




Lissette Colón-Collins, Assistant Commissioner  
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**TO:** Superintendents of Public School Districts  
Charter School Principals  
Bilingual/ENL Coordinators/Directors

**FROM:** Lissette Colón-Collins 

**DATE:** May 2019

**SUBJECT:** Immigrant Student Counts for 2019–20 Every Student Succeeds Act (ESSA)  
Title III Immigrant Allocations

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This memorandum is to inform you of a policy change regarding the collection of immigrant student data for 2019-20 ESSA Title III Immigrant Allocations.

The New York State Education Department (NYSED) annually collects the number of "immigrant children and youth," as defined by Section 3301(6) of ESSA, present in New York State. The information is used each year by the Department to determine each Local Educational Agency's (LEA's) eligibility and allocation for the Title III, Part A Immigrant Education program. As a result, each LEA must count and report the number of "immigrant children and youth" currently enrolled in the public and nonpublic schools in the geographic area under the jurisdiction of, or served by, the LEA who are enrolled in the district or charter school.

Immigrant children and youth are defined as individuals who:

- are aged 3 through 21;
- have not been attending school in any one or more States for more than three (3) full academic years; and
- were not born in any State.

For purposes of above, "State" means the 50 states of the United States, the District of Columbia (D.C.), and the Commonwealth of Puerto Rico. Children born to U.S. citizens abroad, the U.S. Virgin Islands, or any other U.S. territory that is not D.C. or Puerto Rico are to be considered immigrants.



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Earlier guidance, available at <http://www.nysed.gov/bilingual-ed/count-immigrant-children-and-youth-2018>, informed LEAs that all immigrant counts, public and non-public, would be as of October 3, 2018 (“BEDS Day”). **The Department is changing the October 3, 2018 date for public LEA counts in order to align review of immigrant student counts with the review of English Language Learner/Multi Language Learner (ELL/MLL) student counts for Title III ELL/MLL Allocations. Public LEA counts of immigrant students will now be those enrolled in the LEA at the time of the final data pull on June 10, 2019. Counts of immigrant children and youth enrolled in nonpublic schools will continue to be as of October 3, 2018.**

This change will allow immigrant students who enrolled in public school districts after October 3, 2018 to be counted in the public school district where they are currently enrolled. This change will also give LEAs the opportunity to review and update counts, following the same process that is in place for the review and updating of ELL/MLL counts used for Title III Allocation purposes.

To allow LEAs to update and/or verify their counts of Immigrant students, **the following procedures and timeline have been established:**

Date	Procedures
Beginning the week of May 20, 2019 through the week of June 3, 2019	<p>Public Immigrant counts by district and charter school in Level 2 of the Student Information Repository System (SIRS) from the previous Friday’s data refresh and nonpublic school Immigrant counts by district in the Basic Education Data System (BEDS) will be available to authorized users in the “2018–19 Title III Immigrant Counts Report” on the Information and Reporting Services Portal (IRSP) at <a href="http://portal.nysed.gov">http://portal.nysed.gov</a>. Instructions on accessing the portal can be found at <a href="http://www.p12.nysed.gov/irs/irsportal/">http://www.p12.nysed.gov/irs/irsportal/</a>.</p> <p>LEAs must review the counts in the report and make changes in their local student management systems to correct public and charter school data. LEAs must also correct inaccurate counts of immigrant students enrolled in nonpublic schools reported in the BEDS Online District Summary Report.</p>



**THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234**  
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Date	Procedures
June 10, 2019	Public Immigrant counts by district and charter school in Level 2 of the SIRS on June 10, 2019 and nonpublic school Immigrant counts as reported on the BEDS District Summary form will be used for 2019–20 Title III Immigrant allocations.
End of June 2019 to early July 2019	Title III Immigrant allocations will be posted at <a href="http://www.p12.nysed.gov/accountability/allocations/">http://www.p12.nysed.gov/accountability/allocations/</a>

LEAs must review the counts in the reports available from **May 20 to June 7**, make corrections to inaccurate public and charter school student data in their local student management systems, and ensure that the revised data are loaded into Level 2 of the SIRS by **June 7, 2019**. Local Level 1 data centers will require earlier due dates to allow sufficient time for processing.

LEAs should work with nonpublic schools to ensure that inaccurate data are identified. LEAs with incorrect nonpublic schools immigrant counts should **scan** corrected immigrant counts for Item 2 of their **Fall 2018** BEDS School District Summary form and email them to the NYSED Office of Information and Reporting Services (IRS) at [datasupport@nysed.gov](mailto:datasupport@nysed.gov) with the subject line “BEDS District Summary correction Immigrants enrolled in nonpublic schools.” Corrections require the **Superintendent’s** signature and date. Nonpublic school immigrant counts should reflect students who were enrolled on BEDS day, **October 3, 2018**. Questions concerning nonpublic school immigrant corrections may be directed to the IRS office at [datasupport@nysed.gov](mailto:datasupport@nysed.gov) or (518) 474-7965.

cc: Rose LeRoy  
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**Business Rules for extracting Immigrant data from the Student Information Repository System (SIRS) to provide counts to be used for allocation of ESSA Title III funds**

1. Rules specified in this document pertain to public and charter school data extracts. BEDS data are the source for nonpublic school immigrant student counts.
2. Students must have an enrollment record in the 2018-19 school year with one of the following enrollment codes:

0011	Enrollment in building or grade
5544	Transferred in under the ESSA Title I "School in Improvement Status" transfer option
7000	Transferred in under the ESSA "Persistently Dangerous School" transfer option
7011	Transferred in under the ESSA "Victim of Serious Violent Incident" transfer option

If a student has enrollment records for multiple schools in the 2018-19 school year, use the enrollment record with the latest beginning enrollment date. A student should only be counted as an immigrant for a single school.

3. Include all of the following grade levels in school counts: K (half-day KH and full-day KF kindergarten) through grade 12, ungraded elementary (13), and ungraded secondary (14).
4. Students must have a 8282 Immigrant Children and Youth Status program service code in order to be counted for the school.
5. If a student has any of the following ending reasons on his or her enrollment record, the student will *NOT* be included in the count for the school.

153	Transferred to another school in this district or to an out-of-district placement
170	Transferred to another NYS public school outside this district with documentation.
204	Transferred to a NYS nonpublic school with documentation
238	Transferred to homebound instruction provided by this district
255	Transferred to home-schooling by parent or guardian
5927	Leaving a school under ESSA – a victim of a serious violent incident
5938	Leaving a NYC community district under ESSA – a victim of a serious violent incident
323	Transferred outside district by court order
442	Left the U. S. ( <i>and did not return to the U.S. on the date these data were retrieved</i> )
459	Deceased
221	Transferred to a school outside NYS with documentation.
136	Reached maximum legal age and has not earned a diploma or certificate



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8338	Incarcerated student, no participation in a program culminating in a regular diploma.
1089	Transferred to an approved GED program outside this district

6. Students who have an enrollment record during the 2018-19 school year that ended with any of the following ending reasons *WILL* be counted as an Immigrant for the school.

799	Graduated (earned a Regents or local diploma)
085	Earned commencement credential
629	Previously earned commencement credential or IEP