandpolicy@csi.state.co.us).