



SUPERINTENDENT OF PUBLIC INSTRUCTION

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February 5, 2010

(X) Action Required
Due Date: March 26, 2010
() Informational

BULLETIN NO. 008-10 SPECIAL PROGRAM & FEDERAL ACCOUNTABILITY

TO: Educational Service District Superintendents
School District Superintendents
Transitional Bilingual Instructional Program Directors & Coordinators
Immigrant Education Program Directors
Federal Program Directors

FROM: Randy I. Dorn, State Superintendent of Public Instruction

RE: Immigrant Education Program Count for 2009-10

CONTACT: Helen Malagon, Interim Director, Migrant/Bilingual Education
(360) 725-6147; Agency TTY: (360) 664-3631
Email: helen.malagon@k12.wa.us

Section 3114(d) of Title III – English Language Acquisition, authorizes special subgrants for districts that have experienced a significant increase in the percentage or number of immigrant children and youth enrolled in the district due to immigration. The Immigrant Education Program student eligibility standards are found in the federal statute Title III (20 U.S.C. 6801 et seq.) and are defined as: (1) children/youth between the age of 3 through 21, (2) born outside of the United States, and (3) have attended school in the United States for less than three full academic years.

Please note that there have been two changes to the definition of “immigrant students”:

- Students born outside of the U.S. to U.S. military personnel may be included in the immigrant count if they meet all the criteria in the definition of immigrant.
- Students who are born in the American Territories may now be included in the immigrant count.

Students born in any of the 50 states, the District of Columbia, and the Commonwealth of Puerto Rico (Section 3301(6) of ESEA) cannot be included in the immigrant count.

To determine the immigrant count, identify the number of immigrant students enrolled in public and non-public elementary and secondary schools that meet the eligibility criteria during the month of **October 2009**.

BULLETIN NO. 008-10 SP & FA

Page 2

February 5, 2010

In complying with a federal court ruling, school personnel are restricted from inquiring into an individual student's immigration status. Under Plyler v. Doe, the Supreme Court held that state educational agencies and school districts have a responsibility under the Equal Protection Clause of the U.S. Constitution to enroll and educate all school-age children regardless of their previous or current immigration status.

Immigrant student-level data is required when submitting the 2009 October immigrant count and must be submitted to the Immigrant section on the Bilingual Database (<http://www.wabilingual.org>) by March 26, 2010. County Codes can be accessed on the bilingual database under forms <http://www.wabilingual.org/index.cfm>. The attachment will provide the information needed to complete the data report.

If you have any questions, please contact the Bilingual Education office at (360) 725-6147. This information will be available on the agency Web site at the following URL: <http://www.k12.wa.us/BulletinsMemos/bulletins2010.aspx> and on the Bilingual Database Web site. The agency TTY number is (360) 664-3631.

K-12 EDUCATION

Alan Burke, Ed.D.
Deputy Superintendent

SPECIAL PROGRAMS & FEDERAL ACCOUNTABILITY

Bob Harmon, Assistant Superintendent
Special Programs & Federal Accountability

Helen Malagon, Interim Director
Migrant & Bilingual Education

RD:HM:tb

Attachment: Immigrant Count Field Definitions and Parameters