



# Resource Guide:

## *Supporting Undocumented Youth*



**A GUIDE FOR SUCCESS IN SECONDARY AND POSTSECONDARY SETTINGS**

*U.S. Department of Education*

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## **Introduction**

As a nation of immigrants, the United States has benefited tremendously from the talents, values, and contributions of newcomers to our shores. In the face of immense barriers, many undocumented youth have exhibited exemplary perseverance, work ethic, and leadership. Yet hurdles and challenges remain. Many educators, counselors, and school leaders have expressed interest in learning how to better support all children so that they can achieve educational and economic success – regardless of actual or perceived immigration status. Informed by research and promising practices, the U.S. Department of Education (Department) has compiled this Resource Guide to assist and enhance State and local efforts to support undocumented youth at the secondary and postsecondary school levels. However, high-quality early learning and elementary education is critical to college and career success for all children. Therefore, the Department will in coming months release a separate resource guide on early learning and elementary education that includes promising practices for serving undocumented children and children of undocumented parents. The Department hopes that educators, schools, and campuses will, as they see fit, draw upon the tips and examples in this Guide to better support undocumented youth and, ultimately, move us closer to the promise of college and career readiness for all.

## **Background**

Undocumented students represent one of the most vulnerable groups served by U.S. schools. Estimates indicate that 80,000 undocumented youth turn 18 and approximately 65,000 graduate from high school every year.<sup>1</sup> Just 54 percent of undocumented youth have at least a high school diploma, compared to 82 percent of their U.S.-born peers.<sup>2</sup> Further, only 5 to 10 percent of undocumented high school graduates continue their education and enroll in an institution of higher education, and far fewer successfully graduate with a degree.<sup>3</sup>

Despite these significant challenges, many undocumented youth have achieved academic success – graduating from two- and four-year higher education institutions and empowering other undocumented youth through mentorship and volunteering. Case studies and testimonials from undocumented youth suggest that one crucial factor in their academic success has been support from family, educators, and other caring adults in their lives.<sup>4</sup> And research has shown that certain environmental factors – such as access to extracurricular activities, advanced coursework, and engaged parents – can boost resiliency among undocumented youth, and are correlated with greater educational attainment.<sup>5</sup>

These findings show that caring adults can make an impact – that educators, counselors, principals, and specialized instructional support personnel can be the linchpin of success for undocumented students. Studies and surveys of undocumented students have shown that they

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<sup>1</sup> Among those who have lived in the U.S. for five years or longer. Perez, Zenen Jaimes. “Removing Barriers to Higher Education for Undocumented Students.” *Center for American Progress*: 2014.

<sup>2</sup> Passel, Jeffrey S. and D’Vera Cohn. “A Portrait of Unauthorized Immigrants in the United States.” Pew Research Hispanic Trends Project, 2009.

<sup>3</sup> “National Institutions Coming Out Day Toolkit: Institutional Policies and Programs with & for Undocumented Students.” United We Dream, 2015.

<sup>4</sup> Enriquez, Laura. “Because We Feel the Pressure, We Also Feel the Support.” *Harvard Educational Review*: Vol. 81, No. 3, 2011.

<sup>5</sup> Perez, William et al. “Academic Resilience Among Undocumented Latino Students.” *Hispanic Journal of Behavioral Sciences*: Vol. 31, No. 2, 2009.



demonstrate high levels of resilience, leadership, and civic engagement.<sup>6</sup> These positive factors can be further bolstered and nurtured when supportive adults, including educators, are present to help undocumented youth navigate the barriers they face.

Federal civil rights laws and Supreme Court precedent require States to provide equal access to public education to all children – including those who are undocumented. And, to ensure that undocumented youth receive an equitable education that prepares them for college and career, it is imperative that educators and other personnel understand the unique needs of these students and receive high-quality training and support on how to best serve them.

Undocumented youth, in particular, can experience high levels of acculturative stress from immigration-related issues such as separation from family and academic difficulties. The psychological costs of family separation, associated with the migration process and with U.S. immigration procedures such as detention and deportation, are well documented and, among children, may include symptoms of depression and anxiety.<sup>7</sup> According to one study, the most significant stressor for undocumented immigrants by far was the fear of deportation, which impacted immigrants' daily lives and was, for some, a constant concern.<sup>8</sup>

Besides the challenges related to immigration status, many undocumented youth are from low-income families<sup>9</sup> and lack access to critical social services. Additionally, anecdotal evidence suggests that many undocumented youth do not learn of their immigration status until high school, and this initial realization often prompts feelings of betrayal and worry.<sup>10</sup> Such stress may be exacerbated when, throughout critical moments of adolescent development, barriers prevent undocumented youth from sharing core experiences with their documented peers, such as driving and starting their first job.<sup>11</sup>

One particularly difficult hurdle faced by undocumented youth is access to higher education. Undocumented youth are ineligible for Title IV Federal financial aid, including student loans, work-study, and grants and, though a number of States have taken steps to enact tuition equity policies (see pages 27-33), the issue of college affordability has kept many from pursuing and completing postsecondary education.<sup>12</sup> The resources and tips in this Guide, which were compiled based on a review of research and recommendations from stakeholders, may help educators, counselors, and others support student academic and social success, and to work collaboratively with youth and their families to find creative ways to finance college costs.

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<sup>6</sup> Wong, Tom K. and Carolina Valdivia. "In Their Own Words: A Nationwide Survey of Undocumented Millennials." *Center for Comparative Immigration Studies*: Working Paper 191, May 2014.

<sup>7</sup> Suarez-Orozco, Carola et al. "I Felt Like my Heart was Staying Behind: Psychological Implications of Family Separations and Reunifications for Immigrant Youth." *Journal of Adolescent Research*: 26, 222-257 (2010).

<sup>8</sup> Arbona, Consuelo et al. "Acculturative Stress Among Documented and Undocumented Latino Immigrants in the United States." *Hispanic Journal of Behavioral Sciences*: 32(3), 362-384 (2010).

<sup>9</sup> Batalova, J. and McHugh, M. "Dream vs. Reality: An Analysis of Potential DREAM Act Beneficiaries." Migration Policy Institute, 2012.

<sup>10</sup> "Living the American Dream – Profiles of DACA Recipients." *National Council of La Raza* (2015).

<sup>11</sup> Gonzales, R.G. et al. "No Place to Belong: Contextualizing Concepts of Mental Health among Undocumented Immigrant Youth in the United States." *American Behavioral Scientist*: 57, no 18 (2013).

<sup>12</sup> Perez, Zenen Jaimes. "Removing Barriers to Higher Education for Undocumented Students." *Center for American Progress*: 2014.





**Figure 1**

**An individual may request consideration for DACA if he/she:**

*Was under the age of 31 as of June 15, 2012;*

*Came to the United States before reaching his/her 16th birthday;*

*Has continuously resided in the United States since June 15, 2007, up to the present time;*

*Was physically present in the United States on June 15, 2012, and at the time of making his/her request for consideration of deferred action with U.S. Citizenship and Immigration Services (USCIS);*

*Had no lawful status on June 15, 2012;*

*Is currently in school, has graduated or obtained a certificate of completion from high school, has obtained a State recognized high school equivalency certificate, or is an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and*

*Has not been convicted of a felony, significant misdemeanor, or three or more other misdemeanors, and does not otherwise pose a threat to national security or public safety.*

**For more information, please visit:**  
[http://www.uscis.gov/humanitarian/consideration\\_deferred\\_action\\_childhood\\_arrivals\\_daca](http://www.uscis.gov/humanitarian/consideration_deferred_action_childhood_arrivals_daca)

**DACA**

In 2012, the Department of Homeland Security (DHS) began implementing the Deferred Action for Childhood Arrivals (DACA) policy, which allows youth who were brought to the United States as children and who meet certain criteria to request consideration for deferred action, which constitutes a case-by-case determination by DHS not to pursue an individual's removal from the United States for an initial two-year period as a matter of prosecutorial discretion. DACA recipients can live and go to school in the United States and may be eligible to obtain work authorization while their deferred action remains in effect. More information can be found in Figures 1 and 2, and in Appendix A.

Evidence suggests that DACA has helped to make significant improvements in the lives of undocumented youth educationally and economically.<sup>13</sup> So far, more than 680,000 undocumented young people have received DACA. Some researchers predict that more than 400,000 children will turn 15 and age into possible threshold DACA eligibility in the next few years and another 400,000 undocumented individuals could meet the threshold DACA guidelines, but do not yet meet the threshold education criteria.<sup>14</sup>

Beyond reducing the stigma of being undocumented, recipients attest to the tangible impacts of DACA, such as access to internships, stable transportation and housing, and paid work experience.<sup>15</sup> Yet, some youth meeting the DACA guidelines have not requested consideration for DACA or for DACA renewal; hard-to-reach populations, such as migrant students and adult learners, have been underrepresented.

<sup>13</sup> Wong, Tom K. et al. "Results from a Nationwide Survey of DACA Recipients Illustrate the Program's Impact." *Center for American Progress*. July 9, 2015.

<https://www.americanprogress.org/issues/immigration/news/2015/07/09/117054/results-from-a-nationwide-survey-of-daca-recipients-illustrate-the-programs-impact/> Accessed: September 9, 2015

<sup>14</sup> Migration Policy Institute (MPI) analysis of U.S. Census Bureau data from the 2013 American Community Survey (ACS), 2009-2013 ACS pooled, and the 2008 Survey of Income and Program Participation (SIPP) by James Bachmeier and Colin Hammar of Temple University and Jennifer Van Hook of The Pennsylvania State University, Population Research Institute.

<sup>15</sup> Teranishi, Robert T. et al. "In the Shadows of the Ivory Tower: Undocumented Undergraduates and the Liminal State of Immigration Reform." *The Institute for Immigration, Globalization and Education*: 2014.



Besides providing high-quality instruction and supports, another important way that schools, colleges, and education professionals can help undocumented youth is by sharing information about DACA with youth and their families. Providing this information at the early childhood and elementary school levels may be helpful because, though the children would not meet DACA's threshold age guideline, their parents or family members may meet the guidelines.

Educators, counselors, school social workers, and others may, as appropriate, draw upon the tips and examples in this Guide to provide information about the DACA policy in order to help support undocumented youth.

## Figure 2

### DACA Renewal

The following guidance is available on the USCIS Web site regarding timely submission of renewal requests to minimize the possibility of expiration before action on a renewal request. DACA recipients are encouraged to read the guidance carefully. The FAQs address many other DACA related questions as well. Additional information may also be available through the USCIS National Customer Service Center at 1 800 375 5283 or 1 800 767 1833 (TDD).

*<http://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-process/renew-your-daca>*

### When to Renew

USCIS strongly encourages DACA recipients to submit their DACA renewal requests between 150 days and 120 days before the expiration date located on the recipient's current Form I 797 DACA approval notice and Employment Authorization Document (EAD). Filing during this window will minimize the possibility that a DACA recipient's current period of DACA will expire before he/she receives a decision on his/her renewal request.

Since March 27, 2015, USCIS has been mailing renewal reminder notices to DACA recipients 180 days before the expiration date of their current period of deferred action. Previously, these reminder notices were mailed 100 days in advance. The earlier notices are intended to ensure that DACA recipients are reminded to begin to gather the necessary documentation to prepare a timely renewal request before the start of the recommended renewal period. USCIS strives to provide individuals with information so they have sufficient time to prepare their renewal requests though the submission of a timely renewal request is the responsibility of an individual DACA recipient.

USCIS' current goal is to process DACA renewal requests within 120 days. A DACA recipient may submit an inquiry about the status of his/her renewal request after it has been pending 105 days or more. To submit an inquiry online, please visit *[egov.uscis.gov/e-request](http://egov.uscis.gov/e-request)*.



## **Legal Guidelines for Elementary and Secondary Education**

*\*Excerpted from U.S. Department of Education and U.S. Department of Justice joint [Dear Colleague Letter](#), *School Enrollment Procedures*, issued on May 8, 2014\**

- Under Federal law, State and local educational agencies (“school districts”) are required to provide all children with equal access to public education.
- The United States Supreme Court held in the case of *Plyler v. Doe*, 457 U.S. 202 (1982), that a State may not deny access to a basic public education to any child residing in the State, whether present in the United States legally or otherwise.
- To comply with these Federal civil rights laws, such as Titles IV and VI of the Civil Rights Act of 1964, as well as the mandates of the Supreme Court, school districts must ensure that they do not discriminate on the basis of race, color, or national origin, and that students are not barred from enrolling in public schools at the elementary and secondary level on the basis of their own citizenship or immigration status or that of their parents or guardians.
- Moreover, school districts may not request information with the purpose or result of denying access to public schools on the basis of race, color, or national origin.
- A school district should review the list of documents that can be used to establish residency and ensure that any required documents would not unlawfully bar or discourage a student who is undocumented or whose parents are undocumented from enrolling in or attending school.
- A school district may not bar a student from enrolling in its schools because he or she lacks a birth certificate or has records that indicate a foreign place of birth, such as a foreign birth certificate.
- School districts cannot use the race, ethnicity, national origin, or English proficiency information it collects to discriminate against students; nor should a parent’s or guardian’s refusal to respond to a request for this data lead to a denial of his or her child’s enrollment.
- A school district may not deny enrollment to a student if he or she (or his or her parent or guardian) chooses not to provide a Social Security number. If a district chooses to request a Social Security number, it shall inform the individual that the disclosure is voluntary, provide the statutory or other basis upon which it is seeking the number, and explain what uses will be made of it.
- In all instances of information collection and review, it is essential that any request be uniformly applied to all students and not applied in a selective manner to specific groups of students.

*Find more information in English and in Spanish, including a fact sheet and a frequently asked questions (FAQ) document, [here](#):*

- The English guidance documents:  
Letter: <http://www.ed.gov/ocr/letters/colleague-201405.pdf>  
Questions and Answers: <http://www.ed.gov/ocr/docs/qa-201405.pdf>



Factsheet: <http://www.ed.gov/ocr/docs/dcl-factsheet-201405.pdf>

- The Spanish-language guidance documents:

Letter: <http://www.ed.gov/ocr/letters/colleague-201405-sp.pdf>

Questions and Answers: <http://www.ed.gov/ocr/docs/qa-201405-sp.pdf>

Factsheet: <http://www.ed.gov/ocr/docs/dcl-factsheet-201405-sp.pdf>

All of the same civil rights protections would apply to undocumented youth that apply to documented youth during and after enrollment. Please consult the Department of Education's Office for Civil Rights for additional guidance at <http://www.ed.gov/ocr/publications.html>.

## **English Learners (EL)**

Under Title VI of the Civil Rights Act of 1964 (Title VI) and the Equal Educational Opportunities Act of 1974 (EEOA), public schools must ensure that English Learner (EL) students can participate meaningfully and equally in educational programs.

The U.S. Department of Education and the U.S. Department of Justice issued joint guidance in January 2015 to remind state education agencies (SEAs), school districts, and public schools of their legal obligation to ensure that EL students can participate meaningfully and equally in educational programs.

For more information, please refer to *U.S. Department of Education and U.S. Department of Justice joint [Dear Colleague Letter](http://www.ed.gov/ocr/letters/colleague-el-201501.pdf), English Learner Students and Limited English Proficient Parents, January 7, 2015.* <http://www.ed.gov/ocr/letters/colleague-el-201501.pdf>

*For additional resources, including translations into various languages other than English, please visit <http://www.ed.gov/ocr/ellresources.html>*

For sample tools and resources to help state and local education agencies to support English Learners (ELs) by fulfilling these legal obligations, please see the U.S. Department of Education's English Learner [Tool Kit](http://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/eltoolkit.pdf). <http://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/eltoolkit.pdf>

## **Limited English Proficient (LEP) Parents**

Federal civil rights laws require that SEA and school districts ensure meaningful communication with LEP parents in a language they can understand and to adequately notify LEP parents of information about any program, service, or activity of an SEA or school district that is called to the attention of non-LEP parents.

For more information, please refer to *U.S. Department of Education and U.S. Department of Justice joint [Dear Colleague Letter](http://www.ed.gov/ocr/letters/colleague-el-201501.pdf), English Learner Students and Limited English Proficient Parents, January 7, 2015.* <http://www.ed.gov/ocr/letters/colleague-el-201501.pdf>





## **Tips for Secondary School Educators, Counselors, and Other Personnel**

The U.S. Department of Education does not mandate or prescribe practices, models, or other activities in this Guide. This Guide contains examples of, adaptations of, and links to resources created and maintained by other public and private organizations. This information, informed by research and gathered in part from practitioners, is provided for the reader's convenience and is included here to offer examples of the many resources that educators, parents, advocates, administrators, and other concerned parties may find helpful and use at their discretion. The U.S. Department of Education does not control or guarantee the accuracy, relevance, timeliness, or completeness of this outside information. Further, the inclusion of links to items does not reflect their importance, nor is it intended to endorse any views expressed, or materials provided. All links were verified on October 19, 2015. The list of resources may be updated and revised in the future.

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### *(1) Create Open and Welcoming Environments*

**Embrace and value diversity and the cultural backgrounds of all students.** Teachers (and other educational personnel) who serve immigrant students should understand the cultural and educational backgrounds of their students.<sup>16</sup> The development of trusting relationships with educators is especially important for undocumented youth, and affirming attitudes toward students' backgrounds and cultures may help to facilitate greater mutual trust.

- Model multicultural sensitivity for students and other personnel. To be effective, cultural competency and advocacy must be implemented on multiple levels, and modeling is one approach for achieving this.
  - Engage in self-reflection to address personal biases and increase multicultural competence.
- Examples:
- Proactively address bullying or subtle forms of discrimination between peers, education personnel, and others.
  - Incorporate discussions around diversity and immigration into instruction.
  - Plan and host trainings on multicultural issues that educate teachers and staff about the unique needs and challenges of undocumented students.

**Withhold judgment and biases about immigration status.** Educators and other personnel should not make assumptions about students' immigration status – including assuming that ethnicity or speaking languages other than English imply non-citizen status. Please see the legal guidelines section and the links therein (pages 7-8) for more information.

- Do not inquire about a student's immigration status. Youth may have legitimate fears about disclosing this information.
- Examples:
- Ensure that all students have access to important information about the educational rights of undocumented youth.
  - If a youth discloses his or her immigration status, convey openness and an

<sup>16</sup> Gonzalez, Josue and Linda Darling-Hammond. *New Concepts for New Challenges: Professional Development for Teachers of Immigrant Youth*. Center for Applied Linguistics, ©1997. Page 28.



assurance of confidentiality in discussing the topic.

- Keep in mind that some students may not have immigration-related documents that are needed for some school activities, such as field trips across national borders and study-abroad opportunities.

**Establish safe spaces that allow undocumented youth to share freely, engage with, and lead their peers.** Some undocumented youth fear sharing information about their immigration status with others. For example, one survey found that over 80 percent of undocumented college students (including many DACA recipients) considered the deportation and immigration detention of themselves or family members a major concern.<sup>17</sup> While respecting student privacy, schools and their staff should consider establishing safe spaces where undocumented youth have the opportunity to share, engage with their peers, and build a school-based support system.

Examples:

- Provide support groups for immigrant students and their families, including those who might be undocumented. It may be difficult to garner wide participation in these groups depending on the school culture and openness of undocumented students and families. Ensure broad access by widely promoting this resource to all students and families. School counselors, mentors, and educators may also be able to help provide references to interested youth and families. Individually addressing fears of deportation in a sensitive manner may be needed.
- Work with school or district personnel to establish anti-bullying campaigns and participate in anti-stigma groups, which can develop awareness among all students, parents and educators.

#### Sources for these Tips and Other Resources:

1. Storlie, Cassandra A. and Elizabeth A. Jach. "Social Justice Collaboration in Schools: A Model for Working with Undocumented Latino Students." *Journal for Social Action in Counseling and Psychology*. Vol. 4, No. 2, 2012. [http://www.psysr.org/jsacp/Storlie-v4n2-12\\_99-116.pdf](http://www.psysr.org/jsacp/Storlie-v4n2-12_99-116.pdf)
2. Gonzalez, Josue and Linda Darling-Hammond. *New Concepts for New Challenges: Professional Development for Teachers of Immigrant Youth*. Center for Applied Linguistics, ©1997. <http://files.eric.ed.gov/fulltext/ED421018.pdf>
3. "Guide for Teachers Helping Dreamers!" *United We Dream*: 2013. [http://unitedwedream.org/wp-content/uploads/2013/03/guide4teachers\\_daca.pdf](http://unitedwedream.org/wp-content/uploads/2013/03/guide4teachers_daca.pdf)
4. "Top 10 Ways to Support Undocumented Students." *Educators for Fair Consideration*: 2012. [http://www.e4fc.org/images/E4FC\\_EducatorTop10.pdf](http://www.e4fc.org/images/E4FC_EducatorTop10.pdf)
5. Perez, William. "Higher Education Access for Undocumented Students: Recommendations for Counseling Professionals." *Journal of College Admission*: Winter 2010. [http://www.cccie.org/images/stories/Perez\\_2010-JCA.24210357.pdf](http://www.cccie.org/images/stories/Perez_2010-JCA.24210357.pdf)

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<sup>17</sup> Suarez-Orozco, M. M., R. Teranishi, and C. E. Suarez-Orozco. "In the Shadows of the Ivory Tower: Undocumented Undergraduates and the Liminal State of Immigration Reform." The UndocuScholar Project. Institute for Immigration, Globalization & Education, UCLA (2015).



## (2) *Build Staff Capacity and Knowledge about Undocumented Youth*

### **Learn about the policies and laws affecting undocumented students' access to education.**

Educators, counselors, and other personnel are often in trusted positions and can serve as conduits of key information to students and their families. Because policies related to undocumented immigrants and education vary at State and local levels, education personnel can help provide clarity to youth and their families if they are informed about the relevant issues. Too often, educators and counselors lack this information and are not provided any specific training on these issues.<sup>18</sup>

- Examples:
- Learn about the [DACA policy](#).
  - Learn about relevant State and local legislation that affect undocumented students, including those related to access to higher education (see pages 27-33 for more information).
  - Work collaboratively to strengthen the multicultural competency of teachers, administrators, and school personnel.
  - Develop and host multicultural trainings and workshops that educate and equip school staff to support undocumented students and their families.
  - Provide general information about challenges facing undocumented students to educational personnel through email, handouts, and presentations.
  - Inquire about whether your school district receives funds for English Learners (ELs) under Title III, Part A of the Elementary and Secondary Education Act (ESEA), because undocumented students who are ELs are eligible for services under that program.

### **Sources for these Tips and Other Resources:**

1. Bahena, Sofia. "Supporting Undocumented Youth through Community Engagement." *Intercultural Development Research Association Newsletter*: June-July 2015. [http://www.idra.org/IDRA\\_Newsletter/June\\_July\\_2015\\_Accountability\\_and\\_Civic\\_Engagement/Supporting\\_Undocumented\\_Youth\\_through\\_Community\\_Engagement/](http://www.idra.org/IDRA_Newsletter/June_July_2015_Accountability_and_Civic_Engagement/Supporting_Undocumented_Youth_through_Community_Engagement/)
2. Storlie, Cassandra A. and Elizabeth A. Jach. "Social Justice Collaboration in Schools: A Model for Working with Undocumented Latino Students" [http://www.psyr.org/jsacp/Storlie-v4n2-12\\_99-116.pdf](http://www.psyr.org/jsacp/Storlie-v4n2-12_99-116.pdf)
3. "Guide for Teachers Helping Dreamers!" *United We Dream*: 2013. [http://unitedwedream.org/wp-content/uploads/2013/03/guide4teachers\\_daca.pdf](http://unitedwedream.org/wp-content/uploads/2013/03/guide4teachers_daca.pdf)
4. "Top 10 Ways to Support Undocumented Students." *Educators for Fair Consideration*: 2012. [http://www.e4fc.org/images/E4FC\\_EducatorTop10.pdf](http://www.e4fc.org/images/E4FC_EducatorTop10.pdf)
5. Hooker, Sarah et al. "Lessons from the Local Level: DACA's Implementation and Impact on Education and Training Success." Migration Policy Institute: 2015. <http://www.migrationpolicy.org/sites/default/files/publications/DACA-Fieldwork-Report.pdf>
6. Perez, Zenen Jaimes. "Removing Barriers to Higher Education for Undocumented Students." <http://www.luminafoundation.org/files/resources/removing-barriers-for-undocumented-students.pdf>

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<sup>18</sup> Hooker, Sarah et al. "Lessons from the Local Level: DACA's Implementation and Impact on Education and Training Success". *Migration Policy Institute*: 2015.



### *(3) Share Information and Resources with Youth and Families*

**Highlight the opportunities that exist to help undocumented youth access postsecondary education.** Though undocumented youth face barriers to college access, educators and counselors can help students to persevere and stay motivated by conveying high expectations, providing extra support, and sharing helpful resources with youth and their families.

- Examples:
- Affirm that undocumented students can go to college, but that additional research may be needed because some options and services may not be available to them. If possible, offer to help students with this research.
  - Share information on scholarships available for non-citizens. A growing number of private non-profit organizations, foundations, and other entities provide scholarships to undocumented youth and DACA recipients. See pages 38-43 for a sample list.
  - If applicable, encourage scholarship sponsors to change their policies to be inclusive of undocumented students.

**Help to connect undocumented youth and their families to community resources and stakeholder organizations for more support.** Coordination with community organizations can help provide a more cohesive system of support for undocumented youth and their families, connecting them to local resources and service providers.

- Examples:
- Develop a coordinated outreach plan with immigrant youth-led organizations, advocacy groups, and other community-based organizations to support undocumented students and their families holistically.  
Undocumented students may gain valuable socio-emotional support and access to resources by participating in advocacy organizations, especially those led by immigrant youth themselves, in their local communities or at institutions of higher education.
  - Collaborate with youth-serving agencies in your community.
  - Encourage students to explore whether they are eligible for other pathways to citizenship.

**Share information with undocumented youth and families about DACA consideration and renewal and support students requests for education records.** When youth are requesting consideration for DACA, help to ensure that they seek information from official government sources such as USCIS or DHS. More information is available [here](#). If youth are interested in seeking legal advice, recommend that they visit USCIS's [Find Legal Services](#) page. Most young people request consideration for DACA without needing any legal advice but for some, the process may be more challenging and legal assistance may be needed.

- Examples:
- Provide students with information about how to obtain education records. See Appendix D for more information.
  - Provide migrant students and families information about the availability of records through the MSIX system, a web-based platform that links States'





student record systems to enable the national exchange of educational and health information for migratory children who are eligible for the Migrant Education Program (MEP) under the Elementary and Secondary Education Act (ESEA). See pages 48-49.

- If requested, share materials regarding the process for attaining citizenship within the U.S.
- Collaborate with trusted community-based organizations to answer undocumented students' questions regarding pathways to citizenship.

#### Sources for these Tips and Other Resources:

1. Hooker, Sarah et al. "Lessons from the Local Level: DACA's Implementation and Impact on Education and Training Success." <http://www.migrationpolicy.org/sites/default/files/publications/DACA-Fieldwork-Report.pdf>
2. "Guide for Teachers Helping Dreamers!" *United We Dream*: 2013. [http://unitedwedream.org/wp-content/uploads/2013/03/guide4teachers\\_daca.pdf](http://unitedwedream.org/wp-content/uploads/2013/03/guide4teachers_daca.pdf)
3. "Top 10 Ways to Support Undocumented Students." *Educators for Fair Consideration*: 2012. [http://www.e4fc.org/images/E4FC\\_EducatorTop10.pdf](http://www.e4fc.org/images/E4FC_EducatorTop10.pdf)
4. Perez, William. "Higher Education Access for Undocumented Students: Recommendations for Counseling Professionals." [http://www.cccie.org/images/stories/Perez\\_2010-JCA.24210357.pdf](http://www.cccie.org/images/stories/Perez_2010-JCA.24210357.pdf)
5. Bahena, Sofia. "Supporting Undocumented Youth through Community Engagement." [http://www.idra.org/IDRA\\_Newsletter/June\\_July\\_2015\\_Accountability\\_and\\_Civic\\_Engagement/Supporting\\_Undocumented\\_Youth\\_through\\_Community\\_Engagement/](http://www.idra.org/IDRA_Newsletter/June_July_2015_Accountability_and_Civic_Engagement/Supporting_Undocumented_Youth_through_Community_Engagement/)
6. Casner-Lotto, Jill. "Dreaming Big: What Community Colleges Can Do to Help Undocumented Immigrant Youth Achieve Their Potential." *Community College Consortium for Immigrant Education*: September 2012. [http://www.cccie.org/images/stories/Supporting\\_Undocumented\\_Students\\_Promising\\_Practices\\_September\\_2012\\_1.pdf](http://www.cccie.org/images/stories/Supporting_Undocumented_Students_Promising_Practices_September_2012_1.pdf)

#### *(4) Actively Engage Families and Community Organizations*

**Be empathetic and build positive relationships with undocumented youth and their families.** Enter relationships with youth with a positive mindset; be consistently encouraging and willing to listen. Strive to establish trust with families as well as youth.

- Understand the stress and other feelings undocumented youth and their families may experience.

Examples:

When undocumented students trust their teachers or counselors, they may feel comfortable enough to reach out for help when they need it. This connection provides an opportunity to give support to ensure that students do not have to face challenges alone.

**Engage families of undocumented youth by ensuring communications are in a language and format understandable to parents.** Please see the legal guidelines section and the links therein (pages 7-8) for more information.



Examples:

- Investigate broader translation and online documents written in multiple languages that can enhance a school or campus's multicultural sensitivity.
- Hire personnel who are multilingual and have received the requisite training as a translator or interpreter.

**Be proactive and create frequent, flexible engagement opportunities for families.**

Research has shown that undocumented youth attribute the support of actively engaged parents and families to helping them achieve academically and build resilience.<sup>19</sup> Education personnel should approach relationships with families with openness and an aim to establish trust, acknowledging that this may be challenging for undocumented or mixed status families.

Examples:

- Facilitate office hours that will provide access to all families, including those of undocumented students. Stepping outside of traditional roles may help to build a trusting, therapeutic relationship with students and families.<sup>20</sup>
- Discuss and reflect cultural understanding of the expectations for undocumented students by their families. Acknowledge that some families may have differing perspectives on postsecondary education, while still communicating its value.

**Leverage the leadership of undocumented college students and the community to engage and support undocumented youth.** Undocumented youth who have successfully entered higher education have been shown to exhibit high levels of civic engagement and commitment to community service.<sup>21</sup> These young leaders have the potential to be engaging and knowledgeable role models for undocumented youth in secondary school or college.

Examples:

- Create safe opportunities for undocumented students in secondary schools and at local institutions of higher education to serve as role models in the community.
- Host events that empower and put youth voices on display; these can be opportunities to raise awareness and support positive youth development.
- Connect community members with similar backgrounds (community activists, church members, undocumented college students, etc.) to serve as mentors for youth; these individuals may provide culturally responsive and sensitive insight to the challenges undocumented students experience.<sup>22</sup>

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<sup>19</sup> Perez, William et al. "Academic Resilience Among Undocumented Latino Students." *Hispanic Journal of Behavioral Sciences*: Vol. 31, No. 2, 2009.

<sup>20</sup> Griffin, Dana and Sam Steen. "A Social Justice Approach to School Counseling." *The Journal for Social Action in Counseling and Psychology*: Vol. 3, 2011.

<sup>21</sup> Wong, Tom K. and Carolina Valdivia. "In Their Own Words: A Nationwide Survey of Undocumented Millennials." *Center for Comparative Immigration Studies*: Working Paper 191, May 2014.

<sup>22</sup> Zalaquett, Carlos P. and Alana D. Lopez. "Learning from the Stories of Successful Undergraduate Latina/Latino Students: the Importance of Mentoring." *Mentoring & Tutoring*: Vol. 4, No. 3, 2006.



#### Sources for these Tips and Other Resources:

1. Bahena, Sofia. "Supporting Undocumented Youth through Community Engagement." [http://www.idra.org/IDRA\\_Newsletter/June\\_July\\_2015\\_Accountability\\_and\\_Civic\\_Engagement/Supporting\\_Undocumented\\_Youth\\_through\\_Community\\_Engagement/](http://www.idra.org/IDRA_Newsletter/June_July_2015_Accountability_and_Civic_Engagement/Supporting_Undocumented_Youth_through_Community_Engagement/)
2. "Chapter 10: Tools and Resources for Ensuring Meaningful Communication with Limited English Proficient Parents." *English Learner Toolkit*. U.S. Department of Education, Office of English Language Acquisition. <http://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/index.html>
3. Storlie, Cassandra A. and Elizabeth A. Jach. "Social Justice Collaboration in Schools: A Model for Working with Undocumented Latino Students." [http://www.psyr.org/jsacp/Storlie-v4n2-12\\_99-116.pdf](http://www.psyr.org/jsacp/Storlie-v4n2-12_99-116.pdf)
4. U.S. Department of Education and U.S. Department of Justice joint [Dear Colleague Letter](#), *English Learner Students and Limited English Proficient Parents*, January 7, 2015. <http://www.ed.gov/ocr/letters/colleague-el-201501.pdf>
5. "Guide for Teachers Helping Dreamers!" *United We Dream*: 2013. [http://unitedwedream.org/wp-content/uploads/2013/03/guide4teachers\\_daca.pdf](http://unitedwedream.org/wp-content/uploads/2013/03/guide4teachers_daca.pdf)
6. "Top 10 Ways to Support Undocumented Students." *Educators for Fair Consideration*: 2012. [http://www.e4fc.org/images/E4FC\\_EducatorTop10.pdf](http://www.e4fc.org/images/E4FC_EducatorTop10.pdf)
7. Casner-Lotto, Jill. "Dreaming Big: What Community Colleges Can Do to Help Undocumented Immigrant Youth Achieve Their Potential." *Community College Consortium for Immigrant Education*: September 2012. [http://www.cccie.org/images/stories/Supporting\\_Undocumented\\_Students\\_Promising\\_Practices\\_September\\_2012\\_1.pdf](http://www.cccie.org/images/stories/Supporting_Undocumented_Students_Promising_Practices_September_2012_1.pdf)

#### *(5) Provide Additional Academic Supports to Undocumented Youth, if needed*

**Support undocumented youth and families in navigating the higher education admissions process.** The admissions process for postsecondary institutions can be tough for undocumented youth, who face a number of additional hurdles. Undocumented students often must wade through State, local, and institutional policies when deciding to which higher education institutions they should apply and eventually attend.<sup>23</sup> Counselors and educators can play an important supportive role for undocumented youth by helping them apply for college and determine financial aid options.

- Walk through the higher education admissions process with undocumented youth to help them gain familiarity with key steps and important deadlines, and check in with them regarding their follow-through on key tasks.
- Examples:
- Provide support as students work to fulfill the application requirements for academic essays and letters of recommendation.
  - Engage parents and keep them involved during the college application and admissions experience, acknowledging that they may lack familiarity with these processes.
  - Coordinate with local community colleges and other institutions to hold

<sup>23</sup> Perez, Zenen Jaimes. "Removing Barriers to Higher Education for Undocumented Students." *Center for American Progress*: 2014.



college tours and information sessions.

**Provide ongoing support and individual help beyond the college application and admissions process.** Ensure students have the opportunity to receive ongoing mentoring and advice, such as by connecting them to services available at community organizations or with other undocumented youth who may lead campus or stakeholder groups.

**Advocate for dual enrollment opportunities that are open to all secondary school students regardless of citizenship status.** While dual enrollment may increase engagement and access to rigorous coursework for all students, anecdotal evidence suggests that it poses a particular benefit for undocumented students.<sup>24</sup>

Example:

- Promote dual enrollment in college courses during secondary school as a cost-saving college preparation strategy for undocumented youth, in particular.

**Sources for these Tips and Other Resources:**

1. Perez, William. "Higher Education Access for Undocumented Students: Recommendations for Counseling Professionals." [http://www.cccie.org/images/stories/Perez\\_2010-JCA.24210357.pdf](http://www.cccie.org/images/stories/Perez_2010-JCA.24210357.pdf)
2. "Top 10 Ways to Support Undocumented Students" [http://www.e4fc.org/images/E4FC\\_EducatorTop10.pdf](http://www.e4fc.org/images/E4FC_EducatorTop10.pdf)
3. Casner-Lotto, Jill. "Dreaming Big: What Community Colleges Can Do to Help Undocumented Immigrant Youth Achieve Their Potential." [http://www.cccie.org/images/stories/Supporting\\_Undocumented\\_Students\\_Promising\\_Practices\\_September\\_2012\\_1.pdf](http://www.cccie.org/images/stories/Supporting_Undocumented_Students_Promising_Practices_September_2012_1.pdf)
4. Storlie, Cassandra A. and Elizabeth A. Jach. "Social Justice Collaboration in Schools: A Model for Working with Undocumented Latino Students." [http://www.psyr.org/jsacp/Storlie-v4n2-12\\_99-116.pdf](http://www.psyr.org/jsacp/Storlie-v4n2-12_99-116.pdf)
5. Hooker, Sarah et al. "Lessons from the Local Level: DACA's Implementation and Impact on Education and Training Success." <http://www.migrationpolicy.org/sites/default/files/publications/DACA-Fieldwork-Report.pdf>

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<sup>24</sup> Hooker, Sarah et al. "Lessons from the Local Level: DACA's Implementation and Impact on Education and Training Success." *Migration Policy Institute*: 2015.





## **Tips for Institutions of Higher Education (IHEs)**

The U.S. Department of Education does not mandate or prescribe practices, models, or other activities in this Guide. This Guide contains examples of, adaptations of, and links to resources created and maintained by other public and private organizations. This information, informed by research and gathered in part from practitioners, is provided for the reader's convenience and is included here to offer examples of the many resources that educators, parents, advocates, administrators, and other concerned parties may find helpful and use at their discretion. The U.S. Department of Education does not control or guarantee the accuracy, relevance, timeliness, or completeness of this outside information. Further, the inclusion of links to items does not reflect their importance, nor is it intended to endorse any views expressed, or materials provided. All links were verified on October 19, 2015. The list of resources may be updated and revised in the future.

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### *(1) Create Open and Welcoming Environments*

#### **Build a supportive and welcoming institutional environment for undocumented students.**

Many undocumented youth are first-generation college students. Research has shown that, for these students, positive climates and culturally competent faculty may be important in facilitating persistence and college completion.<sup>25 26</sup> Education personnel and IHEs should consider ways that they can make their support of undocumented students clear and help alleviate fears about students' status.

- Host an undocumented immigrant awareness day and consider partnering with community and stakeholder groups to amplify the event.
  - Publicly demonstrate support for undocumented students.
  - Educate all students about the challenges and strengths of undocumented students, such as by hosting an Undocumented Week. Each day, highlight an issue faced by undocumented students or celebrate an accomplishment of the undocumented immigrant community.
  - Ensure that youth are engaged and provided with a leading role in planning and executing any awareness events.
- Examples:

#### **Sources for these Tips and Other Resources:**

1. Perez, Zenen Jaimes. "Removing Barriers to Higher Education for Undocumented Students." <http://www.luminafoundation.org/files/resources/removing-barriers-for-undocumented-students.pdf>
2. Richards, Jamie and Laura M. Bohorquez. "National Institutions Coming Out Day Toolkit: Institutional Policies and Programs with & for Undocumented Students." *United We Dream: DREAM Educational Empowerment Program*: 2015. [http://unitedwedream.org/wp-content/uploads/2015/01/UWDN\\_InstitutionalToolKit\\_final-1.pdf](http://unitedwedream.org/wp-content/uploads/2015/01/UWDN_InstitutionalToolKit_final-1.pdf)
3. Suarez-Orozco, M. M., R. Teranishi, and C. E. Suarez-Orozco. "In the Shadows of the Ivory Tower: Undocumented Undergraduates and the Liminal State of Immigration Reform." The UndocuScholar Project. Institute for Immigration, Globalization & Education, UCLA (2015). <http://www.undocuscholars.org/assets/undocuscholarsreport2015.pdf>

<sup>25</sup> Contreras, Frances. "Sin Papeles y Rompiendo Barreras: Latino Students and the Challenges of Persisting in College". *Harvard Educational Review* : Vol. 79, No. 4, 2009

<sup>26</sup> Rendon, Laura I. "Facilitating Retention and Transfer for First Generation Students in Community Colleges." *National Center on Postsecondary Teaching, Learning, and Assessment*: 1995.



4. Casner-Lotto, Jill. "Dreaming Big: What Community Colleges Can Do to Help Undocumented Immigrant Youth Achieve Their Potential." [http://www.cccie.org/images/stories/Supporting Undocumented Students Promising Practices September 2012 1.pdf](http://www.cccie.org/images/stories/Supporting_Undocumented_Students_Promising_Practices_September_2012_1.pdf)

## *(2) Provide Services and Resources to Help Guide Undocumented Students*

**Develop services and resources that specifically support undocumented students.** Case studies of undocumented youth in higher education have highlighted lingering feelings of stigma and fear related to their status, as well as instances of discrimination on campuses.<sup>27</sup> Creating safe spaces that clearly affirm and support undocumented students can help youth feel welcomed into the institutional community and connect them to resources that will meet additional needs, such as legal services and healthcare.

- Examples:
- Create a safe place for undocumented students to connect and receive staff and peer support, as well as key information.
  - Train all staff on the unique needs of undocumented students to help them provide additional supports and show sensitivity to youths' concerns.

**Share information about DACA with students, families, and the community.** It may be particularly helpful for undocumented youth both at institutions of higher education and in the broader community to receive information about the DACA policy. As reputable institutions, colleges and universities can serve as important conduits of information on DACA.

- Examples:
- Create a specific webpage on the institution's Web site that contains updates on the DACA policy and other relevant policies and resources.
  - Convene community taskforces or meetings with community-based organizations, LEAs, schools, and other stakeholders to create a cohesive plan for sharing and dissemination information about DACA.

**Be transparent by openly and proactively advertising the ways in which your institution supports undocumented students.** Undocumented youth and their families may be new to the U.S. higher education system, so it is important to make institutional policies and resources clear and ensure that this information is available in accessible formats.

- Examples:
- Post resources for undocumented students clearly and prominently on the main campus or institutional Web site.
  - Develop an undocumented student resource guide or brochure to help these students navigate the new institution and feel welcomed.
  - Post FAQs and links to federal, State, and community resources on the institutional Web site and highlight on the institution's social media outlets.

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<sup>27</sup> Contreras, Frances. "Sin Papeles y Rompiendo Barreras: Latino Students and the Challenges of Persisting in College." *Harvard Educational Review*: Vol. 79, No. 4, 2009.



- Include information on adult education or high school equivalency programs in your community.
- Develop relationships or transfer agreements with secondary schools or colleges that serve large number of undocumented students.
- Offer accurate and unbiased information about the campus community for undocumented students to dispel myths and build support.

#### Sources for these Tips and Other Resources:

1. Casner-Lotto, Jill. "Dreaming Big: What Community Colleges Can Do to Help Undocumented Immigrant Youth Achieve Their Potential." [http://www.cccie.org/images/stories/Supporting\\_Undocumented\\_Students\\_Promising\\_Practices\\_September\\_2012\\_1.pdf](http://www.cccie.org/images/stories/Supporting_Undocumented_Students_Promising_Practices_September_2012_1.pdf)
2. Suarez-Orozco, M. M., R. Teranishi, and C. E. Suarez-Orozco. "In the Shadows of the Ivory Tower: Undocumented Undergraduates and the Liminal State of Immigration Reform." The UndocuScholar Project. Institute for Immigration, Globalization & Education, UCLA (2015). Hooker, Sarah et al. "Lessons from the Local Level: DACA's Implementation and Impact on Education and Training Success." <http://www.migrationpolicy.org/sites/default/files/publications/DACA-Fieldwork-Report.pdf>
3. Richards, Jamie and Laura M. Bohorquez. "National Institutions Coming Out Day Toolkit: Institutional Policies and Programs with & for Undocumented Students." [http://unitedwedream.org/wp-content/uploads/2015/01/UWDN\\_InstitutionalToolKit\\_final-1.pdf](http://unitedwedream.org/wp-content/uploads/2015/01/UWDN_InstitutionalToolKit_final-1.pdf)
4. Perez, Zenen Jaimes. "Removing Barriers to Higher Education for Undocumented Students." <http://www.luminafoundation.org/files/resources/removing-barriers-for-undocumented-students.pdf>

### *(3) Communicate and Demonstrate Support for Undocumented Youth*

**Message publicly that your institution supports undocumented students and their rights to a high-quality education.** By taking a public stand, IHEs can help to inspire more undocumented youth to pursue postsecondary education and to promote positive change that will increase college access for these youth.

- Examples:
- Issue an institutional statement that clearly articulates its support of undocumented students.
  - Include undocumented students in public forums. Encourage youth to share their stories and to request consideration for DACA or DACA renewal. Showcase their stories in any media outreach campaigns and press releases.
  - Explore ways that an institution or university system can play an active role in expanding access for undocumented students, especially in States with exclusionary or less inclusive policies.

#### Sources for these Tips and Other Resources:

1. Richards, Jamie and Laura M. Bohorquez. "National Institutions Coming Out Day Toolkit: Institutional Policies and Programs with & for Undocumented Students." [http://unitedwedream.org/wp-content/uploads/2015/01/UWDN\\_InstitutionalToolKit\\_final-1.pdf](http://unitedwedream.org/wp-content/uploads/2015/01/UWDN_InstitutionalToolKit_final-1.pdf)
2. Suarez-Orozco, M. M., R. Teranishi, and C. E. Suarez-Orozco. "In the Shadows of the Ivory Tower: Undocumented Undergraduates and the Liminal State of Immigration Reform." The UndocuScholar Project. Institute for Immigration, Globalization & Education, UCLA (2015). <http://www.undocuscholars.org/assets/undocuscholarsreport2015.pdf>



3. Casner-Lotto, Jill. "Dreaming Big: What Community Colleges Can Do to Help Undocumented Immigrant Youth Achieve Their Potential." [http://www.cccie.org/images/stories/Supporting\\_Undocumented\\_Students\\_Promising\\_Practices\\_September\\_2012\\_1.pdf](http://www.cccie.org/images/stories/Supporting_Undocumented_Students_Promising_Practices_September_2012_1.pdf)
4. Perez, Zenen Jaimes. "Removing Barriers to Higher Education for Undocumented Students." <http://www.luminafoundation.org/files/resources/removing-barriers-for-undocumented-students.pdf>

#### *(4) Provide Peer-to-Peer Support and Relationship-Building Opportunities*

**Create opportunities for undocumented youth empowerment through peer groups and other tools.** Many undocumented youth, having overcome significant challenges to continue their studies, have great potential for leadership and activism, as demonstrated by the number of youth-led stakeholder groups and organizing and advocacy campaigns across campuses and cities.<sup>28</sup> Create an environment that provides undocumented youth with the opportunity to organize and lead their peers at an institution or in the community.

- Instill agency in youth by creating a safe community where undocumented students can speak openly.
- Examples:
- Start an undocumented student support group or club.
  - Offer connections between student clubs and local stakeholder groups and community-based organizations to create additional support and more opportunities for youth to engage.

#### **Sources for these Tips and Other Resources:**

1. Richards, Jamie and Laura M. Bohorquez. "National Institutions Coming Out Day Toolkit: Institutional Policies and Programs with & for Undocumented Students." [http://unitedwedream.org/wp-content/uploads/2015/01/UWDN\\_InstitutionalToolKit\\_final-1.pdf](http://unitedwedream.org/wp-content/uploads/2015/01/UWDN_InstitutionalToolKit_final-1.pdf)
2. Suarez-Orozco, M. M., R. Teranishi, and C. E. Suarez-Orozco. "In the Shadows of the Ivory Tower: Undocumented Undergraduates and the Liminal State of Immigration Reform." The UndocuScholar Project. Institute for Immigration, Globalization & Education, UCLA (2015). <http://www.undocuscholars.org/assets/undocuscholarsreport2015.pdf>
3. Casner-Lotto, Jill. "Dreaming Big: What Community Colleges Can Do to Help Undocumented Immigrant Youth Achieve Their Potential." [http://www.cccie.org/images/stories/Supporting\\_Undocumented\\_Students\\_Promising\\_Practices\\_September\\_2012\\_1.pdf](http://www.cccie.org/images/stories/Supporting_Undocumented_Students_Promising_Practices_September_2012_1.pdf)
4. Perez, Zenen Jaimes. "Removing Barriers to Higher Education for Undocumented Students." <http://www.luminafoundation.org/files/resources/removing-barriers-for-undocumented-students.pdf>

#### *(5) Build Staff Capacity and Knowledge of Relevant Issues*

**Provide high-quality training for all staff who engage directly with students so they are equipped to support undocumented youth.** With ever-changing State, local, and institutional policies, undocumented students often need help accessing clear and accurate information related to college access and institutional supports. As in secondary schools, educators and other personnel often do not receive specific training on how to support undocumented

<sup>28</sup> Perez, William et al. "Academic Resilience Among Undocumented Latino Students." *Hispanic Journal of Behavioral Sciences*: Vol. 31, No. 2, 2009.



students. Institutions should invest in growing their staff capacity by developing increased knowledge of the needs of undocumented students, financial aid policies, and the DACA policy, among other topics.

- Examples:
- Train all key front-line staff offices (e.g., admissions, registrar, financial aid, and counseling) to build understanding about the DACA policy so that they know how to respond to student requests for transcripts and other documentation.
  - Raise the awareness of advisors and other personnel of the unique needs of undocumented students and how to best serve them.
  - Designate key staff as DACA “specialists” so that eligible undocumented youth have a go-to individual for accurate information and guidance.
  - Train financial aid counselors so they are able to discuss issues that undocumented students encounter and create specific Web sites or webpages on financial aid for undocumented students
  - Partner with community-based organizations and youth groups to hold annual trainings for all personnel about relevant State and local policies
  - Partner with secondary schools to ensure counselors and educators have access to relevant information for undocumented students

**Sources for these Tips and Other Resources:**

1. Casner-Lotto, Jill. “Dreaming Big: What Community Colleges Can Do to Help Undocumented Immigrant Youth Achieve Their Potential.” [http://www.cccie.org/images/stories/Supporting\\_Undocumented\\_Students\\_Promising\\_Practices\\_September\\_2012\\_1.pdf](http://www.cccie.org/images/stories/Supporting_Undocumented_Students_Promising_Practices_September_2012_1.pdf)
2. Suarez-Orozco, M. M., R. Teranishi, and C. E. Suarez-Orozco. “In the Shadows of the Ivory Tower: Undocumented Undergraduates and the Liminal State of Immigration Reform.” The UndocuScholar Project. Institute for Immigration, Globalization & Education, UCLA (2015). <http://www.undocuscholars.org/assets/undocuscholarsreport2015.pdf>
3. Hooker, Sarah et al. “Lessons from the Local Level: DACA’s Implementation and Impact on Education and Training Success.” <http://www.migrationpolicy.org/sites/default/files/publications/DACA-Fieldwork-Report.pdf>
4. Richards, Jamie and Laura M. Bohorquez. “National Institutions Coming Out Day Toolkit: Institutional Policies and Programs with & for Undocumented Students.” [http://unitedwedream.org/wp-content/uploads/2015/01/UWDN\\_InstitutionalToolKit\\_final-1.pdf](http://unitedwedream.org/wp-content/uploads/2015/01/UWDN_InstitutionalToolKit_final-1.pdf)
5. Perez, Zenen Jaimes. “Removing Barriers to Higher Education for Undocumented Students.” <http://www.luminafoundation.org/files/resources/removing-barriers-for-undocumented-students.pdf>



## **Models from the Field**

The U.S. Department of Education does not mandate or prescribe practices, models, or other activities in this Guide. This Guide contains examples of, adaptations of, and links to resources created and maintained by other public and private organizations. This information is provided for the reader’s convenience and is included here to offer examples of the many resources that educators, parents, advocates, administrators, and other concerned parties may find helpful and use at their discretion. The U.S. Department of Education does not control or guarantee the accuracy, relevance, timeliness, or completeness of this outside information. Further, the inclusion of links to items does not reflect their importance, nor is it intended to endorse any views expressed, or materials provided. All links were verified on October 19, 2015. The list of resources may be updated and revised in the future.

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### **Build Capacity & Knowledge** *Chicago, Illinois*

- The Mayor's Office of New Americans and Chicago Public Schools launched the *Illinois Dream Act* Counselor Training in summer 2013. Developed collaboratively with stakeholders, the training and curriculum that was developed provided an opportunity for school counselors to learn about the DACA policy, the Illinois tuition equity law, college savings program, scholarships, and strategies and tools to help undocumented youth and families navigate their higher education options.

### **Share Information & Resources** *New York City, New York*

- The New York Immigration Coalition (NYIC) collaborated with the Internationals Network for Public Schools to produce a guide on the U.S. higher education system, including college costs and scholarship opportunities, which was released in 6 languages and included case studies of undocumented families. NYIC has since partnered with the New York City Department of Education to instructionalize the guide and expand its focus to educators as well as parents and families.

### **Provide Supports to Families** *Omaha, Nebraska*

- As part of Omaha Public Schools, the Yates Community Center provides opportunities for parents who are immigrants or refugees to learn valuable language and career skills. The Community Center welcomes parents and community members to take part in ESL classes, sewing classes and a sewing lab, a computer lab, and provides access to an early childhood center.

### **Provide Services & Resources** *Overland Park, KS*

- At Johnson County Community College, the International and Immigrant Student Services Department incorporates staff from other offices into its workshops to ensure that the needs of immigrant students are met. The Department also collaborates with community organizations, student clubs, and employers to fundraise and assist undocumented students in identifying scholarship opportunities.

### **Create Open, Welcoming Environments** *Los Angeles, CA*

- Alongside other campuses in the University of California system, the University of California, Los Angeles (UCLA) created a campus resource center specifically to provide supports like mentoring, financial aid guidance, and a sense of belonging for undocumented students. Since 2011, the UCLA Labor Center has hosted Dream Summer - the first national internship program primarily for undocumented youth. Every year, dozens of undocumented youth from across the country are selected as interns and placed into social justice and labor organizations, where they can grow and flourish as leaders.





Some of the Web addresses in this publication are for sites created and maintained by organizations other than the U.S. Department of Education (ED). They are provided for the reader's convenience. ED does not control or guarantee the accuracy, relevance, timeliness, or completeness of this outside information. Further, the inclusion of particular Web addresses is not intended to reflect their importance, nor is it intended to endorse any views expressed or products or services offered on these outside sites, or the organizations sponsoring the sites. All links were verified on October 19, 2015.

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## Resources

RESOURCE NAME	LINK	DESCRIPTION
Guide for Teachers Helping Dreamers	<a href="http://unitedwedream.org/wp-content/uploads/2013/03/guide4teachers_daca.pdf">http://unitedwedream.org/wp-content/uploads/2013/03/guide4teachers_daca.pdf</a>	This guide was created for teachers and service providers who teach, mentor, and help undocumented youth. Intended to be a brief, easy-to-read guide on how to help undocumented youth and where they can get support.
The Case for Undocumented Students in Higher Education	<a href="http://www.e4fc.org/images/E4FC_TheCase.pdf">http://www.e4fc.org/images/E4FC_TheCase.pdf</a>	This report encourages scholarship providers and other funders to consider the merits of hardworking, high-achieving undocumented students and increase financial support to enable them to more fully contribute to U.S. society.
Top 10 Ways to Support Undocumented Students	<a href="http://www.e4fc.org/images/E4FC_EducatorTop10.pdf">http://www.e4fc.org/images/E4FC_EducatorTop10.pdf</a>	A list of 10 powerful ways educators can support undocumented students.
Supporting Undocumented Youth through Community Engagement	<a href="http://www.idra.org/IDRA_Newsletter/June_July_2015_Accountability_and_Civic_Engagement/Supporting_Undocumented_Youth_through_Community_Engagement/">http://www.idra.org/IDRA_Newsletter/June_July_2015_Accountability_and_Civic_Engagement/Supporting_Undocumented_Youth_through_Community_Engagement/</a>	A synthesis of relevant research and a list of recommendations for how schools can support undocumented youth.
DREAMING BIG: What Community Colleges Can Do to Help Undocumented Immigrant Youth Achieve Their Potential	Report: <a href="http://www.cccie.org/images/stories/DREAMING_BIG_CCCIE_Report_9-2012.pdf">http://www.cccie.org/images/stories/DREAMING_BIG_CCCIE_Report_9-2012.pdf</a> Promising Practices Site: <a href="http://www.cccie.org/community-college-immigration-promising-practices">http://www.cccie.org/community-college-immigration-promising-practices</a>	This report provides community colleges promising practices to serve undocumented students in five areas: increasing college access, making college affordable, supporting college readiness and success, offering alternatives for adult learners, and improving college retention and completion.



<p>Removing Barriers to Higher Education for Undocumented Students</p>	<p><a href="https://cdn.americanprogress.org/wp-content/uploads/2014/12/UndocHigherEd-report2.pdf">https://cdn.americanprogress.org/wp-content/uploads/2014/12/UndocHigherEd-report2.pdf</a></p>	<p>This report provides an overview of the labyrinth of policies from federal, State, and postsecondary institutions that undocumented students must navigate to earn a degree. Lists recommendations for policymakers to help ensure that undocumented young people and the economy prosper by removing these barriers.</p>
<p>Social Justice Collaboration in Schools: A Model for Working with Undocumented Latino Students</p>	<p><a href="http://www.psycsr.org/jsacp/Storlie-v4n2-12_99-116.pdf">http://www.psycsr.org/jsacp/Storlie-v4n2-12_99-116.pdf</a></p>	<p>This article describes the challenges encountered by undocumented Latino students and introduces a model that promotes social action within a K-16 system. Implementation may generate insights into how to educate professionals on realistic and empowering methods to give opportunities for undocumented Latino students.</p>
<p>The DREAM Educational Empowerment Program Web site</p>	<p><a href="http://unitedwedream.org/about/projects/education-deep/">http://unitedwedream.org/about/projects/education-deep/</a></p>	<p>The DREAM Educational Empowerment Program (DEEP) is a catalyst for educational justice and empowerment for immigrant students. DEEP educates, connects, and empowers immigrant students, parents and educators to close the opportunity gap and engage in local efforts to improve educational equity.</p>
<p>TheDream.US Resource Page</p>	<p><a href="http://www.thedream.us/resources/">http://www.thedream.us/resources/</a></p>	<p>A list of links, toolkits, guides, and other information to help undocumented youth successfully complete a college education.</p>
<p>Toolkit on Access to Postsecondary Education</p>	<p><a href="https://www.nilc.org/eduaccess toolkit.html">https://www.nilc.org/eduaccess toolkit.html</a></p>	<p>This toolkit provides resources on State campaigns for tuition equity and a listing of scholarships and financial aid.</p>
<p>Information on DACA</p>	<p><a href="https://www.nilc.org/dreamdeferred.html">https://www.nilc.org/dreamdeferred.html</a></p>	<p>This document provides information on applying for or renewing DACA. It also provides information for DACA recipients on how to get a driver's license, access to health care, how to file taxes with a Social Security</p>



		number, and information on workplace rights issues.
UndocuPeers: Liberating Campus Climate Curriculum	<a href="http://unitedwedream.org/learn-can-use-undocupeers-liberating-campus-climate-curriculum-school/">http://unitedwedream.org/learn-can-use-undocupeers-liberating-campus-climate-curriculum-school/</a>	This toolkit is made by and for undocumented students to engage educators on how to create a more inclusive school environment.
National Educators Coming Out Day	<a href="http://unitedwedream.org/educatorsout">http://unitedwedream.org/educatorsout</a>	Toolkit and pledge for educators on how to better support undocumented students.
National Institutions Coming Out Day	<a href="http://unitedwedream.org/learn-schools-can-better-work-undocumented-students-joining-us-national-institutions-coming-day/">http://unitedwedream.org/learn-schools-can-better-work-undocumented-students-joining-us-national-institutions-coming-day/</a>	Toolkit for high schools, colleges, and universities that provides concrete steps to create a welcoming environment for all students regardless of immigration status.
The Educators Conference Toolkit	<a href="https://www.dropbox.com/s/yfb62ng3zd3ccje/Educator_Conferences_Materials-2015-07-09.zip?dl=0">https://www.dropbox.com/s/yfb62ng3zd3ccje/Educator_Conferences_Materials-2015-07-09.zip?dl=0</a>	A toolkit and list of examples for how educators or institutions can hold conferences to discuss the issues faced by non-citizen students.
I have DACA and I can fill out the FAFSA? Say What!	Guide: <a href="http://unitedwedream.org/wp-content/uploads/2014/04/DACAStepsforFAFS A2014_Final.pdf">http://unitedwedream.org/wp-content/uploads/2014/04/DACAStepsforFAFS A2014_Final.pdf</a> Webinar: <a href="https://www.youtube.com/watch?v=pHfOu_I9fWw">https://www.youtube.com/watch?v=pHfOu_I9fWw</a>	A guide for how DACA recipients can use FAFSA and recommendations on what they should and should not do. A webinar is included for further reference.
Educators' Back to School Toolkit	<a href="https://cliniclegal.org/educators-back-school-toolkit">https://cliniclegal.org/educators-back-school-toolkit</a>	CLINIC's resources for educators provide an overview of DACA and DAPA, including their benefits and risks, and information about the application process and about seeking qualified legal assistance.
Helping Your Immigrant Students and School Community: Updates on Deferred Action Programs for Undocumented	Webinar: <a href="https://cliniclegal.org/resources/webinars/helping-your-immigrant-students-and-school-community-updates-deferred-action">https://cliniclegal.org/resources/webinars/helping-your-immigrant-students-and-school-community-updates-deferred-action</a> Powerpoint: <a href="https://cliniclegal.org/sites/default/files/daca_dapa_for_educators_webinar_slides_5_5_15.pdf">https://cliniclegal.org/sites/default/files/daca_dapa_for_educators_webinar_slides_5_5_15.pdf</a>	CLINIC's webinar for educators, counselors, and others working in schools and adult education programs who want to learn more about immigration relief for undocumented students and their families.



Youth and Family		
Advisory for DACA Renewal and Advance Parole	<a href="http://www.ilrc.org/resources/daca-renewal-and-advance-parole-practice-advisory-english-spanish">http://www.ilrc.org/resources/daca-renewal-and-advance-parole-practice-advisory-english-spanish</a>	This document describes what steps a DACA recipient who travels on advance parole must take to ensure that they can successfully renew DACA.
Steps to Take if Your DACA Renewal is Delayed	<a href="http://www.ilrc.org/resources/steps-to-take-if-your-daca-renewal-is-delayed">http://www.ilrc.org/resources/steps-to-take-if-your-daca-renewal-is-delayed</a>	This guide outlines steps DACA renewal applicants can take if their renewal is delayed.
Travel for DACA Applicants (Advance Parole)	<a href="http://www.ilrc.org/resources/travel-for-daca-applicants-advance-parole">http://www.ilrc.org/resources/travel-for-daca-applicants-advance-parole</a>	This guide explains when DACA recipients may be eligible to apply to travel outside the United States, what risks are involved, and how to prepare.
Living the American DREAM: Profiles of DACA Recipients	<a href="http://issuu.com/nclr/docs/livingtheamericandream_61515?e=1871004/13532716">http://issuu.com/nclr/docs/livingtheamericandream_61515?e=1871004/13532716</a>	Stories of DACA recipients compiled by NCLR. It may help educators and others learn about the impact of DACA and may be shared with students to encourage them to learn more.
Immigo 2.0 Mobile App	<p>For Information:  <a href="http://live.nclr.org/issues/immigration/immigrant-integration/">http://live.nclr.org/issues/immigration/immigrant-integration/</a></p> <p>For Download:  <a href="https://itunes.apple.com/us/app/immigo/id891595380?mt=8">https://itunes.apple.com/us/app/immigo/id891595380?mt=8</a>  <a href="https://play.google.com/store/apps/details?id=com.probononet.immigo&amp;hl=en">https://play.google.com/store/apps/details?id=com.probononet.immigo&amp;hl=en</a></p>	A free mobile app developed by NCLR and the Immigration Advocates Network that puts basic information about immigration at the fingertips of service providers. It includes basic information on DACA and a legal service directory for nonprofit legal service providers.



## State Aid Policies

The U.S. Department of Education does not mandate or prescribe policies, practices, models, or other activities in this Guide. This Guide contains examples of, adaptations of, and links to resources created and maintained by other public and private organizations. This information is provided for the reader’s convenience and is included here to offer examples of the many resources that educators, parents, advocates, administrators, and other concerned parties may find helpful and use at their discretion. The U.S. Department of Education does not control or guarantee the accuracy, relevance, timeliness, or completeness of this outside information. Further, the inclusion of links to items does not reflect their importance, nor is it intended to endorse any views expressed, or materials provided. All links verified on October 19, 2015. The list of resources may be updated and revised in the future.

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Studies cite college costs as a fundamental barrier confronted by undocumented youth seeking to pursue postsecondary education.<sup>29</sup> Undocumented youth are ineligible for Title IV Federal financial aid; the fact sheet and chart on pages 34–37 highlight the categories of noncitizens which may be eligible for Federal financial aid. However, it is important to note that Federal law generally does not prohibit the admission of undocumented students – including DACA recipients – to postsecondary educational institutions. Federal law also generally does not require institutions to determine or request any student’s citizenship or immigration status prior to enrollment, except under limited circumstances, commonly pertaining to the [Student and Exchange Visitor Program](#).

In recent years, many States have adopted policies that expand undocumented students’ access to higher education by tackling the issue of college affordability—widely referred to as “tuition equity policies.” Though the policies vary by State (and, in some cases, by institution), research has shown that since enactment, they have significantly increased the college enrollment of undocumented students in these States.<sup>30</sup> According to the Institute for Higher Education Law and Governance at the University of Houston Law Center, 19 States allow undocumented immigrant students to pay in-state tuition rates, as of May 2015.<sup>31</sup> These States are shown in dark blue, brown, and yellow on the map on page 28. The remaining, uncolored States have no known tuition equity policies.

Five States, which are profiled in this document and are shown in brown on the map, have gone further by allowing undocumented students to receive State financial aid. A handful of States have established policies barring undocumented students from enrollment in public institutions of higher education, also shown on the map in green.<sup>32</sup> Careful review of State laws and policies may be warranted.

The Department encourages undocumented students to check with their high school counselor or financial aid office to see whether completing the Free Application for Federal

<sup>29</sup> Suarez-Orozco, M. M., R. Teranishi, and C. E. Suarez-Orozco. “In the Shadows of the Ivory Tower: Undocumented Undergraduates and the Liminal State of Immigration Reform.” The UndocuScholar Project. Institute for Immigration, Globalization & Education, UCLA (2015).

<sup>30</sup> Flores, Stella. “State Dream Acts: The Effect of In-State Resident Tuition Policies and Undocumented Latino Students.” *The Review of Higher Education*: Vol. 33, No. 2, 2010.

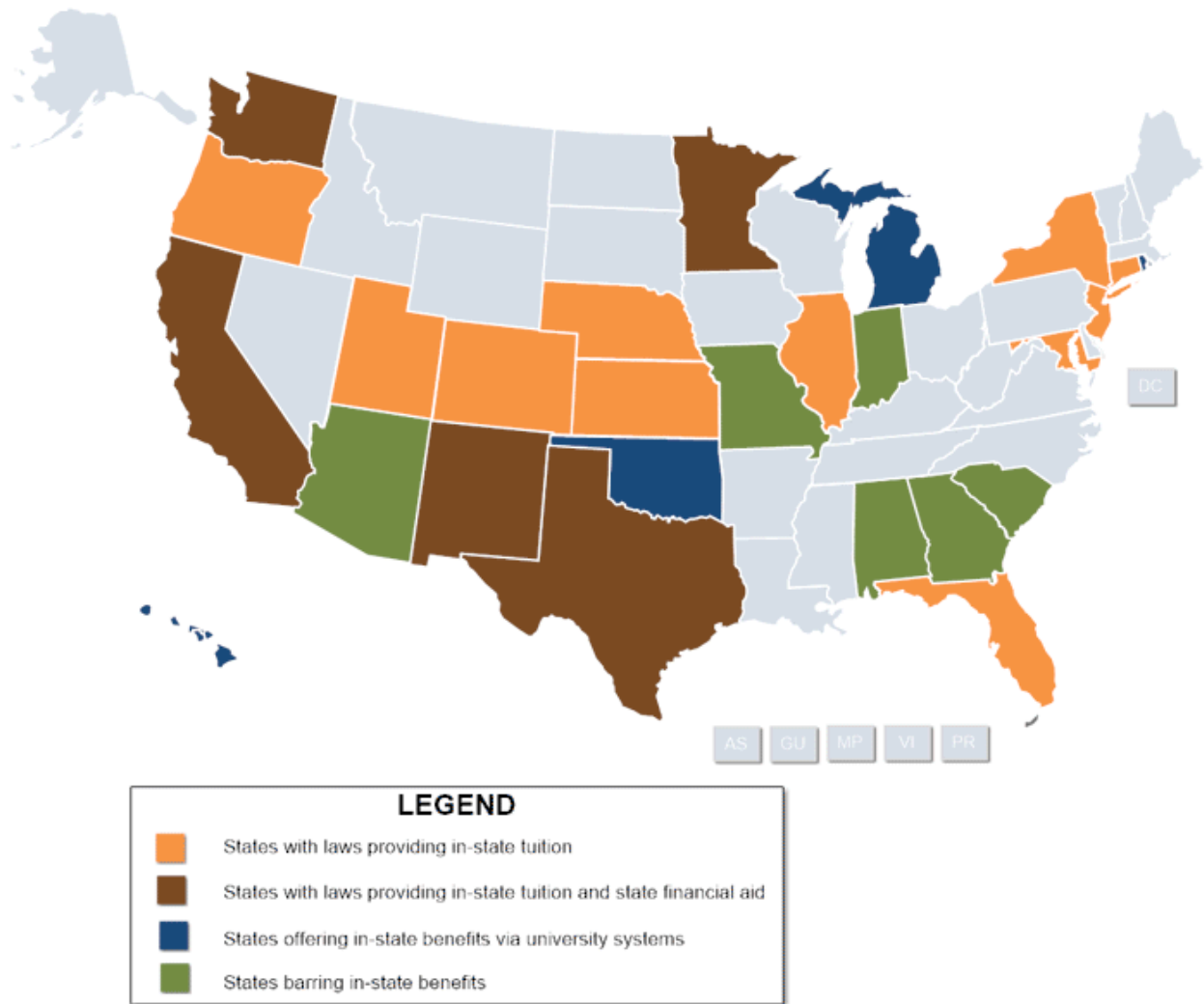
<sup>31</sup> Olivas, Michael. “Table One: State Laws Allowing Undocumented College Students to Establish Residency, 2015.” *University of Houston Institute for Higher Education Law and Governance*. <http://www.law.uh.edu/ihelg/documents/Statute-TableOne.html> Accessed: August 27, 2015

<sup>32</sup> Olivas, Michael. “Table Two: States Restricting Access to Postsecondary Education, 2015.” *University of Houston Institute for Higher Education Law and Governance*. <http://www.law.uh.edu/ihelg/documents/Statute-TableTwo.html> Accessed: September 3, 2015



Student Aid ([FAFSA](#)) is the best way to apply for State and college student aid. Completing the FAFSA allows students to demonstrate their financial need, which may help provide access to private or institutional scholarships that take need into account. Please see the Department's [fact sheet](#) on financial aid and undocumented students for more information.

Because of the dynamic nature of these policy decisions, be aware that this information may become out-of-date and that direct contact with a State or institutional representative will yield the most accurate information. Links for more information are below.



<sup>33</sup> Mendoza, Gilberto. "Tuition Benefits for Immigrants." *National Conference of State Legislatures*: July 15, 2015. <http://www.ncsl.org/research/immigration/tuition-benefits-for-immigrants.aspx> Accessed: September 4, 2015





## California

The California Dream Act allows undocumented students who meet certain criteria to be eligible to receive financial aid funded through public universities, State administered financial aid, university grants, community college fee waivers, and Cal Grants.<sup>34</sup>

Students are eligible if they have attended a California high school for at least three years or graduated early from a California high school with the equivalent of three or more years of credit\*, and

- Graduated from a California high school, or passed the California High School Proficiency Exam, or obtained a GED;
- Enrolled in an accredited and qualifying California college or university; and
- If applicable, complete(d) an affidavit to legalize immigration status as soon as eligible.

\*If students graduated early from high school under this provision, they must also have attended California schools (elementary and secondary) for a cumulative total of three or more years.<sup>35</sup>

The State encourages undocumented students eligible for the California Dream Act to apply for financial aid through the [California Dream Act Application](#), rather than completing a FAFSA.<sup>36</sup>

California has also recently enacted the California Dream Loan Program which extends loans to students who meet the requirements above and have financial need, and authorizes University of California (UC) and the California State University (CSU) campuses to participate.<sup>37</sup>

For more information, please see these resources:

<https://dream.csac.ca.gov/>

[http://www.csac.ca.gov/pubs/forms/grnt\\_frm/cal\\_grant\\_dream\\_act\\_faqs.pdf](http://www.csac.ca.gov/pubs/forms/grnt_frm/cal_grant_dream_act_faqs.pdf)

<http://www.e4fc.org/resources/californiadreamact.html>

<http://ideasla.org/index/>

## Washington State

Washington State permits undocumented students to attend its colleges and universities, and enables many to be eligible for State-funded financial aid through the REAL Hope Act.

Undocumented students are eligible if they can affirmatively say:

- I have or will graduate from a high school or get my GED in Washington State;

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<sup>34</sup> “California Dream Act Frequently Asked Questions for Parents and Students”. *California Student Aid Commission*: 2015.

<sup>35</sup> Ibid.

<sup>36</sup> Ibid.

<sup>37</sup> “SB 1210 Postsecondary Education: California DREAM Loan Program (2013-2014)”. *California Legislative Information*: 2014. [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201320140SB1210](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB1210)  
Accessed: September 5, 2014



- I have lived or will lived in Washington State for three years before graduating from high school; *and*
- I am going or plan to go to a public college or university in Washington State.<sup>38</sup>

Undocumented students are also eligible to pay in-state tuition at the state's public colleges and universities if they have lived in Washington State at least three years and either 1) graduated from a Washington State high school and completed the senior year of high school in Washington or 2) have earned the equivalent of a high school diploma (e.g., GED).<sup>39</sup>

Washington provides a State financial aid application - [Washington Application for State Financial Aid \(WASFA\)](#), as an alternative to the FAFSA.

For more information, please see these resources:

<http://realhopewa.org/>

<http://readyssetgrad.org/wasfa>

<http://hb1079.org/>

<http://www.wadreamcoalition.org/new-page/>

## *New Mexico*

Through SB 582, New Mexico established in-state tuition and eligibility for State and institutional aid at New Mexico colleges and universities for undocumented students who meet the following criteria:

- Attended a New Mexico high school for at least a year; *and*
- Graduated from a New Mexico high school or obtained a GED in New Mexico.<sup>40</sup>

Because there is no uniform process for undocumented youth to access these benefits across the State, stakeholder organizations recommend reaching out to financial aid offices for New Mexico's public institutions.<sup>41</sup>

For more information, please see these resources:

<https://dreamact.info/students/in-state/new-mexico>

<http://www.nmlegis.gov/Sessions/05%20Regular/final/SB0582.pdf>

<http://hed.state.nm.us/programs/financial-aid-division.aspx>

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<sup>38</sup> *Latino/a Educational Achievement Project*. <http://realhopewa.org/> Accessed: August 27, 2015.

<sup>39</sup> *Latino/a Educational Achievement Project*. <http://hb1079.org/> Accessed: August 27, 2015.

<sup>40</sup> Olivas, Michael. "Table One: State Laws Allowing Undocumented College Students to Establish Residency, 2015."

<sup>41</sup> "I HAVE DACA AND I CAN USE THE FAFSA? SAY WHAT?! A reference guide for DACA recipients." *United We Dream*. 2014.



## Texas

Through HB 1403 and SB 1528, Texas extended eligibility for in-state tuition rates and State financial aid to undocumented immigrants who meet the criteria for being considered Texas residents. Specifically, this requires a student to:

- Reside in Texas continually with a parent or guardian for the 36 months leading up to high school graduation or the receipt of a GED in Texas and for the 12 months prior to the census date of the term in which the student enrolls in an institution of higher education; *and*
- Sign an affidavit indicating his/her intent to apply for Legal Permanent Resident status as soon as he/she meets Federal eligibility requirements.<sup>42</sup>

Additionally, undocumented students who are classified as Texas residents by meeting the above criteria are eligible for state financial aid programs, depending on financial need and other program-specific requirements.<sup>43</sup> Undocumented students may also be eligible to receive institutional aid at public institutions of higher education in Texas.

The State encourages undocumented students who qualify as Texas residents to use the Texas Application for State Financial Aid (TAFSA) in lieu of the FAFSA.<sup>44</sup>

For more information, please see these resources:

[www.thecb.state.tx.us/index.cfm?objectid=CBAB40F1-943A-C22C-052A4D5288E006A1](http://www.thecb.state.tx.us/index.cfm?objectid=CBAB40F1-943A-C22C-052A4D5288E006A1)

<http://www.collegeforalltexas.com>

<http://universityleadershipinitiative.org/>

<http://world.utexas.edu/issr/students/dreamers>

<http://www.alamo.edu/district/daca/>

## Minnesota

The MN Dream Act, signed into law in 2013, provides certain benefits to undocumented students who meet the following criteria:<sup>45</sup>

- Attended a Minnesota high school for at least 3 years;
- Graduated from a Minnesota high school or earned a GED in Minnesota;
- Registered with the U.S. Selective Service (applies only to males 18 to 25 years old); *and*
- Provide documentation to show they have applied for lawful immigration status but only if a federal process exists for a student to do so (does not include requesting

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<sup>42</sup> "Overview: Eligibility for In-State Tuition and State Financial Aid Programs." *Texas Higher Education Coordinating Board*: 2015.

<sup>43</sup> *Ibid.*

<sup>44</sup> "Your Financial Aid Application - TASFA or FAFSA?" *Texas Higher Education Coordination Board*. <http://www.collegeforalltexas.com/index.cfm?objectid=D465D848-EA0F-C0EA-5209BC8C89262877> Accessed: September 1, 2015

<sup>45</sup> "Minnesota Dream Act." *Minnesota Office of Higher Education*. <http://www.ohe.state.mn.us/mPg.cfm?pageID=2056> Accessed: September 17, 2015



consideration for Deferred Action for Childhood Arrivals). There is currently not a federal process in place, so this documentation is not currently required.

Students who meet the criteria in the MN Dream Act will be eligible for the following benefits:

- In-state resident tuition rates at public colleges and universities.
- State financial aid available to students who meet state residency requirements.
- Privately funded financial aid through public colleges and universities.<sup>46</sup>

Undocumented students can apply for State financial aid by accessing the online [MN Dream Act - State Financial Aid application](#).

For more information, please see these resources:

<http://www.ohe.state.mn.us/pdf/MNDreamActFactSheet.pdf>

<http://www.ohe.state.mn.us/mPg.cfm?pageID=2056>

<http://www.ohe.state.mn.us/mPg.cfm?pageID=2065#instructions>

<http://www.ohe.state.mn.us/mPg.cfm?pageID=1586>

### *Other Examples*

**Delaware** offers free tuition to its community colleges for undocumented students, just as they do to other students graduating high school, through the “Student Excellence Equals Degree,” or SEED, scholarship. Undocumented students can qualify with the same eligibility as other students (e.g., minimum 2.5 GPA) as long as they:

- Attend a high school in Delaware for at least two consecutive years prior to graduating;
- Graduate from a high school in Delaware;
- Apply for all campus-based financial aid (scholarships, etc.) for which he or she would be eligible; *and*
- Submit a notarized Tuition Affidavit that certifies that the student is an undocumented person and that he or she has filed an application to legalize his/her immigration status or will file an application to legalize his/her application status as soon as he or she is eligible.

For more information, please see this resource:

<https://www.dtcc.edu/admissions-financial-aid/financial-aid-scholarships/types-aid/seed/scholarship-requirements>

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<sup>46</sup> Ibid.



**Massachusetts** allows DACA recipients who have received a valid Employment Authorization Document (EAD) to be considered Massachusetts residents for purposes of tuition and fees for state institutions of higher education,<sup>47</sup> as long as they meet all other required criteria.<sup>48</sup>

For more information, please see this resource:

<http://www.mass.edu/foradmin/admissions/residency.asp>

**Oklahoma** allows undocumented students meeting certain criteria to be eligible for out-of-state tuition waivers and *some* financial aid (e.g., the Oklahoma Tuition Aid Grant Program).

Currently, to qualify,<sup>49</sup> an undocumented student must have:

- Graduated from a public or private Oklahoma high school;
- Resided in the state with a parent or legal guardian while attending classes at an Oklahoma public or private high school for at least two (2) years prior to graduation;  
*and*
- Satisfied admission standards for the institution.

Undocumented students with no current path to legal status are required to file an affidavit with the institution stating that he/she will file an application to legalize his or her immigration status at the earliest opportunity the student is eligible to do so and will present a copy of this application to the institution no later than one year after the USCIS provides such a formal process.<sup>50</sup>

For more information, please see these resources:

<http://www.okhighered.org/state-system/policy-procedures/2015/Chapter%203-2015.pdf>

<http://www.law.uh.edu/ihelg/undocumented/2008-1-2-guidancetoinstitutions.pdf>

[https://www.okcollegestart.org/Financial\\_Aid\\_Planning/Oklahoma\\_Grants/Oklahoma\\_Tuition\\_Aid\\_Grant.aspx](https://www.okcollegestart.org/Financial_Aid_Planning/Oklahoma_Grants/Oklahoma_Tuition_Aid_Grant.aspx)

<https://www.okhighered.org/admin-fac/FinAidResources/docs/otag-handbook.pdf>

<http://www.dreamactok.org/>

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<sup>47</sup> Papanikolaou, Constantia T. "Memorandum: Residency Status for Tuition Classification Purposes — Deferred Action for Childhood Arrivals." *Massachusetts Department of Higher Education*.

<http://www.mass.edu/bhe/lib/documents/DACAMemo11-21-12.pdf>, 2012. Accessed: September 3, 2015.

<sup>48</sup> "Board of Higher Education Residency Policy for Tuition Classification Purposes." *Massachusetts Department of Higher Education*. <http://www.mass.edu/bhe/lib/documents/2008-11-12ResidencyStatuswithFormandDocuments.pdf> Accessed: September 3, 2015.

<sup>49</sup> "Policy and Procedures Manual - Chapter 3 - Academic Affairs." *Oklahoma State Regents for Higher Education*.

<http://www.okhighered.org/state-system/policy-procedures/2015/Chapter%203-2015.pdf> Accessed: September 2, 2015

<sup>50</sup> Ibid.



## Many non-U.S. citizens qualify for Federal student aid.

*Don't assume you can't get aid just because you're not a citizen.*

### I am a non-U.S. citizen. Can I get Federal student aid?

Check with your college or career school financial aid office for more information. You are considered an “eligible noncitizen” if you fall into certain categories, such as the ones listed below:<sup>1</sup>

1. You are a:
  - U.S. national (includes natives of American Samoa or Swains Island) or
  - [U.S. lawful permanent resident](#) with a Form I-551, I-151, or I-551C (Permanent Resident Card, Resident Alien Card, or Alien Registration Receipt Card), also known as a “green card”.
2. You have an [Arrival-Departure Record \(Form I-94\)](#) from the Department of Homeland Security (DHS) showing:<sup>2</sup>
  - “Refugee,”
  - “Asylum Granted,”
  - “Cuban-Haitian Entrant (Status Pending),”
  - “Conditional Entrant” (valid only if issued before April 1, 1980), or
  - “Parolee” (you must be paroled for at least one year, and you must be able to provide evidence from the USCIS that you are in the United States for other than a temporary purpose with the intention of becoming a U.S. citizen or lawful permanent resident).
3. You hold a [T nonimmigrant status \(“T-visa”\)](#) (for victims of human trafficking) or your parent holds a [T-1 nonimmigrant status](#). Your college or career school’s financial aid office will ask to see your visa and/or certification letter from the U.S. Department of Health and Human Services.<sup>2</sup>
4. You are recognized as a [“battered immigrant-qualified alien”](#) who is a victim of abuse by your citizen or lawful permanent resident spouse, or you are the child of a person designated as such under the Violence Against Women Act (VAWA).<sup>2</sup>
5. You are a citizen of the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau. If this is the case, you may be eligible for only certain types of Federal student aid.
  - Citizens of the Republic of Palau are eligible for Federal Pell Grants, Federal Supplemental Educational Opportunity Grants, and Federal Work-Study.

<sup>1</sup> Certain Native American students born in Canada with a status under the Jay Treaty of 1789 may also be eligible for Federal student aid.

<sup>2</sup> To qualify for Federal student aid, certain eligible noncitizens must be able to provide evidence from the USCIS that they are in the United States for other than a temporary purpose with the intention of becoming a U.S. citizen or lawful permanent resident.





- Citizens of the Federated States of Micronesia and the Republic of the Marshall Islands are eligible for Federal Pell Grants only.

**If I have been granted Deferred Action for Childhood Arrivals (DACA), am I eligible for Federal student aid?**

Undocumented students, including DACA recipients, are not eligible for Federal student aid, but you may still be eligible for State or college aid, in addition to private scholarships.

**If I have been granted DACA, should I still complete a FAFSA?**

You should check with your high school counselor or financial aid office to see whether completing the FAFSA is the way to apply for State and college student aid. To begin your FAFSA, you must enter your Social Security number. While completing the FAFSA, you must answer the “Are you a U.S. citizen?” question as “No, I am not a citizen or eligible noncitizen.” After submitting your FAFSA, you should check with your school’s financial aid office to see what types of financial aid you may be eligible to receive.

[Read our fact sheet about undocumented students and financial aid.](#)

**Does my parents’ citizenship or immigration status affect my eligibility for aid?**

No, your parents’ citizenship or immigration status does not affect your eligibility for Federal student aid. In fact, the *Free Application for Federal Student Aid* (FAFSA®) doesn’t even ask about your parents’ status. [Learn about filling out the FAFSA.](#)

**What if I have other documentation that isn’t listed above?**

You are NOT an eligible noncitizen and cannot receive Federal student aid if

- You have only a “Notice of Approval to Apply for Permanent Residence” (I-171 or I-464),
- You are in the U.S. in F-1 or F-2 nonimmigrant student status, or in J-1 or J-2 nonimmigrant exchange visitor status, or
- You hold a G series visa (pertaining to international organizations).

**If I’m not an eligible noncitizen, can I get any type of financial aid to study in the U.S.?**

Yes, there may be some scholarships and other aid you can get.

- Check with your country’s embassy or a consulate here in the U.S. or with the appropriate government office back in your country to see what they offer.
- Review the scholarships list on pages 38-43.
- Try the U.S. Department of Labor’s [free online scholarship search](#).
- Ask the college or career school you plan to attend whether they offer any aid for students like you.
- Check out the [Education USA](#) Web site.



ELIGIBILITY CHART: FINANCIAL AID RESOURCES BY CITIZENSHIP OR IMMIGRATION STATUS

Types of Financial Assistance		U.S. Citizen or U.S. National	Lawful Permanent Resident	Other Noncitizens <sup>1</sup> <i>(Check with your college or career school financial aid office for more information.)</i>	DACA recipient (granted by USCIS)	Undocumented (has no documentation)
Title IV, Federal Student Aid <sup>2</sup>	Grants	Yes	Yes	Yes, if: <sup>3</sup>	No	No
	Loans	Yes	Yes	<ul style="list-style-type: none"> <li>You are in T nonimmigrant status (“T visa”) or your parent is in T-1 nonimmigrant status.</li> <li>You are recognized as a “battered immigrant-qualified alien” who is a victim of abuse by your citizen or lawful permanent resident spouse, or your parent is designated as such.</li> <li>Your Arrival-Departure Record (Form I-94) from DHS shows “Refugee,” “Asylum Granted,” “Cuban-Haitian Entrant (Status Pending),” “Conditional Entrant,”<sup>4</sup> or “Parolee.”<sup>5</sup></li> </ul>	No	No
	Work Study	Yes	Yes		No	No
State Aid (grants/loans)		Varies by State				
Institutional Aid		Varies by institution				
Private Scholarships		Varies, depending on eligibility requirements				
Private Loans		Yes	Varies. A U.S. citizen or lawful permanent resident may be needed as a cosigner.			

<sup>1</sup> Citizens of the Republic of Palau are eligible for Federal Pell Grants, Federal Supplemental Educational Opportunity Grants, and Federal Work-Study. Citizens of the Federated States of Micronesia and the Republic of the Marshall Islands are eligible for Federal Pell Grants only. Certain Native American students born in Canada with a status under the Jay Treaty of 1789 may also be eligible for Federal student aid.

<sup>2</sup> Note: This includes programs authorized under Title IV of the Higher Education Act (HEA), such as the Federal TRIO programs.

<sup>3</sup> To qualify for Federal student aid, other eligible noncitizens must be able to provide evidence from the USCIS that they are in the United States for other than a temporary purpose with the intention of becoming a U.S. citizen or lawful permanent resident.

<sup>4</sup> Valid only if issued before April 1, 1980.

<sup>5</sup> You must be paroled for at least one year, and you must be able to provide evidence from the USCIS that you are in the United States for other than a temporary purpose with the intention of becoming a U.S. citizen or permanent resident.





## Scholarships Available to Undocumented Students

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Scholarship Name	Type (Undergraduate /Graduate)	Eligibility	Amount	Application Deadline	For More Information
La Unidad Latina	Undergraduate four-year college and graduate students	Must reside in the U.S.	\$500 to \$1,000	October 15, 2015	<a href="https://www.lulf.org">https://www.lulf.org</a>
Elie Wiesel Prize in Ethics Essay Contest	Full-time college juniors and seniors attending U.S. colleges or universities	International and non-U.S. citizen students are eligible	\$500 to \$5,000	December 14, 2015	<a href="http://www.eliewieselfoundation.org/entercontest.aspx">www.eliewieselfoundation.org/entercontest.aspx</a>
Byron Hanke Fellowship	Graduate students	Students must be working on topics related to community organizations	\$2,000 to \$5,000	May, 1, 2016	<a href="http://www.cairf.org/scholarships/hanke.aspx">http://www.cairf.org/scholarships/hanke.aspx</a>
Davis Putter Scholarship Fund	Undergraduate and graduate students	Citizenship is not a consideration; applicants must be living in the U.S. and planning to enroll in school in the US to apply	\$8,000	April 1, 2016	<a href="http://www.davisputter.org/about/contact-us/">http://www.davisputter.org/about/contact-us/</a>
Google Lime Scholarship Program	Undergraduate and graduate students at universities in the U.S. or Canada	No citizenship requirements; students with disabilities who are pursuing a degree in computer science, or a closely related technical field	\$10,000 5,000 CAD (for those studying in Canada)	January 18, 2016	<a href="https://www.google.com/edu/scholarships/the-google-lime-scholarship/">https://www.google.com/edu/scholarships/the-google-lime-scholarship/</a>
Scholarship for Prospective Educators	High school seniors	Planning on majoring in education	\$500 to \$2,000	April 1, 2016	<a href="http://pdkintl.org/programs-resources/scholarships-awards/prospective-educator-scholarships/">http://pdkintl.org/programs-resources/scholarships-awards/prospective-educator-scholarships/</a>



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Scholarship Name	Type (Undergraduate /Graduate)	Eligibility	Amount	Application Deadline	For More Information
Golden Doors Scholars	High school students or recent high school graduates	Interest in the STEM fields and demonstration of strong leadership skills	N/A	N/A	<a href="http://www.goldendoor-scholars.org">http://www.goldendoor-scholars.org</a>
Ayn Rand We the Living Essay Contest	10 <sup>th</sup> , 11 <sup>th</sup> , and 12 <sup>th</sup> graders worldwide	No citizenship requirements	\$300 to \$3,000	October 23, 2015	<a href="http://essaycontest.aynrandnovels.com/WeTheLiving.aspx">http://essaycontest.aynrandnovels.com/WeTheLiving.aspx</a>
Ayn Rand Anthem Essay Contest	8 <sup>th</sup> , 9 <sup>th</sup> , and 10 <sup>th</sup> graders worldwide	No citizenship requirements	\$200 to \$2,000	March 25, 2016	<a href="https://www.aynrand.org/students/essay-contests#anthem-1">https://www.aynrand.org/students/essay-contests#anthem-1</a>
Ayn Rand The Fountainhead Essay Contest	11 <sup>th</sup> and 12 <sup>th</sup> graders worldwide	No citizenship requirements	\$1,000 to \$10,000	April 29, 2016	<a href="https://www.aynrand.org/students/essay-contests#thefountainhead-1">https://www.aynrand.org/students/essay-contests#thefountainhead-1</a>
BMI Student Composer Award	Under the age of 28 as of time of submission	Citizens of a country in the Western Hemisphere; currently studying music, either in an educational institution or privately	N/A	N/A	<a href="http://bmifoundation.org/programs/info/bmi-student-composer-awards">http://bmifoundation.org/programs/info/bmi-student-composer-awards</a>
Berrien Fragos Thorn Arts Scholarship	Enrolled in school	Must demonstrate an interest in pursuing further development of their talents	\$2,500	November 1, 2015	<a href="http://www.migrant.net/migrant/scholarships/thorn.htm">http://www.migrant.net/migrant/scholarships/thorn.htm</a>



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Scholarship Name	Type (Undergraduate /Graduate)	Eligibility	Amount	Application Deadline	For More Information
Mexican American Dream Scholarship	Undergraduates at an accredited 4-year university or a 2-year program at a community college	Be an AB-540 student; <sup>1</sup> must reside or attend school in the following counties only: Los Angeles, Orange, Riverside, Inland Empire, and Ventura.	\$500 to \$1,000	N/A	<a href="http://www.cofem.org/Resources/Documents/2014+-+2015+Mexican+American+Dream+Scholarship.pdf">http://www.cofem.org/Resources/Documents/2014+-+2015+Mexican+American+Dream+Scholarship.pdf</a>
Good Tidings Foundation Community Service Scholarship	High school seniors	Reside in one of the following California counties: Alameda, Contra Costa, Marin, Monterey, Napa, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Cruz, Santa Clara, Solano, Sonoma, Stanislaus, or Yolo	\$5,000	October 27, 2015	<a href="http://www.goodtidings.org/index.php?id=23">http://www.goodtidings.org/index.php?id=23</a>

<sup>1</sup> To learn more about AB 540 eligibility, please see [http://www.csac.ca.gov/pubs/forms/grnt\\_frm/cal\\_grant\\_dream\\_act\\_faqs.pdf](http://www.csac.ca.gov/pubs/forms/grnt_frm/cal_grant_dream_act_faqs.pdf).





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Scholarship Name	Type (Undergraduate /Graduate)	Eligibility	Amount	Application Deadline	For More Information
Dr. Juan Andrade, Jr. Scholarship for Young Hispanic Leaders	Must be enrolled or accepted for enrollment as a full-time student, in a four-year or two-year institution in the U.S. or U.S. territories	At least one parent must be of Hispanic ancestry	\$1,000	December 31, 2015	<a href="https://www.unigo.com/scholarships/all/dr--juan-andrade-scholarship-for-young-hispanic-leaders/1004012">https://www.unigo.com/scholarships/all/dr--juan-andrade-scholarship-for-young-hispanic-leaders/1004012</a>
Princeton Prize in Race Relations	9 <sup>th</sup> , 10 <sup>th</sup> , 11 <sup>th</sup> , and 12 <sup>th</sup> graders	Students of participating regions	\$1,000	January 31, 2016	<a href="http://www.princeton.edu/pprize/faq/">http://www.princeton.edu/pprize/faq/</a>
MALDEF Law School Scholarship Program	Law school students	Record of service to the Latino community	\$1,000 to \$5,000	September 1, 2015	<a href="http://www.maldef.org/leadership/scholarships/index.html">http://www.maldef.org/leadership/scholarships/index.html</a>
MALDEF Dream Act Student Activist Dream Scholarship Program	College and graduate students	Record of activism around immigrant rights and/or active in the Dreamer movement	\$5,000	N/A	<a href="http://maldef.org/leadership/scholarships/">http://maldef.org/leadership/scholarships/</a>
TheDream.US	High school graduates	Have come to the United States before reaching your 16 <sup>th</sup> birthday; demonstrated financial need	Covers tuition and fees for an associate's or bachelor's degree at partner colleges	February 15, 2016	<a href="http://www.thedream.us">http://www.thedream.us</a>



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Scholarship Name	Type (Undergraduate /Graduate)	Eligibility	Amount	Application Deadline	For More Information
New Leader Scholarship	Students who have attended the school for one academic year or more, with 60 units or more, 24 of which were attained at the present university	Enrollment in one of the following Bay area public universities: California State University, East Bay Campus; San Francisco State University; San Jose State University; Sonoma State University; or University of California at Berkeley	\$8,000	March 10, 2016	<a href="http://newleaderscholarship.org/apply/">http://newleaderscholarship.org/apply/</a>
10,000 Degrees Undergraduate Scholarship	Enrolled in an average of 12 academic units per term during 2016-17 academic year	Demonstrated financial need	N/A	March 2, 2016	<a href="http://www.10000degrees.org/students/scholarships/undergraduate-scholarships/">http://www.10000degrees.org/students/scholarships/undergraduate-scholarships/</a>
Chicano Organizing & Research in Education–Que Llave Café Scholarship	High school graduates who will enroll for the first time in an accredited college or university in the U.S. or Puerto Rico.	All students in all U.S. States and Puerto Rico	N/A	N/A	<a href="http://www.ca-core.org/que_llave_cafe_scholarship_program">http://www.ca-core.org/que_llave_cafe_scholarship_program</a>
Illinois Latino Council of Higher Education (ILACHE)	High school seniors or a continuing undergraduate level college students	Latino/a students in Illinois	\$1,000	N/A	<a href="http://ilache.com/scholarship.html">http://ilache.com/scholarship.html</a>





The following Web addresses are for sites created and maintained by organizations other than the U.S. Department of Education (ED). They are provided for the reader’s convenience. ED does not control or guarantee the accuracy, relevance, timeliness, or completeness of this outside information. Further, the inclusion of particular Web addresses is not intended to reflect their importance, nor is it intended to endorse any views expressed or products or services offered on these outside sites, or the organizations sponsoring the sites. All links were verified on October 19, 2015.

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## Federally Funded Adult Education and Family Literacy Programs for DACA Guidelines

Individuals considering requesting Deferred Action for Childhood Arrivals (DACA), an initiative administered by the Department of Homeland Security, may be able to establish that they are “currently in school” for purposes of the [DACA guidelines](#) by, among other things, providing evidence that they are enrolled in an education, literacy, or career training program that is publicly funded, administered by a non-profit organization, or is of demonstrated effectiveness. Details regarding the educational guidelines for DACA are contained in the Frequently Asked Questions document on the USCIS website linked to above.

The Adult Education and Family Literacy Act (Title II of the Workforce Innovation and Opportunity Act) authorizes and provides funding for adult education programs that provide instruction below the postsecondary level to adults who are 16 years or older. Programs, which include adult basic education (ABE), adult secondary education (ASE), and English as a second language (ESL), are designed to improve basic reading, writing, numeracy, and English language skills; assist adults in completing secondary school; prepare them for successful transition to postsecondary education and work; and support civics education for new Americans who are learning English.

This document provides links to information about local adult education programs (including education and literacy programs) that receive public funding from the Federal government.

State	Website
Alabama	<a href="https://www.accs.cc/index.cfm/adult-education/adult-education-providers/">https://www.accs.cc/index.cfm/adult-education/adult-education-providers/</a>
Alaska	<a href="http://www.ajcn.state.ak.us/abe/abe_dir.pdf">http://www.ajcn.state.ak.us/abe/abe_dir.pdf</a>
Arizona	<a href="http://www.azed.gov/adultedservices/">http://www.azed.gov/adultedservices/</a>
Arkansas	<a href="http://ace.arkansas.gov/adultEducation/directoryPrograms/Pages/programs.aspx">http://ace.arkansas.gov/adultEducation/directoryPrograms/Pages/programs.aspx</a>
California	<a href="http://www.otan.us/caaeproviders/">http://www.otan.us/caaeproviders/</a>
Colorado	<a href="http://www.cde.state.co.us/cdeadult/aeFldirectory">www.cde.state.co.us/cdeadult/aeFldirectory</a>
Connecticut	<a href="http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Adult/providerdirectory.pdf">http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Adult/providerdirectory.pdf</a>



State	Website
Delaware	<a href="http://www.doe.k12.de.us/cms/lib09/DE01922744/Centricity/Domain/164/Delaware%20Community%20Adult%20%20Education%20Program.pdf">http://www.doe.k12.de.us/cms/lib09/DE01922744/Centricity/Domain/164/Delaware%20Community%20Adult%20%20Education%20Program.pdf</a>
District of Columbia	<a href="http://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/AFE%20-%20Guide%20to%20Adult%20Education%20Services%20-%20%202019th%20Edition_with%20DOES%20Career%20Centers.pdf">http://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/AFE%20-%20Guide%20to%20Adult%20Education%20Services%20-%20%202019th%20Edition_with%20DOES%20Career%20Centers.pdf</a>
Florida	<a href="http://data.fldoe.org/workforce/contacts/default.cfm?action=showList&amp;ListID=67">http://data.fldoe.org/workforce/contacts/default.cfm?action=showList&amp;ListID=67</a>
Georgia	<a href="https://tcsgeu/all_documents/current_ae_program_directory.pdf">https://tcsgeu/all_documents/current_ae_program_directory.pdf</a>
Hawaii	<a href="http://www.hawaiipublicschools.org/TeachingAndLearning/AdultEducation/Pages/Home.aspx">http://www.hawaiipublicschools.org/TeachingAndLearning/AdultEducation/Pages/Home.aspx</a>
Idaho	<a href="http://pte.idaho.gov/pdf/ABE/ABEContactInfo.pdf">http://pte.idaho.gov/pdf/ABE/ABEContactInfo.pdf</a> (PDF) or <a href="http://pte.idaho.gov/ABE/Contact_Us.html">http://pte.idaho.gov/ABE/Contact_Us.html</a> (website where PDF can be found)
Illinois	<a href="http://www.ilcco.net/adulted/index1.cfm">http://www.ilcco.net/adulted/index1.cfm</a>
Indiana	<a href="http://www.in.gov/dwd/adulted_locations.htm">http://www.in.gov/dwd/adulted_locations.htm</a>
Iowa	<a href="https://www.educateiowa.gov/adult-career-community-college/adult-education-and-literacy#Directory_of_AEL_Programs_by_Area">https://www.educateiowa.gov/adult-career-community-college/adult-education-and-literacy#Directory_of_AEL_Programs_by_Area</a>
Kansas	<a href="http://65.162.96.52/adult_education_centers">http://65.162.96.52/adult_education_centers</a>
Kentucky	<a href="http://www.kyvae.org/countycontacts.aspx">http://www.kyvae.org/countycontacts.aspx</a>
Louisiana	<a href="http://lapcae.org/providers.html">http://lapcae.org/providers.html</a>
Maine	<a href="http://www.maineadulted.org/programs/">http://www.maineadulted.org/programs/</a>
Maryland	<a href="http://www.dllr.state.md.us/gedmd/programs.shtml">http://www.dllr.state.md.us/gedmd/programs.shtml</a>
Massachusetts	<a href="http://acls.doemass.org/">http://acls.doemass.org/</a>
Michigan	<a href="http://www.michigan.gov/wda/0,5303,7-304-64362---,00.html">http://www.michigan.gov/wda/0,5303,7-304-64362---,00.html</a>
Minnesota	<a href="http://w20.education.state.mn.us/AdultBasicEdFinder/">http://w20.education.state.mn.us/AdultBasicEdFinder/</a>
Mississippi	<a href="http://www.sbcjc.cc.ms.us/Adulted/abedirectors.aspx">http://www.sbcjc.cc.ms.us/Adulted/abedirectors.aspx</a>
Missouri	<a href="http://dese.mo.gov/adult-learning-rehabilitation-services/adult-education-literacy/missouri-ael-programs">http://dese.mo.gov/adult-learning-rehabilitation-services/adult-education-literacy/missouri-ael-programs</a>
Montana	<a href="http://opi.mt.gov/pdf/ABE/MTABLEPrograms.pdf">http://opi.mt.gov/pdf/ABE/MTABLEPrograms.pdf</a> (PDF) or <a href="http://opi.mt.gov/Programs/CTAE/ABE.html">http://opi.mt.gov/Programs/CTAE/ABE.html</a> (website where PDF can be found)
Nebraska	<a href="http://www.education.ne.gov/ADED/pdfs/Nebraska_Adult_Education_Directors">http://www.education.ne.gov/ADED/pdfs/Nebraska_Adult_Education_Directors</a>



State	Website
	<a href="#">pdf</a>
<b>Nevada</b>	<a href="http://www.nevadaadulthoodeducation.org/Students_and_Supporters/Adult_Literacy_and_Language_Programs/Adult_Literacy_and_Language_Programs_in_Nevada.html">http://www.nevadaadulthoodeducation.org/Students and Supporters/Adult Literacy and Language Programs/Adult Literacy and Language Programs in Nevada.html</a>  Adult High Schools: <a href="http://www.nevadaadulthoodeducation.org/Students_and_Supporters/Adult_High_School_Programs/Adult_High_School_Programs_in_Nevada.html">http://www.nevadaadulthoodeducation.org/Students and Supporters/Adult High School Programs/Adult High School Programs in Nevada.html</a>  Adult Literacy and Language Programs: <a href="http://www.nevadaadulthoodeducation.org/Students_and_Supporters/Adult_Literacy_and_Language_Programs/Adult_Literacy_and_Language_Programs_in_Nevada.html">http://www.nevadaadulthoodeducation.org/Students and Supporters/Adult Literacy and Language Programs/Adult Literacy and Language Programs in Nevada.html</a>
<b>New Hampshire</b>	<a href="http://www.education.nh.gov/career/adult/index.htm">www.education.nh.gov/career/adult/index.htm</a>
<b>New Jersey</b>	<a href="http://jobs4jersey.com/jobs4jersey/jobseekers/training/literacytraining.html">http://jobs4jersey.com/jobs4jersey/jobseekers/training/literacytraining.html</a>
<b>New Mexico</b>	<a href="http://hed.state.nm.us/programs/abe-division-program-service-area-map.aspx">http://hed.state.nm.us/programs/abe-division-program-service-area-map.aspx</a>
<b>New York</b>	<a href="http://www.ACCEs.nysed.gov/county/informationbycounty.html">www.ACCEs.nysed.gov/county/informationbycounty.html</a>
<b>North Carolina</b>	<a href="http://www.nccommunitycolleges.edu/college-and-career-readiness/community-based-organizations">http://www.nccommunitycolleges.edu/college-and-career-readiness/community-based-organizations</a>
<b>North Dakota</b>	<a href="https://www.nd.gov/dpi/Administrators/AdultEd/alc_centers/">https://www.nd.gov/dpi/Administrators/AdultEd/alc_centers/</a>
<b>Ohio</b>	<a href="https://www.ohiohighered.org/able/locations">https://www.ohiohighered.org/able/locations</a>
<b>Oklahoma</b>	<a href="http://www.ok.gov/sde/sites/ok.gov.sde/files/documents/files/ALC%20listing%20Feb.%202014.pdf">http://www.ok.gov/sde/sites/ok.gov.sde/files/documents/files/ALC%20listing%20Feb.%202014.pdf</a>
<b>Oregon</b>	<a href="http://www.oregon.gov/ccwd/ABE/PDF/OregonProvidersAdultBasicEducation.pdf">http://www.oregon.gov/ccwd/ABE/PDF/OregonProvidersAdultBasicEducation.pdf</a>
<b>Pennsylvania</b>	<a href="http://www.paadulthoodresources.org/find-an-adult-ed-program.html">http://www.paadulthoodresources.org/find-an-adult-ed-program.html</a>
<b>Rhode Island</b>	<a href="https://www.ride.ri.gov/Portals/0/Uploads/Documents/Students-and-Families-Great-Schools/Educational-Programming/Adult-Education-Standards/AE-Program-Map2013.pdf">https://www.ride.ri.gov/Portals/0/Uploads/Documents/Students-and-Families-Great-Schools/Educational-Programming/Adult-Education-Standards/AE-Program-Map2013.pdf</a>
<b>South Carolina</b>	<a href="http://ed.sc.gov/instruction/adult-education/">http://ed.sc.gov/instruction/adult-education/</a>
<b>South Dakota</b>	<a href="http://dlr.sd.gov/workforce_training/ael_locations.aspx">http://dlr.sd.gov/workforce_training/ael_locations.aspx</a>
<b>Tennessee</b>	<a href="http://www.tn.gov/workforce/topic/high-school-testing">http://www.tn.gov/workforce/topic/high-school-testing</a>
<b>Texas</b>	<a href="http://www-tcall.tamu.edu/provider/search.htm">http://www-tcall.tamu.edu/provider/search.htm</a>



October 20, 2015

State	Website
<b>Utah</b>	<a href="http://www.schools.utah.gov/adulted/DOCS/Community/AEProgramDirectory.aspx">http://www.schools.utah.gov/adulted/DOCS/Community/AEProgramDirectory.aspx</a>
<b>Vermont</b>	<a href="http://education.vermont.gov/adult-education/locations">http://education.vermont.gov/adult-education/locations</a>
<b>Virginia</b>	<a href="http://www.valrc.org/resources/websites.html">http://www.valrc.org/resources/websites.html</a>
<b>Washington</b>	<a href="http://www.sbctc.ctc.edu/college/e-abe_providerslist.aspx">http://www.sbctc.ctc.edu/college/e-abe_providerslist.aspx</a>
<b>West Virginia</b>	<a href="http://www.wvabe.org/class_directory/index.cfm">http://www.wvabe.org/class_directory/index.cfm</a>
<b>Wisconsin</b>	<a href="http://dcf.wisconsin.gov/refugee/education/default.htm">http://dcf.wisconsin.gov/refugee/education/default.htm</a>
<b>Wyoming</b>	<a href="http://communitycolleges.wy.edu/Data/Sites/1/commissionFiles/abe/centers--locations/locations-abe-centers.pdf">http://communitycolleges.wy.edu/Data/Sites/1/commissionFiles/abe/centers--locations/locations-abe-centers.pdf</a>





## Migrant Student Records

The following information is adapted from the Department’s [“Questions and Answers about Education Records”](#) document. Education records are kept by schools about students who are or were enrolled in the school. Education records can be used when students apply for college or entry into other education programs such as career training programs, as well as when students request Deferred Action for Childhood Arrivals (DACA), an immigration initiative administered by the Department of Homeland Security. We are referring to this information to support undocumented students in requesting consideration for DACA and to make it easier for migrant students, in particular, to obtain their education records, as this group may need additional encouragement and support in the DACA process. The full Question and Answer document (included in Appendix D) provides answers to frequently asked questions about education records, including types of records, what they contain, how to locate them, and how to request them.

\*\*\*\*\*

- **What is MSIX?**

MSIX is a web-based platform that links States’ student record systems to enable the national exchange of educational and health information for migratory children who are eligible for the Migrant Education Program (MEP) under ESEA. Using information that States collect and maintain in their own student record systems, MSIX generates a *Consolidated Student Record*. The *Consolidated Student Record* compiles educational and health-related data from schools and migrant education programs in which a migratory child has enrolled, within and across States.

- **Does the *Consolidated Student Record* contain information from every school a migratory child has ever attended?**

Not necessarily. The *Consolidated Student Record* only contains information from times in a migratory child’s schooling when he or she was enrolled in the MEP. The information contained in MSIX also depends on the amount of information that States provide and how frequently this information is uploaded.

- **Should MSIX have information on a child if he or she was enrolled in the MEP, but not in a school?**

Yes. If the child was enrolled in the MEP, but not in school, MSIX should contain data on the child such as demographic data, dates and locations of MEP-qualifying moves, and the names/dates/locations of the MEP projects and/or school districts in which the child was enrolled.

- **Who can request a copy of a *Consolidated Student Record* from the Department of Education?**

Any MEP-eligible or formerly MEP-eligible child may request a copy of his or her own record. If the child is a minor (under the age of 18 in most States) the child’s parent or guardian may request a copy of the record on the child’s behalf. Such requests can also be made to School Districts and States and would be subject to the requirements of the Family



Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g and 34 CFR Part 99.

- **How can a child or a parent/guardian request a copy of his or her *Consolidated Student Record*?**

A copy of the MSIX *Consolidated Student Record* can be accessed in one of three ways. We present first the option that is easiest and fastest for children and parents/guardians.

Option 1

The best way to obtain a copy of the *Consolidated Student Record* is by contacting administration officials at the nearest school district. If school district personnel have access to MSIX, they will verify the child's identity (or, if applicable, the parent/guardian's identity) using reasonable methods. Once they have verified this information, the school district staff will locate the child's record in MSIX.

If children or parents/guardians are unable to obtain the record from the school district, they may contact a State-level MSIX User Administrator (*see Option 2*).

Option 2

Contact State-level MSIX User Administrators in any State that participates in the MEP. All States, with the exception of Connecticut, Rhode Island, and West Virginia currently participate. Contact information for State-level MSIX User Administrators is available at <https://msix.ed.gov> or by calling the MSIX Help Desk: [MSIXSupport@deloitte.com](mailto:MSIXSupport@deloitte.com) or 1-866-878-9525, 9:30AM - 6:30PM Eastern Time Monday through Friday, except Federal Holidays. State MEP staff with access to MSIX will verify the child's identity (or, if applicable, the parent/guardian's identity) using reasonable methods. Once they have verified this information, State MEP staff will locate the child's record in MSIX.

If children or parents/guardians are unable to obtain the record from the State, they may contact the U.S. Department of Education Office of Migrant Education (OME) (*see Option 3*).

Option 3

Contact OME for specific instructions on how to access a copy of the *Consolidated Student Record*. OME can be contacted at: U.S. Department of Education Office of Migrant Education 400 Maryland Avenue, SW, Washington, DC 20202. Phone: (202) 260-1164. Email: [msix@ed.gov](mailto:msix@ed.gov).

# CONSIDERATION of DEFERRED ACTION for CHILDHOOD ARRIVALS

Deferred action for childhood arrivals (DACA) allows certain individuals, who meet specific guidelines, to request consideration of deferred action from USCIS. Individuals who receive deferred action will not be placed into removal proceedings or removed from the United States for a specified period of time unless terminated. If you receive deferred action, you may be eligible for employment authorization. You may request deferred action for childhood arrivals if you meet the following guidelines:

## Can I be considered? Review Guidelines



You came to the United States before reaching your 16th birthday

You have continuously resided in the United States since June 15, 2007, up to the present time



You were under the age of 31 as of June 15, 2012



You never had a lawful immigration status on or before June 15, 2012, or any lawful immigration status or parole that you obtained had expired as of June 15, 2012

You are currently in school, have graduated or obtained your certificate of completion from high school, have obtained your General Educational Development certification, or you are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States



You have not been convicted of a felony, significant misdemeanor, or three or more misdemeanors, and do not otherwise pose a threat to national security or public safety

You were physically present in the United States on June 15, 2012, and at the time of making your request for consideration of deferred action with USCIS



## How do I file?



Collect documents as evidence you meet the guidelines



Complete USCIS Form I-821D, I-765 and I-765 Worksheet



Mail USCIS forms and fees (total \$465)



Visit your local USCIS Application Support Center for a scheduled biometric services appointment



Check the status of your request online

## Renew your DACA



Find your DACA expiration date

On your Form I-797, Notice of Action



OR



Form I-766 - The date your Employment Authorization Document (EAD) expires

SUBMIT renewal request

4 months or 120 days before your current period of DACA expires.

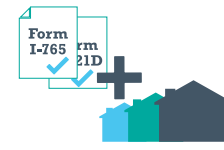
## Ensure you meet the following



You met the initial DACA requirements



You did not depart the United States on or after August 15, 2012, without advance parole



You have continuously resided in the United States since you submitted your most recent DACA request that was approved



You have not been convicted of a felony, a significant misdemeanor, or three or more misdemeanors, and do not otherwise pose a threat to national security or public safety

## Complete and mail forms to USCIS

- 1 Form I-821D, Consideration of Deferred Action for Childhood Arrivals
- 2 Form I-765, Application for Employment Authorization
- 3 Form I-765WS, Worksheet

**REMEMBER:** Read instructions carefully • Sign the forms • Pay \$465 fee



U.S. Citizenship and Immigration Services

If you have questions about your request, please call USCIS Customer Service at 1-800-375-5283 or 1-800-767-1833 (TDD). [www.uscis.gov/childhoodarrivals](http://www.uscis.gov/childhoodarrivals)



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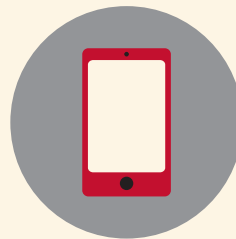
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**U.S. Department of Justice**  
*Civil Rights Division*

**U.S. Department of Education**  
*Office for Civil Rights*  
*Office of the General Counsel*



May 8, 2014

Dear Colleague:

Under Federal law, State and local educational agencies (hereinafter “districts”) are required to provide all children with equal access to public education at the elementary and secondary level. Recently, we have become aware of student enrollment practices that may chill or discourage the participation, or lead to the exclusion, of students based on their or their parents’ or guardians’ actual or perceived citizenship or immigration status. These practices contravene Federal law. Both the United States Department of Justice and the United States Department of Education (Departments) write to remind you of the Federal obligation to provide equal educational opportunities to all children residing within your district and to offer our assistance in ensuring that you comply with the law. We are writing to update the previous Dear Colleague Letter on this subject that was issued on May 6, 2011, and to respond to inquiries the Departments received about the May 6 Letter. This letter replaces the May 6 Letter.

The Departments enforce numerous statutes that prohibit discrimination, including Titles IV and VI of the Civil Rights Act of 1964. Title IV prohibits discrimination on the basis of race, color, or national origin, among other factors, by public elementary and secondary schools. 42 U.S.C. § 2000c-6. Title VI prohibits discrimination by recipients of Federal financial assistance on the basis of race, color, or national origin. 42 U.S.C. § 2000d. Title VI regulations, moreover, prohibit districts from unjustifiably utilizing criteria or methods of administration that have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of a program for individuals of a particular race, color, or national origin. See 28 C.F.R. § 42.104(b)(2) and 34 C.F.R. § 100.3(b)(2).

Additionally, the United States Supreme Court held in the case of *Plyler v. Doe*, 457 U.S. 202 (1982), that a State may not deny access to a basic public education to any child residing in the State, whether present in the United States legally or otherwise. Denying “innocent children” access to a public education, the Court explained, “imposes a lifetime hardship on a discrete class of children not accountable for their disabling status. . . . By denying these children a basic education, we deny

them the ability to live within the structure of our civic institutions, and foreclose any realistic possibility that they will contribute in even the smallest way to the progress of our Nation.” *Plyler*, 457 U.S. at 223. As *Plyler* makes clear, the undocumented or non-citizen status of a student (or his or her parent or guardian) is irrelevant to that student’s entitlement to an elementary and secondary public education.

To comply with these Federal civil rights laws, as well as the mandates of the Supreme Court, you must ensure that you do not discriminate on the basis of race, color, or national origin, and that students are not barred from enrolling in public schools at the elementary and secondary level on the basis of their own citizenship or immigration status or that of their parents or guardians. Moreover, districts may not request information with the purpose or result of denying access to public schools on the basis of race, color, or national origin. To assist you in meeting these obligations, we provide below some examples of permissible enrollment practices, as well as examples of the types of information that may not be used as a basis for denying a student entrance to school.

In order to ensure that its educational services are enjoyed only by residents of the district, a district may require students or their parents to provide proof of residency within the district. *See, e.g., Martinez v. Bynum*, 461 U.S. 321, 328 (1983).<sup>1</sup> For example, a district may require copies of phone and water bills or lease agreements to establish residency. While a district may restrict attendance to district residents, inquiring into students’ citizenship or immigration status, or that of their parents or guardians would not be relevant to establishing residency within the district. A district should review the list of documents that can be used to establish residency and ensure that any required documents would not unlawfully bar or discourage a student who is undocumented or whose parents are undocumented from enrolling in or attending school.

As with residency requirements, rules vary among States and districts as to what documents students may use to show they fall within State- or district-mandated minimum and maximum age requirements, and jurisdictions typically accept a variety of documents for this purpose. A school district may not bar a student from enrolling in its schools because he or she lacks a birth certificate or has records that indicate a foreign place of birth, such as a foreign birth certificate.

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<sup>1</sup> Homeless children and youth often do not have the documents ordinarily required for school enrollment such as proof of residency or birth certificates. A school selected for a homeless child must immediately enroll the homeless child, even if the child or the child’s parent or guardian is unable to produce the records normally required for enrollment. *See* 42 U.S.C. § 11432(g)(3)(C)(1).

Moreover, we recognize that districts have Federal obligations, and in some instances State obligations, to report certain data such as the race and ethnicity of their student population. While the Department of Education requires districts to collect and report such information, districts cannot use the acquired data to discriminate against students; nor should a parent's or guardian's refusal to respond to a request for this data lead to a denial of his or her child's enrollment.

Similarly, we are aware that many districts request a student's social security number at enrollment for use as a student identification number. A district may not deny enrollment to a student if he or she (or his or her parent or guardian) chooses not to provide a social security number. See 5 U.S.C. §552a (note).<sup>2</sup> If a district chooses to request a social security number, it shall inform the individual that the disclosure is voluntary, provide the statutory or other basis upon which it is seeking the number, and explain what uses will be made of it. *Id.* In all instances of information collection and review, it is essential that any request be uniformly applied to all students and not applied in a selective manner to specific groups of students.

As the Supreme Court noted in the landmark case of *Brown v. Board of Education*, 347 U.S. 483 (1954), "it is doubtful that any child may reasonably be expected to succeed in life if he [or she] is denied the opportunity of an education." *Id.* at 493. Both Departments are committed to vigorously enforcing the Federal civil rights laws outlined above and to providing any technical assistance that may be helpful to you so that all students are afforded equal educational opportunities. As immediate steps, you first may wish to review the documents your district requires for school enrollment to ensure that the requested documents do not have a chilling effect on a student's enrollment in school. Second, in the process of assessing your compliance with the law, you might review State and district level enrollment data. Precipitous drops in the enrollment of any group of students in a district or school may signal that there are barriers to their attendance that you should further investigate.

We are also attaching frequently asked questions and answers and a fact sheet that should be helpful to you. Please contact us if you have additional questions or if we can provide you with assistance in ensuring that your programs comply with Federal law. You may contact the Department of Justice, Civil Rights Division, Educational Opportunities Section, at (877) 292-3804 or [education@usdoj.gov](mailto:education@usdoj.gov), the Department of Education Office for Civil Rights (OCR) at (800) 421-3481 or [ocr@ed.gov](mailto:ocr@ed.gov) or the Department of Education Office of the General Counsel at (202) 401-6000. You may also visit <http://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm> for the OCR enforcement office that serves

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<sup>2</sup> Federal law provides for certain limited exceptions to this requirement. See Pub. L. No. 93-579, § 7(a)(2).



your area. For general information about equal access to public education, please visit our websites at <http://www.justice.gov/crt/edo> and <http://www2.ed.gov/ocr/index.html>.

We look forward to working with you. Thank you for your attention to this matter and for taking the necessary steps to ensure that no child is denied a public education.

Sincerely,

/s/

Catherine E. Lhamon  
Assistant Secretary  
Office for Civil Rights  
U.S. Department of Education

/s/

Philip H. Rosenfelt  
Deputy General Counsel  
Delegated the Authority to  
Perform the Functions and  
Duties of the General Counsel  
U.S. Department of Education

/s/

Jocelyn Samuels  
Acting Assistant Attorney General  
Civil Rights Division  
U.S. Department of Justice

Attachments

## Questions and Answers about Education Records

### A. What are education records and what are their uses?

1. What are education records?
2. What can I use education records for?
3. Where are education records located?
4. What should I do if I am a migrant student and my education records are located in multiple different schools?
5. Are there any legal requirements about how schools store and share education records?
6. How long must the school keep my education records?

### B. Who can access education records?

7. Who has a legal right to view my education records?
8. If I cannot understand English, or my parent does not understand English, do my parent(s) or I have a right to get help from the school to understand the education records?
9. Can anyone other than me or my parent view my education records?
10. Can I ask someone else to view my education record for me?
11. If I give consent for someone else to view my education records for me, does the school have to provide that person access to my education records?
12. When I request access to my education records, is the school required to give me a copy of my education records?
13. How long does it generally take to access my education records?

### C. How can I make changes or fix problems with my education records under the federal law called FERPA?

14. How can I change something if information in my education records is wrong?

### D. What about education records in the Migrant Student Information Exchange (MSIX) system?

15. What is the Migrant Student Information Exchange (MSIX) system?
16. What information is included in an MSIX *Consolidated Student Record*?
17. Who is eligible to participate in the Migrant Education Program (MEP), and how can I find out if I am or was eligible?
18. Does the MSIX *Consolidated Student Record* contain information from every school a migrant child has ever attended?
19. Should MSIX have information on a child if he or she was enrolled in the MEP, but not in a school?
20. Who can request a copy of a MSIX *Consolidated Student Record*?
21. How can a child or the child's parent request a copy of his or her MSIX *Consolidated Student Record*?

### E. What can I do if I have additional questions about my rights related to my education records?

22. Where can I find more information about my rights related to my education records under the federal law called FERPA?
23. Where can I find more information about my rights related to my education records under the federal law called IDEA?
24. Where can I find more information about my education records under MSIX?

25. Where can I find more information about my rights related to my education records under state law and local policy?

## **A. What are education records and what are their uses?**

### **1. What are education records?**

In general, education records are records about current and former students that are maintained by public, private, and parochial schools. Education records contain information about a student, such as: a student's name, address, and telephone number; a parent's or guardian's name and contact information; grades and test scores; health and immunization records; discipline reports; documentation of attendance; schools attended; courses taken; awards conferred and degrees earned; and special education records including individualized education programs (IEPs).

### **2. What can I use education records for?**

Education records can be used for a number of different purposes. For example:

- Education records can be used when students apply for college or enter into other types of education programs such as career training programs.
- Students requesting consideration of Deferred Action for Childhood Arrivals (DACA) can submit their education records to show that they were enrolled in school or to help show the student's continuous presence in the United States, or, in other words, that the student lived in the United States for a continuous period of time.

### **3. Where are education records located?**

Generally, education records are located at the school the student attends or attended. If a student transferred schools, the student's education records may transfer with the student, but some education records may remain at a school the student attended in the past. Education records may also be located at the local school district of a school that the student attends or attended. It may be possible that education records on a student are also located at a State office that oversees local school districts.

### **4. What if I am a migrant student and my records are located in multiple different schools?**

If you are or were a migrant student, some of your records may be included in the Migrant Student Records Information Exchange (MSIX). Please see *Section D, Questions 15-21* for information about student education records in MSIX.

### **5. Are there any legal requirements about how schools store and share education records?**

Yes. The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy of education records. Although both private schools and public schools maintain records on students, FERPA generally only applies to protect the privacy of education records maintained by public elementary and secondary schools, school districts, and postsecondary institutions. FERPA generally does not apply to K-12 private and parochial schools unless these schools receive federal funds.

If you are a student who is eligible to receive special education services under the Individuals with Disabilities Education Act (IDEA), there are also provisions under that law that apply to your education records and generally these provisions are consistent with FERPA. State laws or local policies may also apply. If you would like more information about requirements under the IDEA, state laws, or local policies, you should contact your school district.

**6. How long must the school keep my education records?**

It depends. Schools are not generally required by federal law to keep education records for any set period of time. However, schools are prevented from destroying an education record if someone has already submitted a request to view the education record. State laws or local policies may also apply and require a school to keep education records for a specific period of time. IDEA has specific requirements regarding destruction of education records of students with disabilities that your school district can tell you about.

## **B. Who can access education records?**

**7. Do I have a legal right to view my education records?**

If you are under the age of 18, only your parent or guardian has the legal “right” under FERPA to inspect and review your education records. If you are age 18 or over or enrolled in a postsecondary institution (an “eligible student”), then you have a right to view your own education records. Under FERPA, a parent includes any natural parent, guardian, or individual (such as a foster parent) acting as parent in the absence of a parent or guardian. The right to view the education records only covers a right to view the information in the student’s education records that is about that student, and not information in the records that is about any other student.

**8. If I cannot understand English, or my parent does not understand English, do my parent(s) and I have a right to get help from the school to understand the education records?**

Yes. Federal civil rights laws require school districts to communicate effectively with students and parents who do not understand English. This means that the school must provide meaningful access to the information in the students’ education records. For example, if you or your parent requests to view your education records, and you or your parent cannot understand English, the school can provide meaningful assistance to you or your parent, by providing a qualified interpreter or written translation, to help you understand the information in the education records in a language you can understand.

**9. Can anyone other than me or my parent view my education records?**

Yes. Under FERPA, a school or school district may disclose information from your education records without your consent to specific entities, such as a State education office, or for specific purposes, such as to comply with a court order. You may also ask someone else to view your education records for you (see *Question 10*).

**10. Can I ask someone else to view my education records for me?**

Yes. Under FERPA, if your parent or you (if you are an “eligible student” (see *Question 7*) would like someone else to view your education records, then your parent or you (if you are an

eligible student) should provide written consent to the school or school district permitting that person to access the record(s). Written consent includes all of the following:

- *Signature* of the eligible student or the parent of a non-eligible student consenting to allow another person to see the education record(s);
- *Date* that the consent was signed;
- *Name* of the person(s) who may see the education record(s);
- *Description* of the education record(s) that may be disclosed (or the information from the education record(s) that may be disclosed); and
- The *reason* for allowing the person or party to see the education record(s).

If you are a student covered by the IDEA, your parent or you (if you have reached the age of majority in your State (generally over 18) and parental rights have transferred to you), does not need to provide consent when asking someone else to view your education records. Instead, under the IDEA a representative of your parent or you (if parental rights have transferred to you) has a right to inspect and review your education records, and the school cannot require written consent from your parent or you before granting this request.

**11. If I give consent for someone else to view my education records, does the school have to provide that person access to my education records?**

It depends. Under FERPA, the school may choose to provide that person access based on the consent you provided, but the school is not required to do so. Under the IDEA, however, if you are a student covered by the IDEA, the school must provide a representative of your parent (or you, if parental rights have transferred to you (*see Question 10*)) access to inspect and review your education records, even without requiring your parent's written consent (or your consent, if parental rights have transferred to you).

**12. When I request access to my education records, is the school required to give me a copy of my education records?**

Generally, no. Schools are required to allow parents and eligible students to inspect and review education records, but schools are not required to provide copies of education records unless the circumstances effectively prevent the parent or eligible student from being able to review the records without being sent a copy, and the school does not want to arrange another way for the parent or eligible student to view the records. For example, if the parent does not live in commuting distance from the school and could not get to the school site to view the records, the school is required to provide a copy or to make other arrangements for the parent to inspect and review the records.

If the school provides a copy of the education records, the school may charge a reasonable copying fee, unless charging the fee would prevent the parent or eligible student from being able to view the education records.

**13. How long does it generally take to access my education records?**

Under FERPA, the school is required to make education records ready for review by the parent or eligible student within 45 days of a request.

If you are a student who receives special education services under the IDEA, a school also must comply with a request to view your education records without unnecessary delay and before certain events required by the IDEA such as any meeting regarding an individualized education program (IEP) or any due process hearing or resolution session.

## **C. How can I make changes or fix problems with my education records under the federal law called FERPA?**

### **14. How can I change something if information in my education records is wrong?**

A parent or an eligible student may request a correction or amendment to an education record that he or she believes is incorrect, misleading, or violates his or her right of privacy.

Generally, a FERPA amendment process may not be used to challenge a grade, disciplinary decision, or other substantive decision made by a school official. The school is not required to make the change but must consider the requested change.

If the school decides not to make the requested change, then the school must inform the parent or eligible student of his or her right to a hearing on the matter. The parent or eligible student may have assistance or representation, at their own expense, at the hearing and must be provided with the opportunity to present evidence at the hearing. The hearing decision must be written and be based solely on evidence presented at the hearing. If the parent's or eligible student's request is denied, the parent or eligible student has the right to include a statement in the record stating why he or she believes that the information contained in the education record is incorrect, misleading, or violates his or her right of privacy, why he or she disagrees with the hearing decision, or both.

## **D. What about records in the Migrant Student Information Exchange (MSIX) system?**

### **15. What is MSIX?**

MSIX is a web-based platform that links States' student record systems to enable the national exchange of educational and health information for migratory children who have been documented as eligible for the Migrant Education Program (MEP) under ESEA. Using information that States collect and maintain in their own State student record systems, MSIX generates a *Consolidated Student Record*. The *Consolidated Student Record* compiles educational and health-related minimum data elements (MDEs) from multiple schools and migrant education programs in which a migratory child has enrolled, within and across States.

**16. What information is included in an MSIX *Consolidated Student Record*?**

Every student whose records are included in MSIX has a *Consolidated Student Record*. If a student has participated in the MEP in multiple schools and/or States, MSIX joins the information that has been provided for each school and produces an individual *Consolidated Student Record* that details the student's school history. The *Consolidated Student Record* shows the schools in which a migrant child was enrolled, the secondary classes the child has taken, the number of course credits the child received, and the results of any State or local assessments the child has taken. The *Consolidated Student Record* also provides information about the availability of the migrant child's immunization records, and shows whether the migrant child has a medical alert that should prompt the school to follow up further with the child's parent.

**17. What is the Migrant Education Program (MEP) and how can I find out if I am or was eligible?**

Generally, children are eligible for the MEP if the child moved on their own or with their parents or guardians within the past three years across State or school district boundaries in order to obtain temporary or seasonal work in agriculture or fishing. However, each State must confirm that the child meets the program's eligibility criteria, and you or your parent were likely interviewed by an MEP representative to determine whether you were eligible. If you believe you are, or may have been, eligible for the MEP, you should verify this with any school district where you attended school and where you think you were determined to be eligible for the MEP. If you were determined to be eligible for the program, you may have an education record in MSIX. See *Question 21* for information on accessing your *Consolidated Student Record* from MSIX, or *Section B* for more general information on accessing your education records from the school or school district.

**18. Does the MSIX *Consolidated Student Record* contain information from every school a migrant child has ever attended?**

Not necessarily. The *Consolidated Student Record* only contains information from those times in a migrant child's schooling when he or she was enrolled in the MEP. The information contained in MSIX also depends upon the amount of information that States provide, and the frequency with which this information is uploaded to MSIX..

**19. Should MSIX have information on a child if he or she was enrolled in the MEP, but not in a school?**

Yes. If the child was enrolled in the MEP, but not in school, MSIX should contain data on the child such as demographic data (e.g., child's name, parent name(s)), dates and locations of MEP-qualifying moves, and the names/dates/locations of the MEP projects and/or school districts in which the child was enrolled.

**20. Who can request a copy of a *Consolidated Student Record* from the Department of Education?**

Any MEP-eligible or formerly MEP-eligible child may request a copy of his or her own record.



If the child is a minor (under the age of 18 in most States), the child's parent or guardian may request a copy of the child's record on the child's behalf. Such requests can also be made to School Districts and States and would be subject to the requirements of the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g and 34 CFR Part 99.

## **21. How can a child or a parent/guardian request a copy of his or her *Consolidated Student Record*?**

A copy of the MSIX *Consolidated Student Record* can be accessed in one of three ways. We present first the option that is easiest and fastest for children and parents/guardians.

### Option 1

The best way to obtain a copy of the *Consolidated Student Record* is generally by contacting administration officials at the nearest school district. If school district personnel have access to MSIX, they will verify the child's identity (or, if applicable, the parent's/guardian's identity and the parent's/guardian's relationship to the child), by using reasonable methods consistent with the responsibilities outlined in the MSIX Rules of Behavior. Once they have verified this information, the school district staff will locate the child's record in MSIX.

If children or parents/guardians are unable to obtain the record from the school district, they may contact the State-level MSIX User Administrator (see *Option 2*).

### Option 2

Contact State-level MSIX User Administrators in any State that participates in the MEP. All States, with the exception of Connecticut, Rhode Island, and West Virginia, currently participate. Contact information for State-level MSIX User Administrators is available at <https://msix.ed.gov> or by calling the MSIX Help Desk: [MSIXSupport@deloitte.com](mailto:MSIXSupport@deloitte.com) or 1-866-878-9525, 9:30AM - 6:30PM Eastern Time Monday through Friday, except Federal Holidays.

State MEP staff with access to MSIX will verify the child's identity (or, if applicable, the parent's/guardian's identity and the parent's/guardian's relationship to the child), by using reasonable methods consistent with the responsibilities outlined in the MSIX Rules of Behavior. Once they have verified this information, State MEP staff will locate the child's record in MSIX.

If children or parents/guardians are unable to obtain the record from the State, they may contact the U.S. Department of Education's Office of Migrant Education (OME) (see *Option 3*).

### Option 3

Contact the U.S. Department of Education's Office of Migrant Education (OME) for specific instructions on how to access a copy of the MSIX *Consolidated Student Record*. OME can be contacted at: U.S. Department of Education Office of Migrant Education 400 Maryland Avenue, SW Washington, DC 20202. Phone: (202) 260-1164. Email: [msix@ed.gov](mailto:msix@ed.gov)

## **E. What can I do if I have additional questions about my education records and my rights related to my records?**

### **22. Where can I find more information about my rights related to my education records under the federal law called FERPA?**

More information about FERPA can be found on the U.S. Department of Education website at <http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>. Laws and regulations about FERPA can be found in 20 U.S.C. 1232g and 34 CFR Part 99. The U.S. Department of Education's Family Policy Compliance Office (FPCO) is available to provide assistance on FERPA, and can be contacted at:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-5920  
Phone: 1-800-USA-LEARN (1-800-872-5327)

### **23. Where can I find more information about my rights related to my education records under the federal law called IDEA?**

More information about IDEA can be found on the U.S. Department of Education website at <http://idea.ed.gov/>. Laws and regulations about the IDEA confidentiality provisions can be found in 20 U.S.C. 1417(c) and 34 CFR §§300.610-300.626.

### **24. Where can I find more information about my education records in MSIX?**

Laws and regulations about eligibility for the MEP can be found in section 1309 of the Elementary and Secondary Education Act of 1965, as amended (ESEA) and 34 CFR §200.81. The U.S. Department of Education's Office of Migrant Education (OME) can also provide more information about MSIX and can be contacted at:

U.S. Department of Education  
Office of Migrant Education  
400 Maryland Avenue, SW  
Washington, DC 20202  
Phone: (202) 260-1164  
Email: [msix@ed.gov](mailto:msix@ed.gov)

### **25. Where can I find more information about my rights related to my education records under the state law and local policy?**

If you would like more information about requirements under the IDEA, state laws, or local policies, you should contact your school district.