

Immigrant ESSA Regulation

Section 3201(5) of Title III of the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA) defines an *Immigrant* student as an individual who:

- (A) is aged 3 through 21;
- (B) was not born in any State (of the United States of America); and
- (C) has not been attending one or more schools in any one or more States for more than 3 full academic years.

Note that "State" is defined in ESSA 3201(13) to include the 50 States, the District of Columbia, and Puerto Rico. Therefore, students born in Puerto Rico cannot be included as "immigrant" students under Title III.

An *Immigrant* student may or may not be an English learner (EL) student. Whether or not an Immigrant student is an EL, ESSA 3115(e) requires that Immigrant funding shall be used to pay for activities that provide enhanced instructional opportunities for immigrant children and youth, which may include items A through G:

- A. Family literacy, parent and family outreach, and training activities designed to assist parents and families to become active participants in the education of their children.
- B. Recruitment of and support for personnel, including teachers and paraprofessionals who have been specifically trained, or are being trained, to provide services to immigrant children and youth.
- C. Tutorials, mentoring, and counseling for immigrants.
- D. Identification, development, and acquisition of curricular materials, educational software, and technologies to be used in the program.
- E. Basic instructional services that are directly attributable to the presence of immigrants in the district.
- F. Other instructional services designed to assist immigrant students to achieve in elementary and secondary schools in the United States.
- G. Activities, coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents and families of immigrant children and youth by offering comprehensive community services.

Title III – Immigrant Education Program funds are to be specifically targeted to eligible immigrant students and their families through the provision of supplementary programs and services for the underlying purpose of assuring that these students meet the same challenging grade level and graduation standards as mainstream students. The purpose of the Title III – Immigrant Education Program subgrants is to pay for enhanced instructional opportunities to immigrant students and their families Title III, ESSA 3114 (d).