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TO: District Superintendents  
Superintendents of Schools  
Public School Administrators  
Charter School Administrators  
Nonpublic School Administrators

FROM: Angélica Infante-Green

SUBJECT: Changes to the Reporting and Collection of Immigrant Student and  
Vaccination Data in New York State

The New York State Education Department (NYSED) annually collects the number of "immigrant children and youth" in New York State pursuant to Section 3201(5) of the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA) (see 20 USC §7011[5]), which defines immigrant children and youth as individuals who: are aged 3 through 21; were not born in any state<sup>1</sup>; and have not been attending school in any one or more States for more than three (3) full academic years (the months need not be consecutive). The information is used each year by NYSED to determine each local educational agency's (LEA's) eligibility and allocation for the Title III, Part A Immigrant Education program.

To facilitate the identification of immigrant children and youth, NYSED has in the past collected data on students' date of entry into the United States and country of origin. NYSED has also collected information on students' vaccination dates for the NYS Student Identification System (NYSSIS). However, NYSED will stop the collection of these data elements going forward, as further explained below.

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<sup>1</sup> Section 3201(13) of ESEA, as amended by ESSA, defines "state" as the 50 states of the United States, the District of Columbia, and the Commonwealth of Puerto Rico (20 USC §7011[13]). Children born to US citizens abroad or outside the District of Columbia or Puerto Rico are considered immigrants under Title III.

## Date of Entry into the United States

NYSED will cease collecting the data element date of entry into the United States. A United States Department of Education (USED) [Fact Sheet](#) on enrolling new immigrant students clarifies that 'date of entry' is not required to identify immigrant students under Title III. Districts are instructed, effective immediately, to cease collecting and reporting to NYSED data about students' dates of entry into the United States.<sup>2</sup> Prior school enrollment (including the length of time within the United States school system) will be used in lieu of 'date of entry' to facilitate NYS's immigrant student count under Title III. Districts already collect data on students' prior school enrollment, so this does not require a change in current data collection and reporting practices.

## Country of Origin

In the past, NYSED has also collected country of origin data to help determine the number of immigrant students in New York State for Title III purposes. In reviewing the USED [Fact Sheet](#) guidance, we have determined that the collection of this data element is not necessary for Title III purposes. As a result, NYSED will cease collecting data about students' countries of origin. Districts are instructed, effective immediately, to cease collecting and reporting to NYSED data about students' countries of origin.<sup>3</sup>

## Immunization Date for First Polio Vaccination

NYSED's practice of collecting data related to a student's first polio vaccination date has also been reviewed, and it has been determined that this data will also no longer be collected. This data had been collected for the New York State Student Identification System (NYSSIS) matching purposes and is now considered unnecessary for accurate identification of students in NYSSIS. Districts are instructed, effective immediately, to cease reporting to NYSED data about students' immunization date for first polio vaccination. Additional information on NYSSIS can be found at <http://www.p12.nysed.gov/irs/nyssis/home.html>.

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<sup>2</sup> SED will revise its Student Information Repository System (SIRS) Manual to remove the code for "Date of Entry into United States".

<sup>3</sup> SED will revise its Student Information Repository System (SIRS) Manual to remove the code for "Country of Origin".

## Right of Undocumented Children to Public Education

In 2017, NYSED joined with the New York State Office of the Attorney General to issue guidance reiterating the right of undocumented children to a public education and to remind LEAs of NYSED regulations prohibiting districts from asking questions relating to, or which may reveal immigration status, prior to enrollment. This guidance can be found here: <http://www.nysed.gov/common/nysed/files/oag-sed-letter-ice-2-27-17.pdf>.