STATE OF SOUTH CAROLINA
DEPARTMENT OF EDUCATION

MOLLY M. SPEARMAN
STATE SUPERINTENDENT OF EDUCATION

MEMORANDUM

TO: District Superintendents and Principals

FROM: Roy Stehle, Director
Office of Federal and State Accountability

DATE: September 15, 2016

RE: Enrollment for Limited English Proficient /Migrant /Homeless Students

The organizing principle of public education is that all children have the opportunity to participate and to achieve. While demographic changes have presented the educational community with some challenges, the response of the educational community within our state has been positive and supportive of opportunity for all children.

This memo is a reminder of enrollment policies and procedures that impact the enrollment and services to children due to homeless, or immigrant, or English-speaking status. All districts should reflect, through Board-approved policy, a non-discrimination policy for enrollment that is in compliance with Plyler v. Doe (1982), Title VI of the Civil Rights Act (1964), and S.C. Code Ann. § 59-63-40.

In order to ensure that parents and students are treated fairly in our schools, the South Carolina Department of Education (SCDE) has a policy allowing for parents to resolve problems they or their children encounter at school by contacting the SCDE's Ombudsman, Wanda Davis, at wdavis@ed.sc.gov or 803-734-8485. Please make sure that parents of all students, including Limited English Proficient (LEP) and migrant students know about this avenue for further pursuing complaints if they are not satisfied with local remedies regarding their children's access to educational programs or facilities.

To help better serve all children, please review the following information relative to enrollment and services:

- The state only requires two documents as a prerequisite to the enrollment of a child in a South Carolina public school. The Department of Health and Environmental Control (DHEC) immunization form is required of all children; however, DHEC allows a thirty-day waiver for students to present records or begin immunizations. A birth certificate or other proof of age, as determined by the school district, is required for the first-time enrollment for children entering kindergarten or first grade. In addition, your district may require written proof of residency. A district may not deny a student enrollment due to the lack of proof of immigration status, and a district should not request that information of the parent. Additionally, Social Security Cards or numbers are not required, nor must parents be required to present South Carolina drivers' licenses or other photo IDs for access to the main office in order to enroll their children in school.

- A home language survey must be administered to all students. Based on the information in the survey, schools must give the state approved standardized language assessment to potential LEP and migrant students to determine needs and provide alternative language program services.

- Initial grade placement should be with same-age classmates. Classroom teachers should modify instruction and assignments to meet the academic and language needs of LEP students. Grades should reflect these modifications.

- An LEP/migrant student should be advanced along with age-level peers. Non-advancement must be documented with evidence that indicates that determining factors are other than English language proficiency. All LEP and migrant students are eligible to participate in all age-appropriate school programs and to receive all available services.

- Once students have exited alternative language services, they are monitored for at least two academic years. Alternative language program services may be reestablished if necessary.

For additional information on any of these issues, please contact Rachel Traynham, Title III, at 803-734-8306 or rtraynham@ed.sc.gov; Jennifer Almeda, PhD, Migrant Program, at 803-734-8219 or jmalmeda@ed.sc.gov.