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BUILDING A COMMUNITY THROUGH ADVOCACY

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40th Annual OABE Conference
University of Central Oklahoma
Edmond, Oklahoma
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- I. What is Advocacy?
- II. The Importance of Advocacy
- III. What Kind of Advocate Can You Be?
- IV. The Need for Tools to Be an Advocate
- V. Why It Is Important to Understand the Rights of Immigrant and EL Students
- VI. Right to attend free public school: Plyler v. Doe
- VII. Social Security Numbers: Privacy Act of 1974
- VIII. Fears of Immigrant and LEP Parents
- IX. Enrollment: Immigration Documents/Birth Certificate/Immunizations/Other Issues
- X. School Lunch and Breakfast
- XI. Language rights issues
 - Title VI of the Civil Right Act of 1964
 - The meaning and impact of Lau v. Nichols and Castaneda v. Pickard
 - How Do the Principles in these Cases Apply to Low Incidence Situations?

- XII. The Practical Application of Title VI in the schools
- Translations/interpretations for parents; Responsibility to provide
 - Children as interpreters
 - Placement/retention, etc.
- XIII. Oklahoma Reading Sufficiency Act (RSA)
- XIV. Special Ed and ELs
- XV. Deferred Action for Childhood Arrivals (DACA)
- XVI. Access to Post-Secondary Education: Admission barriers, financial barriers
- XVII. How to Use This Knowledge, These Tools/ How Can You Be An Advocate?

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SCHOOL OPENING ALERT

The U.S. Supreme Court has ruled in *Plyler v. Doe* [457 U.S. 202 (1982)] that undocumented children and young adults have the same right to attend public primary and secondary schools as do U.S. citizens and permanent residents. Like other children, undocumented students are obliged under state law to attend school until they reach a mandated age.

As a result of the *Plyler* ruling, public schools may not:

- ◆ Deny admission to a student during initial enrollment or at any other time on the basis of undocumented status.
- ◆ Treat a student disparately to determine residency.
- ◆ Engage in any practices to "chill" the right of access to school.
- ◆ Require students or parents to disclose or document their immigration status.
- ◆ Make inquiries of students or parents that may expose their undocumented status.
- ◆ Require social security numbers from all students, as this may expose undocumented status.

Students without social security numbers should be assigned a number generated by the school. Adults without social security numbers who are applying for a free lunch and/or breakfast program on behalf of a student need only indicate on the application that they do not have a social security number.

LLAMADA URGENTE

En 1982, El Tribunal Supremo de los Estados Unidos decidió en el caso titulado *Plyler v. Doe* [457 U.S. 202] que los niños y los jóvenes indocumentados tienen el mismo derecho a las escuelas públicas de primaria y secundaria que el que tienen sus contrapartes de nacionalidad estadounidense. Al igual que los demás niños, los estudiantes indocumentados están obligados a asistir a la escuela hasta que lleguen a la edad escolar requerida por la ley.

Bajo la decisión *Plyler*, las escuelas públicas no pueden:

- ◆ negarles admisión a la escuela a estudiantes indocumentados basado en su estado de ser indocumentados, ya sea al momento de la matrícula o en cualquier otro momento.
- ◆ tratar a un estudiante en forma desigual o discriminatoria para determinar su situación legal y/o de residencia.
- ◆ tomar medidas o reglamentos que pudieran atemorizar a la comunidad indocumentada, con el resultado de que ellos no acudan a su derecho de acceso a las escuelas públicas.
- ◆ requerir que un estudiante o sus padres revelen o documenten su situación legal y/o inmigratoria.
- ◆ investigar la situación legal y/o inmigratoria de un estudiante o de sus padres, aún cuando sólo sea por razones educativas, ya que esto puede poner en evidencia dicha situación.
- ◆ exigir que un estudiante obtenga un número de seguro social como pre-requisito de matrícula a un programa escolar.

La escuela debe de asignar un número de identificación a los estudiantes que no tienen tarjeta de seguro social. Los adultos sin tarjeta de seguro social aplicando para el programa de almuerzo y/o desayuno gratis para sus hijos sólo necesitan indicar en la solicitud que no tiene un número de seguro social.



Oklahoma Statutes Annotated
Title 70. Schools
Division I. School Code of 1971.
Chapter 1. School Code of 1971.
Article XVIII. State Aid.

**§ 18-108. Free public kindergarten--School district transfer alternative--
Exemption.**

- A. It is the intent of the Legislature to provide a free public kindergarten for every five-year-old child in this state.
- B. Each day during which a child attends a kindergarten for two and one-half (2 1/2) hours or more shall be counted as one hundred percent (100%) of one (1) day of average daily attendance. Each day a kindergarten student is on the membership roll in a school district shall be counted as one hundred percent (100%) of one (1) day of average daily membership.
- C. It shall be the duty of every school district in this state to provide and offer kindergarten free of tuition for every child residing in the district who attains the age of five (5) years on or before the first day of September during the school year such kindergarten is offered. The duty to provide and offer kindergarten may be satisfied by transferring kindergarten children to other school districts which accept them and provide kindergarten for such children, or by contracting for classroom space with a licensed public or licensed private child care provider based upon selection criteria established by the district.
- D. A kindergarten program may be offered jointly by school districts that have formed interlocal cooperative agreements pursuant to Section 5-117b of this title.
- E. Beginning with the 2013-2014 school year, it shall be the duty of every school district in this state to provide and offer a full six-hour day of kindergarten free of tuition for every child residing in the district who attains the age of five (5) years on or before the first day of September during the school year kindergarten is offered. The duty to provide and offer kindergarten may be satisfied by intra-district transfer to a school offering full-day kindergarten, by transferring kindergarten children to other school districts which will accept them and can provide kindergarten for such children, or by contracting for classroom space with a licensed public or licensed private child care provider based upon selection criteria established by the district. A school district shall be exempt from the provisions of this subsection if the school district has voted indebtedness through the issuance of bonds or approval by voters of issuance

of new bonds for more than eighty-five percent (85%) of the maximum allowable, pursuant to the provisions of Section 26 of Article X of the Oklahoma Constitution, at any time within the previous five (5) years.

F. The requirement to attend kindergarten provided in Section 10-105 of this title may be satisfied by attendance in either a half-day or full-day program. Membership in a kindergarten for either two and one-half (2 1/2) hours or six (6) hours per school day shall be counted as one (1) day for average daily membership purposes. For purposes of State Aid, the pupil grade level weight for a two-and-one-half-hour day of kindergarten shall be 1.3, and for a six-hour full day of kindergarten shall be 1.5.

Credits

Laws 1971, c. 305, § 8, emerg. eff. June 17, 1971; Laws 1974, c. 20, § 1, emerg. eff. April 8, 1974; Laws 1981, c. 347, § 22, eff. July 1, 1981; Laws 1994, c. 220, § 3, eff. July 1, 1995; Laws 1999, c. 355, § 1, eff. July 1, 1999; Laws 2000, c. 6, § 19, emerg. eff. March 20, 2000; Laws 2001, c. 201, § 4; Laws 2003, c. 434, § 24; Laws 2005, c. 432, § 9, eff. July 1, 2005; Laws 2011, c. 345, § 1.

§ 18-111. Average daily membership--Legally resident pupils.

No pupil shall be counted in the average daily membership of any district for the purpose set out in this article unless said pupil is a legal resident of said district as provided for in Section 1-113 of this title or has been transferred to said district. A pupil moving from a school district during a school term shall be entitled to attend such school for the remainder of that school term. School districts shall not include out-of-state pupils in their average daily membership for the purpose set out in this article. The following pupils shall not be counted: Those who have attained twenty-one (21) years of age by September 1 of that school year, or who have completed the twelfth grade, except as elsewhere provided for by law for veterans of World War II, the Korean War, or the Vietnam Conflict, and those who have not attained four (4) years of age by September 1 of that school year. In determining the ages of pupils for State Aid purposes, birth certificates shall be presented, if obtainable, as proof of age. Underage pupils in kindergarten and first grade who have been in legal school attendance in a public or private school in another state or in a Department of Defense School for military dependents may be legally enrolled and attend an Oklahoma school.

Credits

Laws 1971, c. 305, § 11, eff. June 17, 1971; Laws 1981, c. 131, § 1, emerg. eff. May 4, 1981; Laws 1983, c. 150, § 2, operative July 1, 1983; Laws 1984, c. 296, § 29, operative July 1, 1984; Laws 1998, c. 204, § 4, eff. July 1, 1998.



Oklahoma Statutes Annotated
Title 70. Schools
Division I. School Code of 1971.
Chapter 1. School Code of 1971.
Article X. School Population and Attendance.

**§ 10-105. Neglect or refusal to compel child to attend school--
Exceptions—Enforcement.**

A. It shall be unlawful for a parent, guardian, or other person having custody of a child who is over the age of five (5) years, and under the age of eighteen (18) years, to neglect or refuse to cause or compel such child to attend and comply with the rules of some public, private or other school, unless other means of education are provided for the full term the schools of the district are in session or the child is excused as provided in this section. One-half (1/2) day of kindergarten shall be required of all children five (5) years of age or older unless the child is excused from kindergarten attendance as provided in this section. A child who is five (5) years of age shall be excused from kindergarten attendance until the next school year after the child is six (6) years of age if a parent, guardian, or other person having custody of the child notifies the superintendent of the district where the child is a resident by certified mail prior to enrollment in kindergarten, or at any time during the first school year that the child is required to attend kindergarten pursuant to this section, of election to withhold the child from kindergarten until the next school year after the child is six (6) years of age. A kindergarten program shall be directed toward developmentally appropriate objectives for such children. The program shall require that any teacher employed on and after January 1, 1993, to teach a kindergarten program within the public school system shall be certified in early childhood education. All teachers hired to teach a kindergarten program within the public school system prior to January 1, 1993, shall be required to obtain certification in early childhood education on or before the 1996-97 school year in order to continue to teach a kindergarten program.

B. It shall be unlawful for any child who is over the age of twelve (12) years and under the age of eighteen (18) years, and who has not finished four (4) years of high school work, to neglect or refuse to attend and comply with the rules of some public, private or other school, or receive an education by other means for the full term the schools of the district are in session.

Provided, that this section shall not apply:

1. If any child is prevented from attending school by reason of mental or physical disability, to be determined by the board of education of the district upon a certificate of

the school physician or public health physician, or, if no such physician is available, a duly licensed and practicing physician;

2. If any child is excused from attendance at school, due to an emergency, by the principal teacher of the school in which such child is enrolled, at the request of the parent, guardian, custodian or other person having control of such child;

3. If any child who has attained his or her sixteenth birthday is excused from attending school by written, joint agreement between:

a. the school administrator of the school district where the child attends school, and

b. the parent, guardian or custodian of the child. Provided, further, that no child shall be excused from attending school by such joint agreement between a school administrator and the parent, guardian or custodian of the child unless and until it has been determined that such action is for the best interest of the child and/or the community, and that said child shall thereafter be under the supervision of the parent, guardian or custodian until the child has reached the age of eighteen (18) years;

4. If any child is excused from attending school for the purpose of observing religious holy days if before the absence, the parent, guardian, or person having custody or control of the student submits a written request for the excused absence. The school district shall excuse a student pursuant to this subsection for the days on which the religious holy days are observed and for the days on which the student must travel to and from the site where the student will observe the holy days; or

5. If any child is excused from attending school for the purpose of participating in a military funeral honors ceremony upon approval of the school principal.

C. It shall be the duty of the attendance officer to enforce the provisions of this section. In the prosecution of a parent, guardian, or other person having custody of a child for violation of any provision of this section, it shall be an affirmative defense that the parent, guardian, or other person having custody of the child has made substantial and reasonable efforts to comply with the compulsory attendance requirements of this section but is unable to cause the child to attend school. If the court determines the affirmative defense is valid, it shall dismiss the complaint against the parent, guardian, or other person having custody of the child and shall notify the school attendance officer who shall refer the child to the district attorney for the county in which the child resides for the filing of a Child in Need of Supervision petition against the child pursuant to the Oklahoma Juvenile Code.

D. Any parent, guardian, custodian, child or other person violating any of the provisions of this section, upon conviction, shall be guilty of a misdemeanor, and shall be punished as follows:

1. For the first offense, a fine of not less than Twenty-five Dollars (\$25.00) nor more than Fifty Dollars (\$50.00), or imprisonment for not more than five (5) days, or both such fine and imprisonment;

2. For the second offense, a fine of not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00), or imprisonment for not more than ten (10) days, or both such fine and imprisonment; and

3. For the third or subsequent offense, a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Fifty Dollars (\$250.00), or imprisonment for not more than fifteen (15) days, or both such fine and imprisonment.

Each day the child remains out of school after the oral and documented or written warning has been given to the parent, guardian, custodian, child or other person or the child has been ordered to school by the juvenile court shall constitute a separate offense.

E. At the trial of any person charged with violating the provisions of this section, the attendance records of the child or ward may be presented in court by any authorized employee of the school district.

F. The court may order the parent, guardian, or other person having custody of the child to perform community service in lieu of the fine set forth in this section. The court may require that all or part of the community service be performed for a public school district.

G. The court may order as a condition of a deferred sentence or as a condition of sentence upon conviction of the parent, guardian, or other person having custody of the child any conditions as the court considers necessary to obtain compliance with school attendance requirements. The conditions may include, but are not limited to, the following:

1. Verifying attendance of the child with the school;
2. Attending meetings with school officials;
3. Taking the child to school;
4. Taking the child to the bus stop;
5. Attending school with the child;
6. Undergoing an evaluation for drug, alcohol, or other substance abuse and following the recommendations of the evaluator; and
7. Taking the child for drug, alcohol, or other substance abuse evaluation and following the recommendations of the evaluator, unless excused by the court.

Credits

Laws 1971, c. 281, § 10-105, eff. July 2, 1971; Laws 1975, c. 164, § 1, emerg. eff. May 20, 1975; Laws 1977, c. 155, § 1, emerg. eff. June 3, 1977; Laws 1979, c. 248, § 4; Laws 1989, 1st Ex.Sess., c. 2, § 14, emerg. eff. April 25, 1990; Laws 1992, c. 262, § 5, emerg. eff. May 22, 1992; Laws 1994, c. 220, § 2, eff. July 1, 1994; Laws 1995, c. 270, § 1, eff. July 1, 1995; Laws 2003, c. 434, § 14; Laws 2006, c. 210, § 1, eff. July 1, 2006; Laws 2010, c. 57, § 1, eff. July 1, 2010.



Oklahoma Statutes Annotated
Title 70. Schools
Division I. School Code of 1971.
Chapter 1. School Code of 1971.
Article I. Scope, Organization, and Definitions.

§ 1-106. Public schools--Definition--What included.

The public schools of Oklahoma shall consist of all free schools supported by public taxation and shall include nurseries, kindergartens, elementary, which may include either K-6 or K-8, secondary schools and technology center schools, not to exceed two (2) years of junior college work, night schools, adult and other special classes, vocational and technical instruction and such other school classes and instruction as may be supported by public taxation or otherwise authorized by laws which are now in effect or which may hereafter be enacted.

Credits

Laws 1971, c. 281, § 1-106, eff. July 2, 1971; Laws 2001, c. 33, § 64, eff. July 1, 2001.



Oklahoma Statutes Annotated
Title 70. Schools
Division I. School Code of 1971.
Chapter 1. School Code of 1971.
Article I. Scope, Organization, and Definitions.

§ 1-113. Determination of a Child's Residence

A. When used in this section, the residence of any child for school purposes shall be:

1. The legal residence of the parents, guardian, or person having legal custody.

Each school district board of education shall adopt a policy establishing the requirements for student residency for that district which provides for residence as described in this paragraph. Within the discretion of each school district's board of education, the policy may but is not required to allow for establishment of residency by affidavit when an adult, whether a relative or not, who does not fall within one of the categories listed above, who holds legal residence in the school district, and who has assumed permanent care and custody of the child files an affidavit with the school district attesting that they have assumed custody and the reasons for assuming custody. Any policy allowing the establishment of residency by affidavit shall require the adult who provides the affidavit to affirm in such affidavit that the custody arrangement is permanent and that the adult contributes the major degree of support to the child. If the school district policy allows establishment of residency by affidavit, any person who willfully makes a statement in the affidavit which the person knows to be false shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year or a fine of not more than Five Hundred Dollars (\$500.00) or both such fine and imprisonment. Each school district shall include in its policy on residency any documentation necessary for the administration of the policy;

2. The foster family home, as defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes, except a therapeutic foster family home or a specialized foster home where a child is in voluntary placement as defined in subsection D of this section, in which the child has been placed:

- a. by the person or agency having legal custody of the child pursuant to a court order, or
- b. by a state agency having legal custody of the child pursuant to the provisions of Title 10A of the Oklahoma Statutes.

Upon request of the foster parent, the residence of a child

in foster care for school purposes may be changed to the school district in which the child resided prior to being placed in foster care or the school district in which the previous foster family home of the child is located;

3. Any orphanage or eleemosynary child care facility having full-time care and custody;
4. Any eleemosynary child care facility in which a child is placed by a parent or guardian for full-time residential care; provided, the provision of this paragraph shall apply only to children who attend a district school by joint agreement of the school district and facility and who are not placed in the facility through a state contract. For purposes of this paragraph, "eleemosynary child care facility" means a facility:
 - a. where child care and services are provided, and
 - b. which is funded predominantly by benevolent or charitable funds and is exempt from taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3);
5. Any state-operated institution in which a child has been placed by a parent or guardian or by a state agency having legal custody of the child pursuant to the provisions of Title 10A or Section 3-101 of Title 43A of the Oklahoma Statutes for care and treatment due to a physical or mental condition of the child;
6. Any facility in which a child has been admitted and is receiving on-site educational services as provided for in Section 3-104.7 of this title;
7. The district in which a child who is entirely self-supporting resides and attends school; or
8. A state-licensed children's emergency resource center or state-operated emergency shelter.

B. No school district shall bear the cost of educating children who are not residents of this state. A school district may furnish educational services pursuant to contract as elsewhere provided by law. A school district may furnish educational services pursuant to a contract to children who do not reside in the United States of America; provided, the children shall not be counted in the average daily membership of the school district.

C. For the purpose of ensuring that a child placed in a therapeutic foster family home, as defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes, receives an appropriate education, no receiving school district shall be required to enroll such a child if the enrollment would cause the proportion of students in therapeutic foster family homes as compared to the average daily membership of the receiving district for the preceding school year to exceed two percent (2%). Children served by Head Start may not be counted for the purpose of this paragraph unless the child is on an individualized education program provided by the school district. Any school district may enroll such students who are outside the student's resident district in therapeutic foster family home placements which exceed this limit if the school determines it possesses the ability to provide such child an appropriate education.

D. When a child does not meet the criteria for residency provided in subsection A of this section and is placed in any of the following entities which is out of the home of the child and not in the school district in which the child legally resides:

1. A residential facility;
2. A treatment program or center, including the facility operated pursuant to Section 485.1 of Title 63 of the Oklahoma Statutes;
3. A therapeutic foster family home as defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes;
4. A specialized foster home, which is a specialized foster home or an agency-contracted home under the supervision of and certified as meeting the standards set by the Department of Human Services and is funded through the Department of Human Services Home and Community-Based Waiver Services Program; or
5. An acute psychiatric care facility,

the entity shall, if the child contends he or she resides in a school district other than the district where the entity is located, within eleven (11) days of admittance, notify the school district in which the entity is located of the admittance.

For minors who are persons requiring psychiatric treatment as defined by Title 43A of the Oklahoma Statutes, on-site educational services shall be provided beginning on the eleventh day of admission.

Upon provision of educational services to children pursuant to the provisions of subsection F of this section, the receiving school district shall receive the State Aid as defined in subsection C of Section 18-110 of this title for those students.

Access to the due process procedure guaranteed to children with disabilities shall be available to resolve disagreements about the appropriateness of placements of children with disabilities.

E. The governing body of any state institution for children operated pursuant to the provisions of Title 10A of the Oklahoma Statutes or Section 3-101 of Title 43A of the Oklahoma Statutes and the board of education of the school district in which the institution is located or any other school district in the state willing to provide necessary educational services may enter into a contract whereby the district will maintain a school for the children of the institution, in which event the residence of the children for school purposes will be considered as being in the district maintaining the school; provided, however, that upon release from the school, a child shall be considered as a resident of the originating school district for school purposes. The governing body of the state institutions specified in this subsection shall pay the costs for educating students placed in the state institution less any amount of funds received for the students by the school district contracting with the state institution to provide necessary educational services.

F. 1. The school district in which an entity as described in subsection D of this section exists to serve children in out-of-home placements shall, upon request of the individual or agency operating the entity, provide the educational services to which the children in the entity are entitled subject to the limitations provided in subsection C of this section. No person operating such an entity may contract for the provision of educational services with any school district other than the school district in which the entity is located unless the school district in which the entity is located agrees in writing to allow another school district to provide the educational services or unless the person operating the entity contracts with another school district for the provision of educational services to be provided through remote Internet-based courses. No person operating such an entity may contract for the provision of educational services with more than one school district.

2. Prior to location in a school district, the individual or agency operating an entity described in subsection D of this section which requires provision of educational services from the school district shall notify the local board of education of its anticipated educational needs. No school district shall be required to provide educational services for students in the entity until at least sixty (60) calendar days have elapsed from the time in which the local board of education was initially notified of the need unless the school district so agrees to provide the educational services sooner. The provisions of this paragraph shall not apply to therapeutic or specialized foster homes.

3. Educational services provided shall meet or exceed state accreditation standards. No school district shall be responsible for any expenses for students in an entity described in subsection D of this section which are not directly related to the provision of educational services. A school district shall not be obligated for expenses of those students in an entity in the current school

year for whom educational services are requested after the first nine (9) weeks of the current school year for the district if educational services are requested for twelve or more students than were served in the first nine (9) weeks, unless the school district chooses to provide educational services for the current school year. Contracts and agreements for provision of educational services may allow for the use of public and private sources of support which are available to share the costs of educational services and of therapies, treatments, or support services. Otherwise valid obligations to provide or pay for such services, such as Medicaid, shall remain in effect for children who are eligible for the services from sources other than the school district.

4. Upon the request of any residential facility which has contracted with the Office of Juvenile Affairs to provide either a regimented juvenile training program or a high-impact wilderness camp to a minimum of forty students who have been adjudicated, a school district may contract for the facility to provide the educational services to those students. Under a contract, the facility shall operate in accordance with all applicable laws, including compliance with Section 18-114.14 of this title. The contract shall include the State Aid generated by the students, less a fee for administrative services which may be retained by the school district, not to exceed ten percent (10%) of the total on an annual basis. The school district shall exercise supervision over the educational program in the facility and bear all responsibility for required educational reporting. The school district shall maintain access to all educational records for students in the facility, and shall provide for the appropriate academic credit and diplomas. The school district shall be indemnified against any actions or penalties on the part of the facility which result in adversity for the school district.

G. Any question as to the place of residence of any child for school purposes shall be decided pursuant to procedures utilized by the State Department of Education.

H. The receiving district shall notify the district of residence immediately upon finding that the student requires special education and related services and the district of residence shall participate in planning the Individualized Education Program (IEP) for the student and in subsequent reviews of the program in accordance with the Individuals with Disabilities Education Act (IDEA).

Credits

Laws 1971, HB 1155, c. 281, § 1-113, emerg. eff. July 2, 1971; Amended by Laws 1983, HB 1399, c. 150, § 1, emerg. eff. July 1, 1983; Amended by Laws 1984, SB 538, c. 182, § 1, emerg. eff. May 7, 1984; Amended by Laws 1985, HB 1196, c. 336, § 1, emerg. eff. July 1, 1985; Amended by Laws 1986, HB 1937, c. 102, § 1, emerg. eff. July 1, 1986; Amended by Laws 1987, HB 1141, c. 122, § 1, emerg. eff. July 1, 1987; Amended by Laws 1989, HB 1372, c. 250, § 2, emerg. eff. July 1, 1989; Amended by Laws 1992, SB 1024, c. 262, § 3, emerg. eff. May 22,

1992; Amended by Laws 1994, SB 967, c. 168, § 1, emerg. eff. July 1, 1994; Amended by Laws 1995, HB 1602, c. 231, § 8, eff. November 1, 1995; Amended by Laws 1996, HB 2317, c. 319, § 1, emerg. eff. July 1, 1996; Amended by Laws 1997, HB 1557, c. 343, § 1, emerg. eff. July 1, 1997; Amended by Laws 1998, HB 2433, c. 362, § 1, emerg. eff. June 8, 1998; Amended by Laws 2002, SB 1408, c. 453, § 2, emerg. eff. July 1, 2002; Amended by Laws 2009, HB 2029, c. 234, § 154, emerg. eff. May 21, 2009; Amended by Laws 2014, SB 1377, c. 90, § 1, emerg. eff. July 1, 2014; Amended by Laws 2014, HB 2571, c. 150, § 1, eff. November 1, 2014 (repealed by Laws 2015, SB 831, c. 54, § 28, emerg. eff. April 10, 2015); Amended by Laws 2015, SB 831, c. 54, § 27, emerg. eff. April 10, 2015; Amended by Laws 2015, HB 2069, c. 363, § 1, emerg. eff. July 1, 2015 Amended by Laws 2017, SB 718, c. 254, § 5, eff. November 1, 2017.



Oklahoma Statutes Annotated
Title 70. Schools
Division I. School Code of 1971.
Chapter 1. School Code of 1971.
Article I. Scope, Organization, and Definitions.

**§ 1-114. Free attendance--Admission to early childhood programs--
Enrollment in kindergarten and first grade--Nonresident tuition fee.**

- A. All children between the ages of five (5) years on or before September 1, and twenty-one (21) years on or before September 1, shall be entitled to attend school free of charge in the district in which they reside.
- B. All children who are at least four (4) years of age but not more than five (5) years of age on or before September 1 and who have not attended a public school kindergarten shall be entitled to attend half-day or full-day early childhood programs at any public school in the state where such programs are offered; provided, no child shall be required to attend any early childhood education program. The following paragraphs shall govern early childhood programs:
1. Children who are at least four (4) years of age but not more than five (5) years of age on or before September 1 shall be entitled to attend either half-day or full-day early childhood programs in their district of residence free of charge as long as the district has the physical facilities and teaching personnel to accommodate the child. For purposes of calculation of State Aid, children in an early childhood education program shall be included in the average daily membership of the district providing the program;
 2. A child who has not reached the age of five (5) years on or before September 1 and who resides in a district which does not offer an early childhood program shall be eligible for transfer to a district where an early childhood program is offered if the district that offers the early childhood program agrees to the transfer. A district offering early childhood programs may refuse to accept a nonresident child if the district does not have the physical facilities or teaching personnel to accommodate the child in an early childhood education class. If the child requesting the transfer has not reached the age of four (4) years on or before September 1, the district may refuse to accept the nonresident child if the district determines the child is not ready for an early childhood program. Children who are accepted in a program outside their district of residence as provided in this paragraph shall be included in the average daily membership of the district

providing the program for State Aid funding subject to the State Aid formula weight limitations set forth in paragraph 1 of this subsection; and

3. The State Board of Education shall promulgate rules that create exemptions relating to the maximum age at which a child may attend half-day or full-day early childhood programs.

C. No child shall be enrolled in kindergarten unless he or she will have reached the age of five (5) years on or before September 1 of the school year. No child shall be enrolled in the first grade unless he or she will have reached the age of six (6) years on or before September 1 of the school year.

D. No nonresident and nontransferred pupil shall be allowed to attend school in any school district unless a tuition fee equal to the per capita cost of education for a similar period in such district during the preceding year has been paid to the receiving district in advance yearly or by semester as determined by the district board of education of the receiving district. If the State Board of Education discovers that such attendance has been allowed without prior payment of the tuition fee in advance as required, no further payment of any State Aid Funds shall be made to the district until such district has shown to the satisfaction of the State Board of Education that all such tuition fees have been paid or that such tuition pupil will no longer be allowed to attend school until the required tuition fee has been paid.

E. Any parent, guardian, person or institution having care and custody of a child who pays ad valorem tax on real property in any other school district other than that in which that person resides may, with the approval of the receiving board, enroll the child in any school district in which ad valorem tax is paid and receive a credit on the nonresident tuition fee equal to the amount of the ad valorem tax paid for school district purposes in the school district in which the child is enrolled. Provided, the credit shall not exceed the total amount required for the tuition payment.

Credits

Laws 1971, c. 281, § 1-114, eff. July 2, 1971; Laws 1972, c. 93, § 1; Laws 1974, c. 21, § 1; Laws 1979, c. 114, § 1; Laws 1979, c. 204, § 1, eff. July 1, 1979; Laws 1989, c. 335, § 6, eff. July 1, 1989; Laws 1989, 1st Ex.Sess., c. 2, § 15, emerg. eff. April 25, 1990; Laws 1990, c. 263, § 61, operative July 1, 1990; Laws 1992, c. 262, § 4, emerg. eff. May 22, 1992; Laws 1993, c. 333, § 1, eff. July 1, 1993; Laws 1994, c. 220, § 1, eff. July 1, 1994; Laws 1998, c. 204, § 1, eff. July 1, 1998; Laws 2016, c. 4, § 1, eff. Nov. 1, 2016.



Oklahoma Administrative Code
Title 210. State Department of Education.
Chapter 10. School Administration and Instructional Services.
Subchapter 1. General Provisions.

210:10-1-17. Residency.

- (a) The residence of a student for school purposes is defined by 70 O.S. Supp. 1992, Section 1-113.
- (b) The school district in which a student is presented for enrollment shall verify that the student is either a resident of the school district or is otherwise entitled to attend school in that school district for any other reason authorized by law.
- (c) Each school district shall adopt a policy which provides for the procedures and criteria to determine if a student is a resident of the school district. Local board of education policy shall include but, not be limited to, documented evidence provided by the parent, guardian or person having care and custody of the student. Such documentation may include proof of provisions of utilities, payment of ad valorem taxes, local agreements or contract for purchasing/leasing housing. The criteria for residency adopted in such policy shall not be in conflict with statutory provisions relating to the residence of students. Such policy shall provide for educational services for homeless children to the extent required by Public Law 100-77, Title VII, Subsection B.
- (d) Pursuant to 70 O.S. 18-111, a pupil moving from a school district during a school term shall be entitled to attend such school for the remainder of that school term.
- (e) A school district may, as part of its procedures for determining student residency, require reverification of student residency at the beginning of each school term.
- (f) Procedures for resolving residency disputes are specified in this subsection. Each school district shall designate a residency officer. In addition, each district shall include in their written policy information on how to request a review of a residency dispute and how the residency officer may be contacted. Any question or dispute as to the residence of a student shall be determined by the residency officer pursuant to the following procedures.
- (1) If a school district initially denies admittance of a student who claims to be a resident of that district, the parent, guardian or person having care and custody (hereafter parent)

of the student shall be informed that they may request a review of the decision of the local residency officer. Each district may develop a residency review form.

(2) If, during the course of the school year a dispute arises as to the residence of a student who is enrolled and attending school, the student shall be allowed to continue in that school until these dispute procedures have been exhausted.

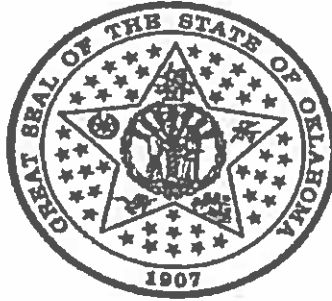
(3) The parent of the student must notify the residency officer in writing of the review request within three (3) school days from denial of admittance. Upon receipt of a request for review, the residency officer shall allow the parent, guardian or person having care and custody to provide additional pertinent information in accordance with the district's criteria and the statutory provisions regarding residency. Said information must be submitted with the request for review.

(4) The residency officer must render a decision and notify the parent of the decision and reasoning therefor in writing within three (3) school days of the receipt of the request for review.

(5) In the event the parent disagrees with the decision, the parent shall notify the residency officer, within three (3) school days of receipt of the residency officer's decision, who will submit his/her findings and all documents reviewed to the local board of education. The local board of education will review the decision and the documents submitted on behalf of the district and the student and render a decision at the next board meeting. The local board's decision shall be the final administrative decision.

(6) In an effort to place students in school as quickly as possible, timelines shall be followed, unless due to emergency circumstances both parties agree to an extension of timelines.

[Source: Added at 11 Ok Reg , eff 5-26-94; Amended at 11 Ok Reg 4457, eff 7-21-94 (emergency); Amended at 12 Ok Reg 1353, eff 5-25-95; Amended at 15 Ok Reg 352, eff 10-13-97 (emergency); Amended at 15 Ok Reg 2227, eff 6-11-98]



Oklahoma Statutes Annotated
Title 70. Schools
Division I. School Code of 1971.
Chapter 1. School Code of 1971.
Article V. School Districts and Boards of Education.

**§ 5-132. Educational Privileges and Opportunities – Adult High School
Completion Program**

A. Any person who is of legal age and a resident of Oklahoma, over the age of twenty-one (21) and under the age of twenty-six (26), and who has not completed the twelfth grade in school shall be given the same educational privileges and opportunities provided by law for children over the age of five (5) and under the age of twenty-one (21), upon submitting to the board of education of the school district in which the person resides evidence satisfactory to that board showing that during the time before he or she was twenty-one (21) years of age he or she was unable to attend school for a definite period or periods of time because of physical disability, or service in the United States Armed Forces or Auxiliary Organizations, by reason whereof it was impossible for him or her to complete the twelfth grade before reaching the age of twenty-one (21). Provided, further, the pupil shall be counted in the average daily attendance of the district where he or she attends school during the period of time provided for in this article for the purpose of calculating State Aid for the district.

B. Any resident of the state who is nineteen (19) years of age or older, who is not enrolled in any high school program, and who has not completed the twelfth grade may attend any adult high school completion program which is established by a school district and approved by the State Board of Career and Technology Education if such attendance has the approval of the district offering the program. Such attendance shall not be counted in the average daily attendance of the district unless the Legislature appropriates monies for adult high school completion programs. Such attendance shall not be counted to meet minimum numbers for accreditation of the school district involved, and such students shall not attend classes which are a part of the normal class structure of the district.

Credits

Laws 1971, c. 281, § 5-132, eff. July 2, 1971; Laws 1988, c. 211, § 1, eff. July 1, 1988; Laws 2014, c. 164, § 2, eff. July 1, 2014.



Oklahoma Statutes Annotated

Title 70. Schools

Division I. School Code of 1971.

Chapter 1. School Code of 1971.

Article V. School Districts and Boards of Education.

**§ 5-132.1. Opportunity to Receive Regular High School Diploma –
Charge for Tuition**

A. Any person other than those persons provided for in Section 5-132 of this title, who is twenty-one (21) years of age or older and who has not completed the requirements for a high school diploma or received a General Education Diploma, upon proper application to an independent school district may be given the opportunity to complete the requirements for and receive a regular high school diploma.

B. The school district or technology center school district in which such person resides may give the person the option of attending regular classes if class size restrictions are not violated, or of participating in other programs which may be provided pursuant to provisions of the Oklahoma Statutes or rules promulgated by the State Board of Education or State Board of Career and Technology Education. Providing, however, that the school district may deny admittance of persons over twenty-one (21) to its classes.

C. The school district or technology center school district may charge such person an amount of tuition not to exceed the average expenditure per pupil of the district for the preceding school year. Said tuition may be prorated by the number of contact hours for which the person is enrolled.

Credits

Laws 1983, c. 223, § 1, operative July 1, 1983; Laws 2001, c. 33, § 75, eff. July 1, 2001.



Oklahoma Statutes Annotated
Title 70. Schools.
Division III. Other School Laws.
Chapter 15. Health and Safety.
Immunizations.

§ 1210.191. Certification – School Children – List of Immunization Tests
Required

A. No minor child shall be admitted to any public, private, or parochial school operating in this state unless and until certification is presented to the appropriate school authorities from a licensed physician, or authorized representative of the State Department of Health, that such child has received or is in the process of receiving, immunizations against diphtheria, pertussis, tetanus, haemophilus influenzae type B (HIB), measles (rubeola), rubella, poliomyelitis, varicella, and hepatitis A or is likely to be immune as a result of the disease.

B. Immunizations required, and the manner and frequency of their administration, as prescribed by the State Board of Health, shall conform to recognized standard medical practices in the state. The State Department of Health shall supervise and secure the enforcement of the required immunization program. The State Department of Education and the governing boards of the school districts of this state shall render reasonable assistance to the State Department of Health in the enforcement of the provisions hereof.

C. The State Board of Health, by rule, may alter the list of immunizations required after notice and hearing. Any change in the list of immunizations required shall be submitted to the next regular session of the Legislature and such change shall remain in force and effect unless and until a concurrent resolution of disapproval is passed. Hearings shall be conducted by the State Board of Health, or such officer, agents or employees as the Board of Health may designate for that purpose. The State Board of Health shall give appropriate notice of the proposed change in the list of immunizations required and of the time and place for hearing. The change shall become effective on a date fixed by the State Board of Health. Any change in the list of immunizations required may be amended or repealed in the same manner as provided for its adoption. Proceedings pursuant to this subsection shall be governed by the Administrative Procedures Act.1

D. The State Department of Education and the governing boards of the school districts of this state shall provide for release to the Oklahoma Health Care Authority of the immunization

records of school children covered under Title XIX or Title XXI of the federal Social Security Act² who have not received the required immunizations at the appropriate time. The information received pursuant to such release shall be transmitted by the Oklahoma Health Care Authority to medical providers who provide services to such children pursuant to Title XIX or Title XXI to assist in their efforts to increase the rate of childhood immunizations pursuant to the requirements of the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) services provisions. The provisions of this subsection shall not be construed to prohibit or affect the eligibility of any child to receive benefits pursuant to Title XIX or Title XXI of the Social Security Act or to require the immunization of any child if such child is exempt from the immunization requirements pursuant to law. The name of any child exempt from immunization pursuant to Section 1210.192 of this title shall not be included in the information transmitted pursuant to this subsection.

Credits

Laws 1970, c. 225, § 1, emerg. eff. April 15, 1970; Laws 1976, c. 262, § 1, emerg. eff. June 17, 1976; Laws 1998, c. 175, § 1, eff. Nov. 1, 1998; Laws 1998, c. 412, § 3, eff. Nov. 1, 1998.

§ 1210.192. Exemptions.

Any minor child, through the parent, guardian, or legal custodian of the child, may submit to the health authority charged with the enforcement of the immunization laws of this state:

1. A certificate of a licensed physician as defined in Section 725.2 of Title 59 of the Oklahoma Statutes, stating that the physical condition of the child is such that immunization would endanger the life or health of the child; or
2. A written statement by the parent, guardian or legal custodian of the child objecting to immunization of the child;

whereupon the child shall be exempt from the immunization laws of this state.

Credits

Laws 1970, c. 225, § 2, emerg. eff. April 15, 1970; Laws 1998, c. 181, § 4, eff. Nov. 1, 1998.



Oklahoma Statutes Annotated
Title 70. Schools.
Division III. Other School Laws.
Chapter 15. Health and Safety.
Immunizations.

§ 1210.193. Administration--Parents unable to pay.

The immunizations will be administered by a licensed physician, someone under his direction, or public health department. If the parents or guardians are unable to pay, the State Department of Public Health shall provide, without charge, the immunization materials required by this act to such pupils. The parents, guardian or person having legal custody of any child may claim an exemption from the immunizations on medical, religious or personal grounds.

Credits: Laws 1970, c. 225, § 3, emerg. eff. April 15, 1970; Laws 1976, c. 262, § 2, emerg. eff. June 17, 1976.



Oklahoma Administrative Code
Title 310. Oklahoma State Department of Health.
Chapter 535. Immunizations.
Subchapter 1. Childhood Immunizations.

310:535-1-1. Purpose.

The rules in this Chapter implement the Immunization Regulations, 70 O.S 1981, Section 1210.191 et seq.

310:535-1-2. Criteria for immunizations required.

(a) Each child shall present certification that he or she has received or is receiving the immunizations as specified below before he or she is admitted to any public, private, or parochial school.

(b) Certification shall include the following:

(1) Diphtheria, Tetanus and Pertussis (DTP/DTaP) vaccine in five doses unless the fourth dose is received on or after the fourth birthday in which case only four doses are required. If the doses are not completed by the seventh birthday, the series must be completed with Adult Td vaccine and/or Tdap vaccine based on the individual's age at the time the first dose was received and age at the time the series is completed and beginning with the fall 2011-12 school year one dose of Tdap vaccine for students entering the seventh grade. Each year following the 2011-12 school year, the Tdap requirement shall be extended one grade level so that in the 2016-17 school year and all subsequent school years, students in grades seven through twelve shall be required to have received one dose of Tdap vaccine.

(2) Poliomyelitis vaccine in four doses unless the last dose is on or after the fourth birthday in which case only three doses are required. If the doses are not started or completed by the eighteenth birthday, no additional doses are required.

(3) Measles, Mumps and Rubella (MMR) vaccine with the first dose on or after the first birthday and the second dose at least twenty-eight days thereafter for children in grades kindergarten through eighth grade in the school year beginning in 1998. In the school year beginning in 1999, this requirement shall apply to the children through the ninth grade. Each year thereafter the requirement shall be extended one grade level so that in

the school year beginning in 2002, children in all grades shall be required to have the second dose of vaccine.

(4) Hepatitis B vaccine in three doses for students of any age or two doses for students eleven through fifteen years of age who complete the alternative dosage schedule providing that the alternative schedule is fully documented. Such documentation must include the name of the vaccine and the dosage received for each dose of that vaccine:

(A) before entering seventh and eighth grades in 1998. In the school year beginning in 1999, this requirement shall apply to the children entering the seventh through ninth grades. Each year thereafter the requirement shall be extended one grade level so that in the school year beginning in 2002, children in grades seven through twelve shall be required to have the three doses of the vaccine.

(B) before entering kindergarten in 1998. In the school year beginning in 1999, this requirement shall apply to the children entering kindergarten and first grade. Each year thereafter the requirement shall be extended one grade level so that in the school year beginning in 2004, all children entering school shall be required to have the three doses of the vaccine.

(5) Hepatitis A vaccine in two doses with the first dose on or after the first birthday and the second dose six to eighteen calendar months later:

(A) before entering kindergarten in 1998. In the school year beginning in 1999, this requirement shall apply to the children entering kindergarten and first grade. Each year thereafter the requirement shall be extended one grade level so that in the school year beginning in 2004, all children entering school shall be required to have the two doses of the vaccine.

(B) before entering grade seven in 1998. In the school year beginning in 1999, this requirement shall apply to the children entering the seventh and eighth grade. Each year thereafter the requirement shall be extended one grade level so that in the school year beginning in 2003, children in grades seven through twelve shall be required to have the two doses of the vaccine.

(6) Varicella (chickenpox) vaccine in one dose on or after the first birthday: before entering kindergarten in 1998. In lieu of vaccination, a parent's statement of a history of the disease chickenpox will be accepted. In the school year beginning in 1999, this requirement shall apply to the children entering kindergarten and first grade. Each year thereafter the requirement shall be extended one grade level so that in the school year beginning in 2010, all children entering school shall be required to have the vaccine or a parent's statement of a history of the disease chickenpox.

(c) The minimum intervals between doses and minimum ages for doses shall be as follows:

(1) DTP/DTaP:

(A) First and second dose - 4 weeks

(B) Second and third dose - 4 weeks

(C) Third and fourth dose - 4 months

(D) Fourth and fifth dose - 6 months

(E) For all fifth doses given after January 1, 2003 the minimum age for the fifth dose is 4 years of age

(2) Polio:

(A) First and second dose - 4 weeks

(B) Second and third dose - 4 weeks

(C) Third and fourth dose - 4 weeks

(3) MMR: First and second dose - 4 weeks

(4) Hepatitis B 3-dose series:

(A) First and second dose - 1 month (4 weeks)

(B) Second and third dose - 2 months (8 weeks), and the third dose at least 4 months (16 weeks) after first dose, and the third dose not before 24 weeks of age

(5) Hepatitis B 2-dose series: First and second dose - 4 months

(6) Hepatitis A: First and second dose -- 6 months and for all doses given on or after January 1, 2003, 6 months will be defined as 6 calendar months

(7) Four day grace period: Vaccine doses administered 4 days or less before the minimum intervals or ages listed in the preceding sections will be counted as valid.

(d) A child, through his parent or guardian, may apply for an exemption from this requirement by submitting a form to the school. The school shall maintain a copy of the application in the child's records and send a copy to the Department for approval.

(1) A request for exemption for medical reasons shall contain a certificate signed by a physician stating that the physical condition of the child is such that the immunization would endanger the life or health of the child and that the child should be exempt for immunization.

(2) A request for exemption for religious or other personal reasons shall contain a signed written statement from the parent or guardian stating a summary of the objections. Lost or unobtainable immunization records are not a ground for personal exemption.

(e) A child participating in a pre-kindergarten school program shall have received or be in the process of receiving the appropriate immunization for the listed diseases based on the child's age.

(f) The Department may grant exemptions or substitutions in the immunization schedule based on a medical history of a physical condition such that the immunization would endanger the life

or health of the child or a medical history stating the child is likely to be immune as a result of having had a vaccine-preventable disease if the following are met:

(1) A history of having had diphtheria and/or tetanus is not acceptable as proof of immunity since infection with diphtheria or tetanus may not render an individual immune to either of these diseases,

(2) A history of having had polio, pertussis, rubella, mumps, hepatitis B, or hepatitis A must be supported by laboratory evidence to be acceptable as proof of immunity to these diseases,

(3) A history of having had measles must be accompanied by a statement from a physician, public health authority, or laboratory evidence to be acceptable as proof of immunity to measles,

(4) A parental history of having had varicella is acceptable evidence of immunity to varicella.

(g) Haemophilus influenzae type B (Hib) vaccine is not a requirement for children attending pre-kindergarten, kindergarten, or school.

(h) In some circumstances, the United States Food and Drug Administration may approve the use of an alternative dosage schedule for an existing vaccine. These alternative schedules may be used to meet the requirements only when the alternative schedule is fully documented. Such documentation must include the name of the vaccine and dosage received for each dose of that vaccine.

[Source: Amended at 13 Ok Reg 1795, eff 4-18-96 (emergency); Amended at 14 Ok Reg 1749, eff 5-27-97; Amended at 15 Ok Reg 4163, eff 7-29-98 (emergency); Amended at 16 Ok Reg 1400, eff 5-27-99; Amended at 17 Ok Reg 3448, eff 8-29-00 (emergency); Amended at 18 Ok Reg 1717, eff 5-25-01; Amended at 19 Ok Reg 2919, eff 7-26-02 (emergency); Amended at 20 Ok Reg 1661, eff 6-12-03; Amended at 22 Ok Reg 1132, eff 5-26-05; Amended at 23 Ok Reg 1344, eff 5-25-06; Amended at 24 Ok Reg 1987, eff 6-25-07; Amended at 27 Ok Reg 2531, eff 7-25-10]



Oklahoma Administrative Code
Title 310. Oklahoma State Department of Health.
Chapter 520. Communicable Diseases in Schools Regulations.

310:520-1-1. Purpose.

The rules in this Chapter implement the Communicable Diseases in Schools Regulations, 63 O.S. 1971, Section 1-502.

310:520-1-2. Quarantinable diseases.

The following diseases listed in this Chapter are declared quarantinable for both the cases and contacts:

- (1) Smallpox
- (2) Yellow Fever
- (3) Cholera
- (4) Plague

310:520-1-3. Duty of school personnel.

(a) An important part of a school health program is the prevention and control of communicable diseases. The teacher is in a strategic position to detect beginning symptoms of illness by the careful and continuous observation of children in the classroom. There are three general measures which school personnel can use to prevent the spread of disease:

- (1) Oklahoma law requires parents to provide proper and necessary immunizations for their children, particularly diphtheria, whooping cough, tetanus, polio, rubella and measles during the preschool age. All schools are required to maintain immunization records or exemptions on each student.
- (2) Encourage parents to keep sick children at home.
- (3) Isolate pupils who appear to be ill and make preparations to send them home.

Good health is more important than a perfect attendance record.

(b) We cannot emphasize too strongly the fallacy of the idea that children are always in condition to attend school and that perfect attendance records are to be sought at any cost.

Current through rules published in Volume 34, Number 15 of the Oklahoma Register dated April 17, 2017.

310:520-1-4. Diseases for which children should be excluded.

(a) Diseases for which children should be excluded are shown on Appendix A of this Chapter. These are suggested periods of exclusion and can be modified on the circumstances surrounding the problem.

(b) When school of officials have reasonable doubt as to the contagiousness of any person who has been excluded from school for an infectious diseases, they may require a written statement from the county health department director, county superintendent of health, school nurse, or a private physician before the person is permitted to reenter school.

(c) The superintendent, teacher, or other official in charge of any school may exclude any child suffering from or exhibiting the following symptoms:

- (1) fever alone, 100 degrees Fahrenheit;
- (2) sore throat or tonsillitis;
- (3) any eruption of the skin, or rash;
- (4) any nasal discharge accompanied by fever;
- (5) a severe cough, producing phlegm; or
- (6) any inflammation of the eyes or lids.

(d) The decision to close schools in times of epidemics should be made by the school authorities in consultation with public health officials. In times of epidemics, the teachers should be unusually alert for signs of illness and report any symptoms of illness to the proper authorities.

[Source: Codified 12-31-91]



Oklahoma Statutes Annotated
Title 70. Schools
Division III. Other School Laws.
Chapter 22. Testing and Assessment.
Reading Sufficiency Act.

§ 1210.508C. Assessments for Reading Skills.

A. 1. Each student enrolled in kindergarten in a public school in this state shall be screened for reading skills including, but not limited to, phonemic awareness, letter recognition, and oral language skills as identified in the subject matter standards adopted by the State Board of Education. A screening instrument approved by the State Board shall be utilized for the purposes of this section.

2. For those kindergarten children at risk for reading difficulties, teachers shall emphasize reading skills as identified in the subject matter standards adopted by the State Board of Education, monitor progress throughout the year and measure year-end reading progress.

3. Classroom assistants, which may include parents, grandparents, or other volunteers, shall be provided in kindergarten classes to assist with the screening of students if a teacher aide is not already employed to assist in a kindergarten classroom.

B. 1. Each student enrolled in kindergarten, first, second and third grade of the public schools of this state shall be assessed at the beginning and end of each school year using a screening instrument approved by the State Board of Education for the acquisition of reading skills including, but not limited to, phonemic awareness, phonics, reading fluency, vocabulary, and comprehension.

2. Any student who is assessed and found not to be reading at the appropriate grade level shall be provided a program of reading instruction designed to enable the student to acquire the appropriate grade level reading skills. The program of reading instruction shall include provisions of the READ Initiative adopted by the school district as provided for in subsection O of this section.

3. Throughout the year progress monitoring shall continue, and diagnostic assessment, if determined appropriate, shall be provided. Year-end reading skills shall be measured to determine reading success.

C. The State Board of Education shall approve screening instruments for use at the beginning and end of the school year, for monitoring of progress, and for measurement of reading skills at the end of the school year as required in subsections A and B of this section; provided, at least one of the screening instruments shall meet the following criteria:

1. Assess for phonemic awareness, phonics, reading fluency, and comprehension;
2. Document the validity and reliability of each assessment;
3. Can be used for diagnosis and progress monitoring;
4. Can be used to assess special education and limited-English-proficient students; and
5. Accompanied by a data management system that provides profiles for students, class, grade level and school building. The profiles shall identify each student's instructional point of need and reading achievement level. The State Board shall also determine other comparable reading assessments for diagnostic purposes and for periodic and post assessments to be used for students at risk of reading failure. The State Board shall ensure that any assessments approved are in alignment with the subject matter standards adopted by the State Board of Education.

D. 1. The program of reading instruction required in subsection B of this section shall align with the subject matter standards adopted by the State Board of Education and shall include provisions of the READ Initiative adopted by the school district as provided for in subsection O of this section. A program of reading instruction may include, but is not limited to:

- a. sufficient additional in-school instructional time for the acquisition of phonemic awareness, phonics, reading fluency, vocabulary, and comprehension,
- b. if necessary, tutorial instruction after regular school hours, on Saturdays and during summer; however, such instruction may not be counted toward the one-hundred-eighty-day or one-thousand-eighty-hour school year required in Section 1-109 of this title, and
- c. assessments identified for diagnostic purposes and periodic monitoring to measure the acquisition of reading skills including, but not limited to, phonemic awareness, phonics, reading fluency, vocabulary, and comprehension, as identified in the student's program of reading instruction.

2. A student enrolled in first or second grades who has been assessed as provided for in subsection B of this section and found not to be reading at the corresponding grade level, shall be entitled to individualized remediation in reading until the student is determined by the results of a screening instrument to be reading on grade level. The program of reading instruction for each student shall be developed by a Student Reading Proficiency Team and shall include individualized remediation. Each team shall be composed of:

- a. the parent or guardian of the student,
- b. the teacher assigned to the student who had responsibility for reading instruction in that academic year,

c. a teacher who is responsible for reading instruction and is assigned to teach in the next grade level of the student, and

d. a certified reading specialist, if one is available.

E. The program of reading instruction shall continue until the student is determined by the results of approved reading assessments to be reading on grade level.

F. 1. Every school district shall adopt, and implement a district reading sufficiency plan which has had input from school administrators, teachers, and parents and if possible a reading specialist, and which shall be submitted electronically to and approved by the State Board of Education. The plan shall be updated annually. School districts shall not be required to electronically submit the annual updates to the Board if the last plan submitted to the Board was approved and expenditures for the program include only expenses relating to individual and small group tutoring, purchase of and training in the use of screening and assessment measures, summer school programs and Saturday school programs. If any expenditure for the program is deleted or changed or any other type of expenditure for the program is implemented, the school district shall be required to submit the latest annual update to the Board for approval. The district reading sufficiency plan shall include a plan for each site which includes an analysis of the data provided by the Oklahoma School Testing Program and other reading assessments utilized as required in this section, and which outlines how each school site will comply with the provisions of the Reading Sufficiency Act.

2. The State Board of Education shall adopt rules for the implementation and evaluation of the provisions of the Reading Sufficiency Act. The evaluation shall include, but not be limited to, an analysis of the data required in subsection S of this section.

G. For any third-grade student found not to be reading at grade level as determined by reading assessments administered pursuant to this section, a new program of reading instruction, including provisions of the READ Initiative adopted by the school district as provided for in subsection O of this section, shall be developed by a Student Reading Proficiency Team and implemented as specified in subsection D of this section. In addition to other requirements of the Reading Sufficiency Act, the plan may include specialized tutoring.

H. 1. Any first-grade, second-grade or third-grade student who demonstrates proficiency in reading at the third-grade level through a screening instrument which meets the acquisition of reading skills criteria pursuant to subsection B of this section shall not be subject to retention pursuant to this section. After a student has demonstrated proficiency through a screening instrument, the district shall provide notification to the parent or guardian of the student that they have satisfied the requirements of the Reading Sufficiency Act and will not be subject to retention pursuant to this section.

2. If a third-grade student is identified at any point of the academic year as having a significant reading deficiency, which shall be defined as scoring below proficient on a screening instrument which meets the acquisition of reading skills criteria pursuant to subsection B of this section, the district shall immediately begin a student reading portfolio as provided by subsection K of this

section and shall provide notice to the parent of the deficiency pursuant to subsection I of this section.

3. If a student has not yet satisfied the proficiency requirements of this section prior to the completion of third grade and still has a significant reading deficiency, as identified based on assessments administered as provided for in subsection B of this section, has not accumulated evidence of third-grade proficiency through a student portfolio as provided in subsection K of this section, or is not subject to a good-cause exemption as provided in subsection K of this section, then the student shall not be eligible for automatic promotion to fourth grade.

4. a. For the 2016-2017 school year, a student not eligible for automatic promotion as provided for in paragraph 3 of this subsection and who scores at the unsatisfactory level on the reading portion of the statewide third-grade assessment administered pursuant to Section 1210.508 of this title may be evaluated for probationary promotion by the Student Reading Proficiency Team. Beginning with the 2017-2018 school year, a student not eligible for automatic promotion as provided for under paragraph 3 of this subsection and who scores below the proficiency level on the reading portion of the statewide third-grade assessment administered pursuant to Section 1210.508 of this title may be evaluated for probationary promotion by the Student Reading Proficiency Team which was created for the student pursuant to subsection D of this section.

b. The student shall be promoted to the fourth grade if the team members unanimously recommend probationary promotion to the school principal and the school district superintendent and the principal and superintendent approve the recommendation that promotion is the best option for the student. If a student is allowed a probationary promotion, the team shall continue to review the reading performance of the student and repeat the requirements of this paragraph each academic year until the student demonstrates grade-level reading proficiency, as identified through a screening instrument which meets the acquisition of reading skills criteria pursuant to subsection B of this section, for the corresponding grade level in which the student is enrolled or transitions to the requirements set forth by the Achieving Classroom Excellence Act.1

5. Beginning with the 2017-2018 school year, students who score below the proficient level on the reading portion of the statewide third-grade assessment administered pursuant to Section 1210.508 of this title, who are not subject to a good cause exemption as provided in subsection K of this section, and who do not qualify for promotion or probationary promotion as provided in this subsection, shall be retained in the third grade and provided intensive instructional services and supports as provided for in subsection N of this section.

6. Each school district shall annually report to the State Department of Education the number of students promoted to the fourth grade pursuant to this subsection and the number of students promoted to a subsequent grade pursuant to the provisions in paragraph 4 of this subsection. The State Department of Education shall publicly report the aggregate and district-specific number of students promoted on their website and shall provide electronic copies of the report to the Governor, Secretary of Education, President Pro Tempore of the Senate, Speaker of the House of Representatives, and to the respective chairs of the committees with responsibility for common education policy in each legislative chamber.

7. Nothing shall prevent a school district from applying the principles of paragraphs 3 and 4 of this subsection in grades kindergarten through second grade.

8. To determine the promotion and retention of third-grade students pursuant to the Reading Sufficiency Act, the State Board of Education shall use only the reading comprehension and vocabulary scores portion of the statewide third-grade assessment administered pursuant to Section 1210.508 of this title and shall not use the other language arts scores portions of the assessment.

I. The parent of any student who is found to have a reading deficiency and is not reading at the appropriate grade level and has been provided a program of reading instruction as provided for in subsection B of this section shall be notified in writing of the following:

1. That the student has been identified as having a substantial deficiency in reading;
2. A description of the current services that are provided to the student pursuant to a conjoint measurement model such that a reader and a text are placed on the same scale;
3. A description of the proposed supplemental instructional services and supports that will be provided to the student that are designed to remediate the identified area of reading deficiency;
4. That the student will not be promoted to the fourth grade if the reading deficiency is not remediated by the end of the third grade, unless the student is otherwise promoted as provided for in subsection H of this section or is exempt for good cause as set forth in subsection K of this section;
5. Strategies for parents to use in helping their child succeed in reading proficiency;
6. The grade-level performance scores of the student;
7. That while the results of the statewide assessments administered pursuant to Section 1210.508 of this title are the initial determinant, they are not the sole determiner of promotion and that portfolio reviews and assessments are available; and
8. The specific criteria and policies of the school district for midyear promotion implemented as provided for in paragraph 4 of subsection N of this section.

J. No student may be assigned to a grade level based solely on age or other factors that constitute social promotion.

K. For those students who do not meet the academic requirements for promotion and who are not otherwise promoted as provided for in subsection H of this section, a school district may promote the student for good cause only. Good-cause exemptions for promotion shall be limited to the following:

1. Limited-English-proficient students who have had less than two (2) years of instruction in an English language learner program;

2. Students with disabilities whose individualized education program (IEP), consistent with state law, indicates that the student is to be assessed with alternate achievement standards through the Oklahoma Alternate Assessment Program (OAAP);
3. Students who demonstrate an acceptable level of performance on an alternative standardized reading assessment approved by the State Board of Education;
4. Students who demonstrate, through a student portfolio, that the student is reading on grade level as evidenced by demonstration of mastery of the state standards beyond the retention level;
5. Students with disabilities who participate in the statewide assessments administered pursuant to Section 1210.508 of this title and who have an individualized education program that reflects that the student has received intensive remediation in reading for more than two (2) years but still demonstrates a deficiency in reading and was previously retained in prekindergarten for academic reasons, kindergarten, first grade, second grade, or third grade;
6. Students who have received intensive remediation in reading through a program of reading instruction for two (2) or more years but still demonstrate a deficiency in reading and who were previously retained in prekindergarten for academic reasons, kindergarten, first grade, second grade, or third grade for a total of two (2) years; and
7. Students who have been granted an exemption for medical emergencies by the State Department of Education.

L. A student who is otherwise promoted as provided for in subsection H of this section or is promoted for good cause as provided for in subsection K of this section shall be provided intensive reading instruction during an altered instructional day that includes specialized diagnostic information and specific reading strategies for each student. The school district shall assist schools and teachers to implement reading strategies for the promoted students that research has shown to be successful in improving reading among low-performing readers.

M. Requests to exempt students from the retention requirements based on one of the good-cause exemptions as described in subsection K of this section shall be made using the following process:

1. Documentation submitted from the teacher of the student to the school principal that indicates the student meets one of the good-cause exemptions and promotion of the student is appropriate. In order to minimize paperwork requirements, the documentation shall consist only of the alternative assessment results or student portfolio work and the individual education plan (IEP), as applicable;

2. The principal of the school shall review and discuss the documentation with the teacher and, if applicable, the other members of the Student Reading Proficiency Team as described in subsection D of this section. If the principal determines that the student meets one of the good-cause exemptions and should be promoted based on the documentation provided, the principal shall make a recommendation in writing to the school district superintendent; and

3. After review, the school district superintendent shall accept or reject the recommendation of the principal in writing.

N. Each school district shall:

1. Conduct a review of the program of reading instruction for all students who score below the proficient level on the reading portion of the statewide assessment administered pursuant to Section 1210.508 of this title and did not meet the criteria for one of the good-cause exemptions as set forth in subsection K of this section. The review shall address additional supports and services, as described in this subsection, needed to remediate the identified areas of reading deficiency. The school district shall require a student portfolio to be completed for each retained student;

2. Provide to students who have been retained as set forth in subsection H of this section with intensive interventions in reading, intensive instructional services and supports to remediate the identified areas of reading deficiency, including a minimum of ninety (90) minutes of daily, uninterrupted, scientific-research-based reading instruction. Retained students shall be provided other strategies prescribed by the school district, which may include, but are not limited to:

- a. small group instruction,
- b. reduced teacher-student ratios,
- c. more frequent progress monitoring,
- d. tutoring or mentoring,
- e. transition classes containing third- and fourth-grade students,
- f. extended school day, week, or year, and
- g. summer reading academies as provided for in Section 1210.508E of this title, if available;

3. Provide written notification to the parent or guardian of any student who is to be retained as set forth in subsection H of this section that the student has not met the proficiency level required for promotion and was not otherwise promoted and the reasons the student is not eligible for a good-cause exemption. The notification shall include a description of proposed interventions and intensive instructional supports that will be provided to the student to remediate the identified areas of reading deficiency;

4. Implement a policy for the midyear promotion of a retained student who can demonstrate that the student is a successful and independent reader, is reading at or above grade level, and is ready to be promoted to the fourth grade. Tools that school districts may use in reevaluating any retained student may include subsequent assessments, alternative assessments, and portfolio reviews, in accordance with rules of the State Board of Education. Retained students may only be promoted midyear prior to November 1 and only upon demonstrating a level of proficiency required to score at the proficient level on the statewide third-grade assessment administered pursuant to Section 1210.508 of this title, or upon demonstrating proficiency in reading at the

third-grade level through a screening instrument administered pursuant to subsection B of this section, and upon showing progress sufficient to master appropriate fourth-grade-level skills, as determined by the school. A midyear promotion shall be made only upon agreement of the parent or guardian of the student and the school principal;

5. Provide students who are retained with a high-performing teacher who can address the needs of the student, based on student performance data and above-satisfactory performance appraisals; and

6. In addition to required reading enhancement and acceleration strategies, provide students who are retained with at least one of the following instructional options:

- a. supplemental tutoring in scientific-research-based reading services in addition to the regular reading block, including tutoring before or after school,
- b. a parent-guided "Read at Home" assistance plan, as developed by the State Department of Education, the purpose of which is to encourage regular parent-guided home reading, or
- c. a mentor or tutor with specialized reading training.

O. Beginning with the 2011-2012 school year, each school district shall establish a Reading Enhancement and Acceleration Development (READ) Initiative. The focus of the READ Initiative shall be to prevent the retention of third-grade students by offering intensive accelerated reading instruction to third-grade students who failed to meet standards for promotion to fourth grade and to kindergarten through third-grade students who are exhibiting a reading deficiency. The READ Initiative shall:

1. Be provided to all kindergarten through third-grade students at risk of retention as identified by the assessments administered pursuant to the Reading Sufficiency Act. The assessment used shall measure phonemic awareness, phonics, fluency, vocabulary, and comprehension;
2. Be provided during regular school hours in addition to the regular reading instruction; and
3. Provide a state-approved reading curriculum that, at a minimum, meets the following specifications:
 - a. assists students assessed as exhibiting a reading deficiency in developing the ability to read at grade level,
 - b. provides skill development in phonemic awareness, phonics, fluency, vocabulary, and comprehension,
 - c. provides a scientific-research-based and reliable assessment,
 - d. provides initial and ongoing analysis of the reading progress of each student,
 - e. is implemented during regular school hours,

f. provides a curriculum in core academic subjects to assist the student in maintaining or meeting proficiency levels for the appropriate grade in all academic subjects,

g. establishes at each school, where applicable, an Intensive Acceleration Class for retained third-grade students who subsequently score below the proficient level on the reading portion of the statewide assessment administered pursuant to Section 1210.508 of this title. The focus of the Intensive Acceleration Class shall be to increase the reading level of a child at least two grade levels in one (1) school year. The Intensive Acceleration Class shall:

(1) be provided to any student in the third grade who scores below the proficient level on the reading portion of the statewide assessments and who was retained in the third grade the prior year because of scoring below the proficient level on the reading portion of the statewide assessments,

(2) have a reduced teacher-student ratio,

(3) provide uninterrupted reading instruction for the majority of student contact time each day and incorporate opportunities to master the fourth-grade state standards in other core subject areas,

(4) use a reading program that is scientific-research-based and has proven results in accelerating student reading achievement within the same school year,

(5) provide intensive language and vocabulary instruction using a scientific-research-based program, including use of a speech-language therapist,

(6) include weekly progress monitoring measures to ensure progress is being made, and

(7) provide reports to the State Department of Education, in the manner described by the Department, outlining the progress of students in the class at the end of the first semester,

h. provide reports to the State Board of Education, upon request, on the specific intensive reading interventions and supports implemented by the school district. The State Superintendent of Public Instruction shall annually prescribe the required components of the reports, and

i. provide to a student who has been retained in the third grade and has received intensive instructional services but is still not ready for grade promotion, as determined by the school district, the option of being placed in a transitional instructional setting. A transitional setting shall specifically be designed to produce learning gains sufficient to meet fourth-grade performance standards while continuing to remediate the areas of reading deficiency.

P. In addition to the requirements set forth in this section, each school district board of education shall annually report to the parent or guardian of each student in the district the progress of the student toward achieving state and district expectations for proficiency in reading, writing, science, and mathematics. The school district board of education shall report to the parent or guardian of each student the results on statewide assessments administered pursuant to Section

1210.508 of this title. The evaluation of the progress of each student shall be based upon classroom work, observations, tests, district and state assessments, and other relevant information. Progress reporting shall be provided to the parent or guardian in writing.

Q. 1. Each school district board of education shall annually publish on the school website, and report in writing to the State Board of Education by September 1 of each year, the following information on the prior school year:

- a. the provisions of this section relating to public school student progression and the policies and procedures of the school district on student retention and promotion,
- b. by grade, the number and percentage of all students in grades three through ten performing below the proficient level on the reading portion of the statewide assessment administered pursuant to Section 1210.508 of this title,
- c. by grade, the number and percentage of all students retained in grades three through ten,
- d. information on the total number and percentage of students who were promoted for good cause, by each category of good cause as specified above, and
- e. any revisions to the policies of the school district on student retention and promotion from the prior year.

2. The State Department of Education shall establish a uniform format for school districts to report the information required in this subsection. The format shall be developed with input from school districts and shall be provided not later than ninety (90) days prior to the annual due date. The Department shall annually compile the information required, along with state-level summary information, and report the information to the public, the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives.

R. The State Department of Education shall provide technical assistance as needed to aid school districts in administering the provision of the Reading Sufficiency Act.

S. On or before December 31 of each year, the State Department of Education shall issue to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives and members of the Senate and House of Representatives Education Committees a Reading Report Card for the state and each school district and elementary site which shall include, but is not limited to, trend data detailing three (3) years of data, disaggregated by student subgroups to include economically disadvantaged, major racial or ethnic groups, students with disabilities, and English language learners, as appropriate for the following:

1. The number and percentage of students in kindergarten through third grade determined to be at risk for reading difficulties compared to the total number of students enrolled in each grade;
2. The number and percentage of students in kindergarten who continue to be at risk for reading difficulties as determined by the year-end measurement of reading progress;

3. The number and percentage of students in kindergarten through third grade who have successfully completed their program of reading instruction and are reading on grade level as determined by the results of approved reading assessments;
4. The number and percentage of students scoring at each performance level on the reading portion of the statewide third-grade assessment administered pursuant to Section 1210.508 of this title;
5. The number of students tested, the number of students promoted through meeting proficiency on a screening instrument as provided for in subsection H of this section, the number of students promoted through each of the good-cause exemptions as provided for in subsection K of this section and the number of students retained and the number of students promoted through probationary promotion as provided for in subsection H of this section for each elementary site;
6. Data tracking the progression of students promoted through each of the good-cause exemptions as provided for in subsection K of this section and students promoted through probationary promotion or students who are retained in third grade as provided for in subsection H of this section through the eighth grade. The data shall include but not be limited to information regarding whether students graduate on time;
7. The amount of funds for reading remediation received by each district;
8. An evaluation and narrative interpretation of the report data analyzing the impact of the Reading Sufficiency Act on students' ability to read at grade level;
9. The type of reading instruction practices and methods currently being used by school districts in the state;
10. Socioeconomic information, access to reading resources outside of school and screening for and identification of learning disabilities for students not reading at the appropriate grade level by third grade;
11. The types of intensive remediation efforts being conducted by school districts to identify best practices for students that are not reading at the appropriate grade level and are not retained under the provisions of this section; and
12. Any recommendations for improvements or amendments to the Reading Sufficiency Act.

The State Department of Education may contract with an independent entity for the reporting and analysis requirements of this subsection.

T. Copies of the results of the assessments administered shall be made a part of the permanent record of each student.

Credits

Laws 1997, c. 349, § 3, eff. July 1, 1997; Laws 1998, c. 332, § 1, eff. July 1, 1998; Laws 1999, c. 176, § 2, eff. July 1, 1999; Laws 2001, c. 421, § 2, eff. July 1, 2001; Laws 2004, c. 197, § 2, eff. July 1, 2004; Laws 2005, c. 1, § 124, emerg. eff. March 15, 2005; Laws 2005, c. 431, § 3, eff. Sept. 1, 2005; Laws 2012, c. 171, § 1, eff. July 1, 2012; Laws 2012, c. 250, § 1; Laws 2013, c.

15, § 96, emerg. eff. April 8, 2013; Laws 2014, c. 323, § 1, emerg. eff. May 21, 2014; Laws 2014, c. 430, § 10, emerg. eff. June 5, 2014; Laws 2015, c. 54, § 35, emerg. eff. April 10, 2015; Laws 2015, c. 364, § 1, eff. July 1, 2015; Laws 2016, c. 360, § 7, eff. July 1, 2016; Laws 2017, c. 213, § 1, emerg. eff. May 5, 2017.



Oklahoma Administrative Code
Title 210. State Department of Education.
Chapter 15. Curriculum and Instruction.
Subchapter 27. Reading Sufficiency Act.

210:15-27-1. Reading Sufficiency Plans and Summer Academy Reading Programs.

(a) Each public school district will develop a district reading sufficiency plan that includes a plan for each site. The district and site reading plans must be updated annually and electronically submitted to and approved by the Office of Instruction of the State Department of Education as part of the requirements for receiving accreditation, provided that electronic submission and approval of annual updates to the district plan shall not be required if:

- (1) The last plan submitted by the school district was approved; and
- (2) Expenditures for the district's reading program include only expenses relating to:
 - (A) Individual and small group tutoring;
 - (B) Purchase of and training in the use of screening and assessment measures;
 - (C) Summer school programs; or
 - (D) Saturday school programs.

(b) If any expenditure for the district's reading program is deleted or changed or if any other type of expenditure for the district's reading program is implemented, the school district shall be required to submit the latest annual update for approval. Notwithstanding the provisions of (a)(1) and (2) of this Section, if a district has one or more schools that are not achieving the annual improvement goals as outlined in the Reading Sufficiency Act, or if a district has one or more schools designated as a school in need of improvement, the district shall submit its district reading sufficiency plan for approval.

(c) Each school district and each school site shall submit to the State Department of Education the information to be used for the required Reading Sufficiency Act Annual Reading Report Card by the submission deadline to be determined by the Office of Instruction of the State Department of Education.

(d) Each school district will submit to the State Department of Education the number of students in kindergarten, first, second and third grades found to be in need of remediation in reading based on screening instruments approved by the State Board of Education by the submission deadline to be determined by the Office of Instruction of the State Department of Education.

(e) Pursuant to the Reading Sufficiency Act, each school district which has any schools that are not achieving the required annual reading goal set forth in 70 O.S. § 1210.508B shall submit to the State Department of Education its annual improvement goals necessary to progress from the baseline established September 1, 2005, to achieving the reading goal for all third-grade students set forth at 70 O.S. 1210.508B(D). These improvement goals shall be submitted to the State Board of Education by the submission deadline to be determined by the Office of Instruction of the State Department of Education.

(f) Contingent on the availability of appropriated funds designated for the Reading Sufficiency Act, the State Department of Education may allocate funds to public school districts in accordance with the provisions of 70 O.S. § 1210.508D.

(g) Reading sufficiency funds allocated pursuant to subsection (f) of this Section must be used for expenses relating to individual and small group tutoring, purchase of and and/or development of instructional training in the use of screening assessment measures, summer academy reading sufficiency plan programs, Saturday school programs, and any other reading program or professional development training contemplated as necessary by the districts to perform the goals of the Reading Sufficiency Act for students in the kindergarten, first, second, and third grades who have been identified by the elementary site as in need of a program of reading instruction.

(h) Summer academy reading programs for students shall be courses that:

- (1) provide at least four (4) weeks of tutoring a half (1/2) day each day for four days;
- (2) incorporate the content of a reading program that meets the criteria set forth in the Reading Sufficiency Act;
- (3) are taught by teachers who have successfully completed a professional development institute or program in reading as prescribed by the statutory provisions of the Reading Sufficiency Act; and
- (4) include only eligible students not reading at grade level based on results from an assessment approved by the State Board of Education.

(i) School districts observing a continuous learning calendar may request to implement a summer academy reading program on an alternative schedule throughout the extended school year (e.g., during intersession breaks) by submitting a proposed alternative summer academy reading program schedule to the State Department of Education for approval prior to the deadline established by the Office of Instruction of the State Department of Education, provided that any proposed alternative schedule must meet the requirements set forth in (i) of this Section.

(j) Superintendents of districts will sign and submit an assurance statement that their reading program(s) meet the requirements of the Reading Sufficiency Act prior to receipt of funding.

(k) Upon completion of a Summer Academy Reading Program pursuant to 70 O.S. § 1210.508E, a student may demonstrate successful completion of the required competencies for reading necessary for promotion to fourth grade upon the student's completion of either:

- (1) A student portfolio in accordance with the criteria set forth in 210:15-27-2(b)(4); or
- (2) An acceptable level of performance on an alternative reading assessment in accordance with the criteria set forth in 210:15-27-2(b)(3)(A); or
- (3) An acceptable level of performance on one of the screening instruments approved by the State Board of Education.

[Source: Added at 16 Ok Reg 48, eff 10-9-98 (emergency); Added at 16 Ok Reg 1751, eff 6-11-99; Amended at 18 Ok Reg 3008, eff 7-12-01; Amended at 23 Ok Reg 70, eff 8-24-05 (emergency); Amended at 23 Ok Reg 1233, eff 5-25-06; Amended at 29 Ok Reg 102, eff 10-7-11 (emergency); Amended at 29 Ok Reg 976, eff 6-26-12; Amended at 30 Ok Reg 1607, eff 7-11-13; Amended at 33 Ok Reg 699, eff 8-25-16]



**Oklahoma Administrative Code
Title 210. State Department of Education.
Chapter 15. Curriculum and Instruction.
Subchapter 27. Reading Sufficiency Act.**

210:15-27-2. Good cause exemptions for promotion under the Reading Sufficiency Act.

(a) Beginning with the 2013-2014 school year, students who score at the Unsatisfactory level on the Reading portion of the third grade criterion-referenced test(s) may only be promoted to fourth grade if the student qualifies for a good cause exemption pursuant to 70 O.S. § 1210.508C. Only the scores from the reading comprehension and vocabulary portions of the third grade criterion-referenced test shall be used to determine the promotion and retention of third grade students pursuant to the Reading Sufficiency Act.

(b) Good cause exemptions shall be limited to the seven (7) statutory exemptions outlined in 70 O.S. § 1210.508C (K) as follows:

(1) Students with limited English proficiency may be granted a good cause exemption for promotion to the fourth grade pursuant to 70 O.S. § 1210.508C(K)(1). To qualify for this exemption, the student must:

(A) Be identified as Limited-English Proficient (LEP)/English Language Learner (ELL) on a screening tool approved by the Oklahoma State Department of Education Office of Bilingual/Migrant Education and have a Language Instruction Educational Plan (LIEP) in place prior to the administration of the third grade criterion referenced test; and

(B) The student must have had less than two (2) years of instruction in an English Language Learner (ELL) program that meets the definition of a "language instruction educational program" set forth in 20 U.S.C. §7011.

(2) Students with disabilities who are assessed with alternate achievement standards (AA-AAS) under the Oklahoma School Testing Program (OSTP) with the Oklahoma Alternative Assessment Program (OAAP) qualify for the good cause exemption pursuant to 70 O.S. § 1210.508C(K)(2). To qualify for this exemption, the student must meet all of the following criteria:

(A) The student must be identified as needing special education services prior to the administration of the third grade criterion referenced test;

(B) The student must have an Individualized Education Program (IEP) in place prior to the administration of the third grade criterion referenced test; and

(C) The student's IEP must direct that the student is to be assessed with alternate achievement standards through the Oklahoma Alternative Assessment Program (OAAP) based upon the OSDE Criteria Checklist for Assessing Students with Disabilities on State Assessments.

(3) Students who demonstrate an acceptable level of performance on an alternative standardized reading assessment may be granted a good cause exemption for promotion to the fourth grade pursuant to 70 O.S. § 1210.508C(K)(3). To promote a student using an alternative standardized reading assessment, the following criteria shall apply:

(A) The student must score an acceptable level of performance on an approved alternative standardized reading assessment. The following are approved alternative standardized reading assessments that may be used to justify a good cause promotion pursuant to 70 O.S. § 1210.508C(K)(3). The listed score constitutes an acceptable level of performance, and the student must score at or above the following percentiles:

(i) Stanford Achievement Test, Tenth Edition, (SAT 10) - 45th Percentile

(ii) Iowa Test of Basic Skills (ITBS) Complete Battery Form A, C or E, Level 9, Reading Comprehension - 45th Percentile

(iii) Iowa Test of Basic Skills (ITBS) Core Battery, Form A, C, or E, Level 9, Reading Comprehension - 45th Percentile

(iv) TerraNova, Third Edition Complete Battery Level 13, Reading - 45th Percentile

(B) Alternative standardized reading assessments may only be administered following the administration of the Reading portion of the third grade criterion-referenced test(s). The spring test form of the exam shall be administered.

(C) An approved alternative standardized reading assessment may be administered at any time prior to the start of the next academic year, if there are at least twenty (20) calendar days between administrations and different test forms are administered.

(4) Students who can demonstrate evidence through a student portfolio that the student has mastered state standards beyond the retention level and that the student is reading on grade level or higher may be granted a good cause exemption pursuant to 70 O.S. § 1210.508C(K)(4). To promote a student through the use of a student portfolio, the following criteria shall apply:

(A) The student portfolio shall include evidence demonstrating the student's mastery of the Oklahoma state standards in reading equal to grade level performance on the reading

comprehension and vocabulary portions of the statewide third grade criterion-referenced test(s). Such evidence shall be documented through an organized collection of work representing the student's mastery of such standards, including a demonstration of mastery of all of the following essential components of reading:

- (i) Phonemic awareness;
- (ii) Phonics (i.e., The student demonstrates awareness of letter-sound correspondence for consonants, vowels, and consonant diagraphs, syllable types, and two to three syllable words);
- (iii) Reading fluency (i.e., The student demonstrates timed letter and word identification, sight words, modeled paragraph reading);
- (iv) Vocabulary (i.e., The student demonstrates ability to determine the meaning of general academic-specific and domain-specific words and phrases in a text relevant to a grade three topic or subject area); and
- (v) Comprehension (i.e., The student demonstrates ability to read and comprehend informational text independently and proficiently).

(B) The student portfolio shall include clear evidence that the standards assessed by the reading comprehension and vocabulary portions of the statewide third grade criterion-referenced test(s) have been met. Clear evidence must include multiple choice items and passages that are 50% literary text and 50% expository text that are between 200-600 words, with an average of 350 words. Such evidence could consist of:

- (i) Chapter or unit tests from the district's adopted core reading curriculum that are aligned with the Oklahoma State Standards; or
- (ii) Teacher-prepared assessments.

(C) Each standard and objective assessed by the reading comprehension and vocabulary portions of the third grade criterion-referenced test(s) must include a minimum of four (4) work samples of mastery whereby the student attained a grade of 70% or above. Demonstrating mastery of each objective for each standard is required.

(D) The student portfolio shall include copies of the screening assessments and benchmark/progress monitoring assessments administered pursuant to 70 O.S. 1210.508C(B) and (C), as well as a copy of the student's Academic Progress Plan.

(E) The student portfolio shall be signed by the certified classroom teacher responsible for the student's Reading instruction and the principal of the school, attesting that:

- (i) The portfolio is an accurate assessment of the student's reading achievement level;
- (ii) The portfolio includes only work that has been independently produced by the student in the third grade, including programs of reading instruction provided

after regular school hours, on Saturdays, and during the summer following the student's third grade year; and

(iii) The student possesses required reading skills to be promoted to fourth grade.

(5) Students with disabilities who participate in the statewide criterion-referenced test and have an IEP may qualify for a good cause exemption pursuant to 70 O.S. § 1210.508C(K)(5). To qualify for this exemption, the student must meet the following criteria:

(A) The student must have been previously retained in pre-kindergarten for academic reasons, kindergarten, first grade, second grade, or third grade; and

(B) The student's IEP must:

(i) Identify Reading as an area of education need for the student or identify some type of special education service in the area of Reading; and

(ii) Reflect that the student has received intensive remediation for more than two (2) years. Intensive remediation may include any type of program offering intensive reading instruction that is identified as appropriate by the IEP team.

(6) Students who demonstrate a reading deficiency and have been previously retained may qualify for a good cause exemption pursuant to 70 O.S. § 1210.508C(K)(6). To qualify for this exemption, the student must meet the following criteria:

(A) The student must have been previously retained in pre-kindergarten for academic reasons, kindergarten, first grade, second grade, or third grade for a total of two (2) years; and

(B) The student must have received intensive reading instruction for two (2) or more years.

(7) Students who have been granted an exemption for medical emergencies by the State Department of Education may qualify for a good cause exemption pursuant to 70 O.S. § 1210.508C(K)(7). To qualify for this exemption, the student must have been granted a medical emergency exemption pursuant to 70 O.S. § 1210.508-2 and 210:10-13-23, applicable to the testing window during which the reading comprehension and vocabulary portions of the third grade criterion reference test were administered to the student's class.

(c) Each student completion of a transitional grade between kindergarten and third grade shall be considered a previous retention for purposes of 70 O.S. § 1210.508C(K). A transitional grade consists of subject area curriculum selected from two consecutive grade levels to provide differentiated instruction needed for a student to master appropriate skills required for promotion.

(d) Documentation shall be maintained in the student record of any student promoted on the basis of a good cause exemption listed in 70 O.S. § 1210.508C(K). Documentation shall include

the student's criterion-referenced test score and any documentation relied upon to grant a good cause exemption or exemption pursuant to (b) of this Section.

(e) Any student promoted on the basis of a good cause exemption listed in 70 O.S. 1210.508C(K) should continue to receive intensive reading instruction and intensive instructional services and supports through the continued implementation of an Academic Progress Plan (APP) to remedy the reading deficiency.

(f) Each student's APP required under this section shall be documented on a form approved by the Office of Instruction of the State Department of Education, and shall include, but not be limited to, the following information:

- (1) Identification of assessments used for diagnostic purposes and periodic progress monitoring;
- (2) The results of the assessment(s) used to identify the reading deficiency;
- (3) A list of the developmental reading skill areas targeted for improvement (i.e., phonemic awareness, phonics, reading fluency, vocabulary, or comprehension);
- (4) A description of the supplemental and/or remedial services and supports provided to the student in accordance with the provisions of 70 O.S. § 1210.508C(N)(2);
- (5) A description of parental involvement strategies; and
- (6) Identification of any collaborative services provided to the child in order to facilitate the APP (i.e., Title I, IDEA, ELL/Title III).

[Source: Added at 29 Ok Reg 976, eff 6-26-12; Amended at 30 Ok Reg 1607, eff 7-11-13; Amended at 31 Ok Reg 1196, eff 9-12-14; Amended at 33 Ok Reg 699, eff 8-25-16]



**Oklahoma Administrative Code
Title 210. State Department of Education.
Chapter 15. Curriculum and Instruction.
Subchapter 27. Reading Sufficiency Act.**

210:15-27-3. Standards for mid-year promotion of retained third graders.

(a) District school boards of education shall adopt and implement a policy for the mid-year promotion of any student retained in third grade due to a reading deficiency as required by 70 O.S. § 1210.508C. Such mid-year promotions of retained third grade students must occur during the first semester of the academic year, and must occur prior to November 1 of that academic year.

(b) To be eligible for mid-year promotion, a student must demonstrate by reasonable expectation that he or she:

(1) Is a successful and independent reader as demonstrated by reading at or above grade level;

(2) Has progressed sufficiently to master appropriate fourth grade reading skills; and

(3) Has met any additional requirements, such as satisfactory achievement in other curriculum areas, as determined by the policies of the district school board.

(c) Standards that provide a reasonable expectation that the student has met the requirements of (b) of this Section include demonstrating a level of proficiency required to score above the Unsatisfactory level on the Grade 3 criterion referenced test(s) and mastery of reading skills, consistent with the month of promotion to fourth grade, as presented in the scope and sequence of the school district's core reading program. Evidence of demonstrated mastery shall be shown by the following:

(1) Successful completion of portfolio elements that meet state criteria in (d) of this Section; or

(2) Satisfactory performance on a subsequent alternative standardized assessment as specified in (e) of this Section.

(d) To promote a student mid-year using a student portfolio as provided for in (c)(1) of this Section, there must be evidence of the student demonstrating a level of proficiency required to score above the Unsatisfactory level on the Oklahoma state standards as assessed by the reading comprehension and vocabulary portions of the Grade 3 criterion-referenced test(s), and mastery of the Oklahoma state standards as assessed by the reading comprehension and vocabulary portions of the Grade 4 criterion-referenced test(s), as specified in (b) of this Section. The student portfolio must meet the following requirements:

(1) Consist only of work selected by the certified classroom teacher responsible for the student's Reading instruction;

(2) Be an accurate representation of the student's reading achievement level, and only include work that has been independently produced by the student in the classroom of the certified classroom teacher responsible for the student's Reading instruction;

(3) Include evidence demonstrating a level of proficiency required to score above the Unsatisfactory level on the standards assessed by the reading comprehension and vocabulary portions of the Grade 3 criterion-referenced test(s) by meeting all requirements set forth in 210:15-27-2(b)(4);

(4) Include evidence of beginning mastery of fourth grade state standards that are assessed by the Grade 4 reading comprehension and vocabulary portions of the criterion-referenced test(s). Clear evidence must include multiple choice items and passages that are 50% literary text and 50% expository text that are between 200-600 words, with an average of 350 words. Such evidence could consist of:

(A) Chapter or unit tests from the district's adopted core reading curriculum that are aligned with the Oklahoma State Standards; or

(B) Teacher-prepared assessments;

(5) Each standard and objective assessed by the Grade 4 reading comprehension and vocabulary portions of the criterion-referenced test(s) must include a minimum of three (3) work samples of mastery whereby the student attained a grade of 70% or above. Demonstrating mastery of each objective for each standard is required; and

(6) Be signed by the certified classroom teacher responsible for the student's reading instruction and the principal of the school, both attesting that the portfolio is an accurate assessment of the student's ability and that the student possesses the required reading skills to be promoted to fourth grade.

(e) To promote a student mid-year using an alternative standardized assessment as provided for in (c)(2) of this Section, there must be evidence that the student scored at or above grade level on the reading portion of an alternative standardized reading assessment listed in OAC 210:15-27-2(b)(3)(A), as demonstrated by standard scores or percentiles consistent with the month of promotion to the fourth grade. Alternative assessments administered for the purpose of determining a student's eligibility for mid-year promotion must also comply with the requirements of 210:15-27-2(b)(3)(B)-(C) and the school district's policy for mid-year

promotion, provided that alternative assessments administered for this purpose may be administered until November 1 of the school year.

(f) The Academic Progress Plan (APP) for any retained third grade student who has been promoted mid-year to fourth grade must continue to be implemented for the entire academic year.

(g) A mid-year promotion shall only occur upon agreement of the parent or legal guardian of the student, and the principal of the school. Such decision should be made in consultation with the student's third and fourth grade teachers.

[Source: Added at 29 Ok Reg 976, eff 6-26-12; Amended at 31 Ok Reg 1196, eff 9-12-14; Amended at 33 Ok Reg 699, eff 8-25-16]



**Oklahoma Administrative Code
Title 210. State Department of Education.
Chapter 15. Curriculum and Instruction.
Subchapter 27. Reading Sufficiency Act.**

210:15-27-4. Program of reading instruction.

(a) Eligible students. Each student enrolled in kindergarten, first, second, and third grade in the public schools of Oklahoma shall be assessed at the beginning and end of each school year using a screening instrument approved by the State Board of Education. Any student found not to be reading at grade level shall be provided a program of reading instruction designed to enable the student to acquire the appropriate grade level reading skills. Diagnostic assessment shall be provided if determined appropriate, and progress monitoring shall continue throughout the year.

(b) Student Reading Proficiency Team. For students found not to be reading at the corresponding grade level upon completion of an approved screening instrument, a Student Reading Proficiency Team shall be created. The following guidelines apply to Student Reading Proficiency Teams:

(1) For a student not reading at the corresponding grade level in first grade or second grade as identified by an approved screening instrument, the Student Reading Proficiency Team shall develop an individualized program of reading instruction. The team shall be composed of:

(A) The student's parent(s) or guardian(s);

(B) The teacher assigned responsibility for the student's reading instruction in that academic year;

(C) A teacher assigned responsibility for reading instruction in the student's next grade level; and

(D) A certified reading specialist, if available.

(2) For a third grade student who is not eligible for automatic promotion and who scores at the unsatisfactory or limited knowledge levels on the reading portion of the third-grade statewide criterion-referenced test, a Probationary Promotion Reading Proficiency Team may evaluate the student for probationary promotion. Upon the unanimous recommendation of the Probationary Promotion Reading Proficiency Team and approval

of the school principal and district superintendent, a student recommended for probationary promotion shall be promoted to fourth grade. The Probationary Promotion Reading Proficiency Team shall be composed of:

- (A) The student's parent(s) or guardian(s);
- (B) The teacher assigned responsibility for the student's reading instruction in that academic year;
- (C) A teacher assigned responsibility for reading instruction in the student's next grade level; and
- (D) A certified reading specialist.

(c) Program requirements. Each program of reading instruction shall include provisions of the READ Initiative adopted by the school district as provided for in 70 O.S. § 1210.508C. For purposes of the Reading Sufficiency Act, a "program of reading instruction" shall be based upon a three-tiered Response to Intervention ("RtI") model, and shall include:

- (1) For students identified for Tier I intervention, a minimum of ninety (90) minutes of uninterrupted daily scientific-research-based reading instruction;
- (2) For students identified for Tier II intervention, at least an amount of uninterrupted scientific-research-based reading instructional time that is:
 - (A) Based on specific student needs;
 - (B) Reflects the needed intensity and/or frequency as identified on a screening tool, diagnostic assessment, and/or progress monitoring instrument; and
 - (C) Is determined by the classroom teacher, reading specialist (if available), and building principal.
- (3) For students identified for Tier III intervention, at least forty-five (45) to sixty (60) minutes of additional uninterrupted daily scientific-research-based reading instruction in addition to the ninety (90) minutes of uninterrupted daily reading instruction provided under Tier I.

(d) District review of program. Each district shall conduct a review of the program of reading instruction for all students who score below the proficient level on the reading comprehension and vocabulary portions of the third grade statewide criterion-referenced tests and do not qualify for a good-cause exemption under 70 O.S. § 1210.508C(K). For each student retained under the provisions of the Reading Sufficiency Act, the school district shall require a student portfolio to be completed. The district review of each retained student's program of reading instruction shall address additional supports and services needed to remediate the identified areas of reading deficiency, which may include but not limited to:

- (1) Small group instruction;
- (2) Reduced teacher-student ratios;

- (3) More frequent progress monitoring;
- (4) Tutoring or mentoring;
- (5) Transition classes containing third and fourth grade students;
- (6) Extended school day, week, or year; and
- (7) Summer reading academies as provided for in 70 O.S. § 1210.508E, if available.

(e) Transition to ACE remediation for students approved for probationary promotion. For a student who is approved for probationary promotion, the Probationary Promotion Reading Proficiency Team shall continue to review the student's reading performance and repeat the evaluation and recommendation process described in 1210.508C(H)(4) each academic year until the student demonstrates grade-level proficiency on an approved screening instrument or transitions to remediation provided under the Achieving Classroom Excellence Act (ACE).

[Source: Added at 33 Ok Reg 699, eff 8-25-16]



School Meals

Translated Applications

This page features foreign language translations of the Prototype Application for Free and Reduced Price School Meals. They are provided by USDA as a template to assist State and local agencies in serving households where English is not spoken as a primary language. Households may also download these resources directly to be filled out and submitted to their local school district.

In addition to the application form, each translated packet also includes application instructions, a parent letter/FAQ. We also provide a packet of communications documents to be used by State and local agencies for information sharing requests, income verification, and benefit issuance notices to households. State and local agencies responsible for administering the school meal programs may use these materials in their current form, or may adapt them as needed.

Additionally, an "I Speak" resource document is available to help identify the primary language of non-English speakers. It uses a short phrase in each of the 49 languages that an applicant can check to indicate the language they speak. "I Speak" can help Local Educational Agencies select the appropriate translation as well as ensure consistent and effective interaction with applicants who have limited English proficiency.

Albanian	Farsi	Italian	Nepali	Spanish
Amharic	French	Iv Mien	Polish	Tagalog
Arabic	French Creole	Jamaican Creole	Portuguese	Thai
Armenian	Greek	Japanese	Punjabi	Tigrinya
Bengali	Gujarati	Karen	Romanian	Ukrainian
Bosnian	Haitian Creole	Khmer	Russian	Urdu
Burmese	Hindi	Korean	Samoan	Vietnamese
Chinese (Simplified)	Hmong	Kru	Serbian	Yiddish
Chinese (Traditional)	Igbo	Kurdish	Somali	Yoruba
Croatian	Ilokano	Laotian	Sudanese	

Last Published: 08/10/2017

2017-2018 Prototype Household Application for Free and Reduced Price School Meals

Complete one application per household. Please use a pen (not a pencil).

STEP 1 List ALL Household Members who are infants, children, and students up to and including grade 12 (if more spaces are required for additional names, attach another sheet of paper)

Definition of Household Member: "Anyone who is living with you and shares income and expenses, even if not related." Children in Foster care and children who meet the definition of Homeless, Migrant or Runaway are eligible for free meals. Read How to Apply for Free and Reduced Price School Meals for more information.	Child's First Name	MI	Child's Last Name	Grade	Student?		Foster Child	Homeless, Migrant, Runaway
					Yes	No		
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

STEP 2 Do any Household Members (including you) currently participate in one or more of the following assistance programs: SNAP, TANF, or FDIPIR?

Case Number: _____

Write only one case number in this space.

STEP 3 Report Income for ALL Household Members (Skip this step if you answered 'Yes' to STEP 2)

A. Child Income
Sometimes children in the household earn or receive income. Please include the TOTAL income received by all Household Members listed in STEP 1 here.

B. All Adult Household Members (including yourself)
List all Household Members not listed in STEP 1 (including yourself) even if they do not receive income. For each Household Member listed, if they do receive income, report total gross income (before taxes) for each source in whole dollars (no cents) only. If they do not receive income from any source, write '0'. If you enter '0' or leave any fields blank, you are certifying (promising) that there is no income to report.

Name of Adult Household Members (First and Last)	Earnings from Work			Public Assistance/ Child Support/Alimony			Pensions/Retirement/ All Other Income			How often?		
	Weekly	Bi-Weekly	Monthly	Weekly	Bi-Weekly	Monthly	Weekly	Bi-Weekly	Monthly	Weekly	Bi-Weekly	Monthly

Total Household Members (Children and Adults) Last Four Digits of Social Security Number (SSN) of Primary Wage Earner or Other Adult Household Member Check if no SSN

STEP 4 Contact information and adult signature. Mail Completed Form To: INSERT YOUR SCHOOL/DISTRICT MAILING ADDRESS HERE

I certify (promise) that all information on this application is true and that all income is reported. I understand that this information is given in connection with the receipt of Federal funds, and that school officials may verify (check) the information. I am aware that if I purposely give false information, my children may lose meal benefits, and I may be prosecuted under applicable State and Federal laws.*

Street Address (if available) _____ Apt # _____ City _____ State _____ Zip _____ Daytime Phone and Email (optional) _____

Printed name of adult signing the form _____ Signature of adult _____ Today's date _____

INSTRUCTIONS Sources of Income

Sources of Income for Children	
Sources of Child Income	Example(s)
- Earnings from work	- A child has a regular full or part-time job where they earn a salary or wages
- Social Security	- A child is blind or disabled and receives Social Security benefits
- Disability Payments	- A Parent is disabled, retired, or deceased, and their child receives Social Security benefits
- Survivor's Benefits	- A friend or extended family member regularly gives a child spending money
- Income from person outside the household	- A child receives regular income from a private pension fund, annuity, or trust
- Income from any other source	

Sources of Income for Adults		
Earnings from Work	Public Assistance / Alimony / Child Support	Pensions / Retirement / All Other Income
- Salary, wages, cash bonuses - Net income from self-employment (farm or business) If you are in the U.S. Military: - Basic pay and cash bonuses (do NOT include combat pay, FSSA or privatized housing allowances) - Allowances for off-base housing, food and clothing	- Unemployment benefits - Worker's compensation - Supplemental Security Income (SSI) - Cash assistance from State or local government - Alimony payments - Child support payments - Veteran's benefits - Strike benefits	- Social Security (including railroad retirement and black lung benefits) - Private pensions or disability benefits - Regular income from trusts or estates - Annuities - Investment income - Earned interest - Rental income - Regular cash payments from outside household

OPTIONAL Children's Racial and Ethnic Identities

We are required to ask for information about your children's race and ethnicity. This information is important and helps to make sure we are fully serving our community. Responding to this section is optional and does not affect your children's eligibility for free or reduced price meals.

Ethnicity (check one): Hispanic or Latino Not Hispanic or Latino Black or African American Native Hawaiian or Other Pacific Islander White

Race (check one or more): American Indian or Alaskan Native Asian

The Richard B. Russell National School Lunch Act requires the information on this application. You do not have to give the information, but if you do not, we cannot approve your child for free or reduced price meals. You must include the last four digits of the social security number of the adult household member who signs the application. The last four digits of the social security number is not required when you apply on behalf of a foster child or you list a Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF) Program or Food Distribution Program on Indian Reservations (FDPIR) case number or other FDPIR identifier for your child or when you indicate that the adult household member signing the application does not have a social security number. We will use your information to determine if your child is eligible for free or reduced price meals, and for administration and enforcement of the lunch and breakfast programs. We MAY share your eligibility information with education, health, and nutrition programs to help them evaluate, fund, or determine benefits for their programs, auditors for program reviews, and law enforcement officials to help them look into violations of program rules.

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at http://www.asc.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9892. Submit your completed form or letter to USDA by:

mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410

fax: (202) 690-7442, or
email: program.intake@usda.gov

This institution is an equal opportunity provider.

Do not fill out For School Use Only

Annual Income Conversion: Weekly x 52, Every 2 Weeks x 26, Twice a Month x 24 Monthly x 12

Total Income How often? Weekly Bi-Weekly 2x-Month Monthly Household Size

Eligibility: Free Reduced Denied

Determining Official's Signature Date Confirming Official's Signature Date Categorical Eligibility Date Verifying Official's Signature Date

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Language Rights Issues

Lau v. Nichols, 414 U.S. 563 (1974)

The U.S. Supreme Court held (1) that discrimination on the basis of language proficiency is discrimination on the basis of national origin under Title VI of the Civil Rights Act of 1964 and (2) that treating people with different needs in the same way is not equal treatment.

Title VI of the Civil Rights Act of 1964 states, "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

In Lau, the U.S. Supreme Court stated, in part, "Basic English skills are at the very core of what these public schools teach. Imposition of a requirement that, before a child can effectively participate in the educational program, he must already have acquired these basic skills, is to make a mockery of public education. We know that those who do not understand English are certain to find their classroom experiences wholly incomprehensible and in no way meaningful."

Castaneda v. Pickard, 648 F.2d 989 (5th Cir. 1981)

The Court of Appeals articulated a three-part test for assessing a school system's treatment of limited English proficient students. The standard requires (1) a sound approach to the education of these students, (2) reasonable implementation of the approach, and (3) outcomes reflecting that the approach is working.

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The Legal Requirement for School Districts to Translate/Interpret for Parents Who Do Not Speak English

All school districts to which Title VI of the Civil Rights Act of 1964 applies are required by federal law to translate or interpret all documents and communications with parents who are not fluent in English into a language they can understand.

On May 25, 1970, the U.S. Department of Health, Education, and Welfare—the predecessor to the U.S. Department of Education—Office for Civil Rights (OCR) issued formal guidance establishing the policy that “[s]chool districts have the responsibility to adequately notify national origin-minority group parents of school activities which are called to the attention of other parents. Such notice in order to be adequate may have to be provided in a language other than English.” In the 1974 U.S. Supreme Court case, *Lau v. Nichols*, 414 U.S. 563, the Court affirmed the validity of these guidelines. Then in 2000, OCR further reinforced these requirements by issuing a document which stated that “Title VI is violated if . . . parents whose English is limited do not receive school notices and other information in a language they can understand.”

Recent OCR Cases of School Districts Failing to Meet the Requirement

OCR has resolved three recent cases where school districts failed to provide adequate translation and interpretation services to parents who speak a language other than English. In Cleveland, Ohio, a complaint was filed directly to OCR and in Tulsa, Oklahoma and Dearborn, Michigan the school districts were found to violate the law as a result of OCR compliance reviews.

Cleveland Metropolitan School District

The complaint alleged that the school district failed to provide limited English proficient (LEP) parents with information concerning activities and other school-related matters in a language that they could understand. The complaint also alleged the district failed to provide information to LEP parents regarding the proposed expulsion of their son in a language that they could understand.

The resolution reached with OCR requires the district to implement a written plan to provide language assistance to LEP parents. The plan requires notifying parents, in a language they can understand, of the availability of language assistance; identifying which parents need language assistance; ensuring that a list is maintained in each building and on the district level of the parents needing assistance; advising staff of parents’ need for assistance; ensuring that staff obtain adequate translators in a timely manner; and ensuring

that vital documents are translated into each language spoken by parents likely to be affected by the district's programs and activities.

Tulsa Public Schools

The information obtained during OCR's investigation indicated that the school district did not have written policies or procedures for responding to parent requests for documents in languages other than English or for a foreign language interpreter. The district failed to consistently track or keep records relating to which parents in the district are LEP, the requests for translation or interpretation services, and the services provided to LEP parents. The investigation also found that the district did not have a set process in place for notifying LEP parents that it has interpreters and translators available for school-related communications. The district failed to ensure that the interpreters and translators it did have were adequately trained. OCR also noted that the district failed to provide translation and interpretation services for parents who speak languages other than Spanish.

The resolution reached with the district requires it to submit a detailed plan for providing meaningful access to information about its programs and activities for LEP parents. The district must provide language assistance services to all LEP parents and guardians of district students needing such assistance. Also, the district must provide training for administrators and staff regarding the provision of language assistance services as well as ensure that all its interpreters and translators are appropriately trained and proficient in the language for which they provide assistance.

Dearborn Public Schools

The OCR investigation found that the school district did not have an effective process for determining which students have LEP parents and for identifying the language needs of those parents. In addition, the district did not notify any of the LEP parents of the availability of translation and interpretation services, which were not available to all LEP parents, nor did it ensure that the interpreters and translators it was using were competent. While an interpreter for Arabic-speaking LEP parents was typically available, there was no system in place to facilitate communication with a parent who spoke neither English nor Arabic. Also, the district did not have a system in place for notifying district teachers and staff about the needs of LEP parents, and did not provide appropriate guidance to staff about communicating with LEP parents in a language other than English.

The resolution reached with the district requires it to implement a written plan to provide language assistance services to LEP parents that ensures that they have meaningful access to the district's programs and activities. The plan must include the use of various services, such as onsite translators/interpreters, telephonic translators/interpreters, and effective translation programs. Also, the district must revise its home language survey to ensure that it accurately identifies LEP parents in the district needing language assistance.

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Special Education and English Learners

Providing a Special Education Program for English Learner (EL) students may present certain challenges to educators, but the mandates and protections concerning provision of these educational services, found in federal law, are clear.

There are two key fundamental principles which must be observed by a school district in this area.

Both Title VI / EEOA and IDEA Apply

An English Learner student who needs, or could potentially need, Special Education services must be accorded the right to receive both a language acquisition program (such as English as a Second Language or similar services) and Special Education services, not one or the other. Both must be made available to the student.

In joint guidance issued in the form of a Dear Colleague letter, the U. S. Department of Education, Office for Civil Rights, and the U.S. Department of Justice stated:

The Departments are aware that some school districts have a formal or informal policy of 'no dual services,' i.e., a policy of allowing students to receive either EL services or special education services, but not both. Other districts have a policy of delaying disability evaluations of EL students for special education and related services for a specified period of time based on their EL status. These policies are impermissible under the IDEA [Individuals with Disabilities Education Act] and Federal civil rights laws, and the Departments expect SEAs to address these policies in monitoring districts' compliance with Federal law.¹

Language of SPED Testing and Evaluation

When evaluating an English Learner for possible Special Education services, it is important to conduct that evaluation in a manner and language that is comprehensible to the student. If the evaluation is conducted in English and the student does not easily understand English, the evaluation results are likely to be unreliable and lead to a misidentification of the student for Special Education services.

Regarding this issue, the Education and Justice Departments stated in the joint guidance:

When conducting [Special Education] evaluations, school districts must consider the English language proficiency of EL students in determining the appropriate assessments and other

¹ U.S. Department of Education, Office of Civil Rights/U.S. Department of Justice, Civil Rights Division, *School's Civil Rights Obligations to English Learner Students and Limited English Proficient Parents*, 25 (Jan 7, 2015), <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf>

evaluation materials to be used. School districts must not identify or determine that EL students are students with disabilities because of their limited English language proficiency.²

* * *

Recent DOJ Enforcement Agreement

The Department of Justice (DOJ) has entered into a number of consent agreements with school districts under the Equal Educational Opportunities Act of 1974 (EEOA)³ regarding these issues. The most instructive is an agreement entered into in 2014 with the Crestwood School District in Michigan. A 2011 complaint filed with DOJ included a wide range of allegations that, among other things, the Crestwood School District was not providing sufficient language acquisition services or sufficient translation and interpretation services to special education students. The ensuing investigation led to a consent agreement, the elements of which demonstrate what the Government has determined must be provided in situations relating to Special Education and English Learner students:

Crestwood School District Consent Agreement⁴

- Pursuant to the consent agreement, all special education assessments must be conducted in the student's native language or "in the form most likely to yield accurate information" pertaining to an assessment of the student's potential disabilities. Furthermore, the interpretation of these assessments must include consultation with an ESL instructor to ensure that the student's language barrier does not result in a misdiagnosis of special education needs.
- The parents of students with both English language acquisition and special education needs must be informed in writing, in a language they can understand, that their child is entitled to both language acquisition and special education services.
- All "Individualized Education Program (IEP) Teams" that assess the educational needs of special education students and propose appropriate courses of action must include an ESL instructor whenever a plan for a student who is entitled to both special education and language acquisition services is being considered. These teams must document, on at least an annual basis: (1) the student's progress in acquiring English language skills; (2) the extent to which the student's disability is affecting such progress; (3) any decisions regarding the impact of the student's disability on the language acquisition delivery plan, and the rationale for those decisions; and (4) the language acquisition program models and the instructors assigned to the student.

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www.facebook.com/MigrantLegalActionProgram

² Id., at 24

³ The EEOA "requires states and school districts to provide English Language Learner (ELL) students with appropriate services to overcome language barriers...." U.S. Department of Justice, Civil Rights Division, <https://www.justice.gov/crt/educational-opportunities-section>

⁴ U.S. Department of Justice, Civil Rights Division, *Settlement Agreement Between The United States of America and The Crestwood School District*, (October 13, 2014), <https://www.justice.gov/sites/default/files/crt/legacy/2014/08/27/crestwoodagree.pdf>

ACCESS TO POST-SECONDARY EDUCATION FOR IMMIGRANT STUDENTS

There is often confusion between the issue of (1) gaining admission or access to post-secondary education and (2) paying for that education.

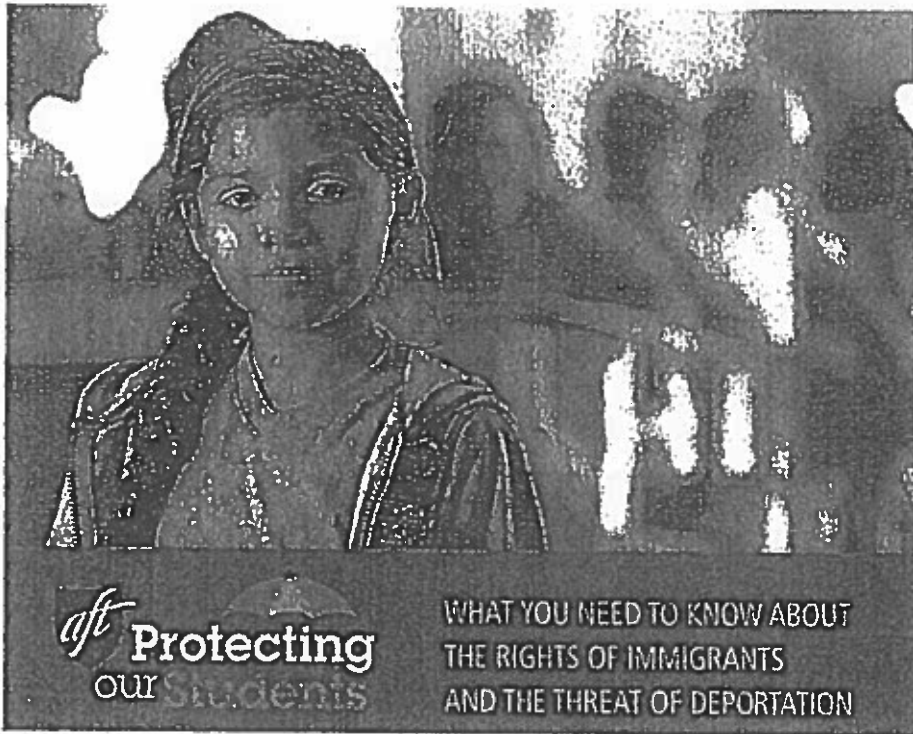
Access: Of all the states and the District of Columbia, only three states currently restrict access to publicly funded colleges by undocumented students: South Carolina, Alabama, and Georgia. (Georgia denies admission to undocumented students to any schools that do not admit all academically qualified students.) All other states allow undocumented students to be admitted to public two year and four year colleges with the same admissions criteria that other students must have to matriculate. Private institutions can do what the institution chooses to do.

In-state/Out-of-state tuition:

The following states allow in-state tuition for undocumented students who graduate from high schools in the state:

California	Minnesota
Colorado	Nebraska
Connecticut	New Jersey
District of Columbia	New Mexico
Florida	New York
Hawaii (University of Hawaii campuses)	Oklahoma
Illinois	Oregon
Kansas	Rhode Island
Kentucky	Texas
Maryland	Utah
Michigan (University of Michigan campuses)	Washington

Access to federal assistance: Undocumented students, including those who have been granted DACA protection, do not have a right to federal loans or grants.



aft Protecting
our students

WHAT YOU NEED TO KNOW ABOUT
THE RIGHTS OF IMMIGRANTS
AND THE THREAT OF DEPORTATION

i All children have a right to a public education

Under federal law, all children, regardless of their citizenship or residency status, are entitled to a K-12 education, including college counseling services. School districts that either prohibit or discourage children from enrolling in schools because they or their parents are undocumented immigrants may be in violation of federal law.

i What the law says about deportation and schools

ICE officers and agents are to refrain from enforcement actions at least at the following locations and events:

- schools (including preschools, primary schools, secondary schools, colleges and universities, and other institutions of learning, such as vocational and trade schools);
- hospitals;
- churches, synagogues, mosques and other institutions of worship, such as buildings rented for the purpose of religious services;
- during funerals, weddings and other public religious ceremonies; and
- during public demonstrations, such as a march, rally or parade.

i What the law says about sharing student information with immigration authorities

Under the Family Educational Rights and Privacy Act (FERPA), schools are prohibited, without parental consent, from providing information from a student's file to federal immigration agents if the information would potentially expose a student's immigration status. For more on FERPA, see familypolicy.ed.gov/ferpa-parents-students.

i Schools must be safe havens, welcoming places of learning, and free from racism, discrimination, and the threat of deportation.

School districts are responsible for ensuring the safety and well-being of all their students. Educators and school support staff can work with community allies to reaffirm that their school and campus is a safe zone.

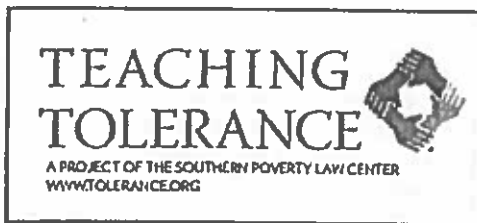
Do's and Don'ts for students and their families if ICE authorities come to their homes

- **Do not open the door.** ICE authorities cannot come in without a signed warrant. Tell them to pass the warrant under the door before you open it.
- **Remain silent.** ICE can use anything you say against you in your immigration case, so claim your right to remain silent! Say "I plead the Fifth and choose to remain silent."
- **Do not sign.** Don't sign anything ICE gives you without talking to an attorney.
- **Report the raid immediately to the United We Dream hotline: 844-363-1423**
Take pictures, video and notes: Write down badge numbers, the number of agents, and exactly what happened!
- **Fight back!** Get a trustworthy attorney, contact a local immigrant rights organization and explore all options to fight your case. If detained, you may be able to get bail—don't give up hope!

For more resources and information, contact:

- **American Federation of Teachers**
www.aft.org/immigration
- **Share My Lesson**
www.sharemylesson.com/immigration
- **Colorin Colorado**
www.colorincolorado.org/immigration
- **National Immigration Law Center**
www.nilc.org
- **United We Dream**
www.unitedwedream.org
- **First Focus**
www.firstfocus.org

American Federation of Teachers, AFL-CIO
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Ten Myths About Immigration

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By: Teaching Tolerance Staff

Editor's note: While originally published in 2011, this story was updated in 2017 to reflect current statistics, policies and conditions in the United States. Click [here](#) for a detailed list of sources.

Myths about immigration and immigrants are common. Here are a few of the most frequently heard misconceptions—along with information to help you and your students separate fact from fear.

When students make statements that are unfounded, one response is to simply ask, "How do you know that's true?" Whatever the answer—even if it's "That's what my parents say"—probe a little further. Ask, "Where do you think they got that information?" or "That sounds like it might be an opinion, not a fact." Guide students to find a reliable source for accurate information and help them figure out how to check the facts.

1. Most immigrants are here illegally.

With so much controversy around the issue of immigrants who are undocumented, it's easy to overlook the fact that most of the foreign-born people living in the United States followed the rules and have permission to be here. Of the more than 43 million foreign-born people who were living in the United States in 2014, around 44 percent were naturalized U.S. citizens. Those who were not naturalized were either lawful permanent residents, also known as green-card holders (27 percent of all foreign-born people), or immigrants who were unauthorized (some 11 million people, representing 25.5 percent of all foreign-born people). Although it is not known exactly what percentage of that 11 million originally entered legally with valid visas and let their visas expire (experts estimate it to be approximately 40 percent), it is known that—by far—the nation with the most visitors who do not leave at the end of their authorized stays is Canada.

2. It's easy to enter the country legally. My ancestors did; why can't immigrants today?

If you hear students making this statement, ask them when their ancestors immigrated and if they know what the entry requirements were at the time. For about the first 100 years, the United States had an "open immigration system" that allowed any able-bodied immigrant in," according to immigration historian David Reimers. Back then, the biggest obstacle that would-be immigrants faced was getting here. Some even sold themselves into indentured servitude to do so. Today, however, many rules specify who may enter and remain in the country legally. There is also a rigorous process for obtaining documentation to enter the United States as a resident, including applying for immigrant visas and permanent resident/green-card status. Many students' immigrant ancestors who arrived between 1790 and 1924 would not have been allowed in under the current policy. Generally, permission to enter and stay in the country as a documented immigrant is limited to people who are highly trained in a skill that is in short supply here and have been offered a job by a U.S. employer, are escaping political persecution, are joining close family already here or are winners of the green-card lottery.

3. Today's immigrants don't want to learn English.

While most first-generation immigrants may speak their first language at home, 35 percent of those age 5 or older speak English "very well" and 21 percent speak it "well," according to the U.S. Census Bureau. Nearly 730,000 people became naturalized citizens during the 2015 fiscal year. They had to overcome such obstacles as traveling to the United States, finding a job, tackling language barriers, paying naturalization and lawyers' fees and dealing with an ever-changing immigration bureaucracy. Immigrants must speak, read, write and understand the English language, not only for the naturalization application process, but also so they can pass a 100-question citizens test that has both oral and written components.

It's also worth discussing with students that the current demand for English instruction is greater than the services available in many parts of the country. Also explore with them false assumptions about "today's" immigrants versus those who arrived in prior generations. For example, ask students to find out how long it took their ancestors to stop using their first language. "Earlier immigrant groups held on to their cultures fiercely," notes Reimers. "When the United States entered the First World War [in 1917], there were over 700 German-language newspapers. Yet German immigration had peaked in the 1870s."

4. Immigrants take good jobs from U.S. citizens.

Ask students what kinds of jobs they think immigrants are taking. According to the American Immigration Council, a nonpartisan group, research indicates there is little connection between immigrant labor and unemployment rates of native-born workers. Two trends—better education and an aging population—have resulted in a decrease in the number of workers born in the United States who are willing or available to take low-paying jobs. Across all industries and occupations, though, immigrants who are naturalized citizens and non-citizens are outnumbered by workers born in the United States (see Table 1.7).

Another version of this myth is that it is undocumented immigrants who are taking jobs. However, the U.S. civilian workforce included 8 million unauthorized immigrants in 2014, which accounts for only 5 percent of the entire workforce. Compared with their small share of the civilian workforce overall, immigrants without authorization are only overrepresented in service, farming and construction occupations (see Table 1). This may be due to the fact that, to fill the void of low-skilled U.S. workers, employers often hire undocumented immigrant workers. One of the consequences of this practice is that it is easier for unscrupulous employers to exploit this labor source, paying immigrants less, refusing to provide benefits and ignoring worker-safety laws. On an economic level, U.S. citizens benefit from relatively low prices on food and other goods produced by undocumented immigrant labor.

5. "The worst" people from other countries are coming to the United States and bringing crime and violence.

Immigrants come to this country for a few primary reasons: to work, to be reunited with family members or to escape a dangerous situation. Most are couples, families with children, and workers who are integral to the U.S. economy. Statistics show that immigrants are less likely to commit serious crimes or be behind bars than native-born people are, and high rates of immigration are associated with lower rates of violent crime and property crime. For instance, "sanctuary counties" average 35.5 fewer crimes per 10,000 people compared to non-sanctuary counties. This holds true for immigrants who are documented and undocumented, regardless of their country of origin or level of education. In other words, the overwhelming majority of immigrants are not "criminals."

According to the American Immigration Council: "Between 1990 and 2013 the foreign-born share of the U.S. population grew from 7.9 percent to 13.1 percent and the number of unauthorized immigrants more than tripled. ... During the same period, FBI data indicate that the violent crime rate and property crime rate declined 48 percent ... [and] 41 percent [respectively]." The truth is, foreign-born people in the United States—whether they are naturalized citizens, permanent residents or immigrants who are undocumented—are incarcerated at a much lower rate than native-born Americans.

6. Undocumented immigrants don't pay taxes and burden the national economy.

Ask students to name some ways U.S. residents pay taxes. They might come up with income tax or sales tax. Immigrants who are undocumented pay taxes every time they buy taxable goods such as gas, clothes or new appliances (depending on where they reside). They also contribute to property taxes—a main source of school funding—when they buy or rent a house or apartment. A 2017 report from the Institute on Taxation and Economic Policy highlights that undocumented immigrants pay an estimated \$11.74 billion in state and local taxes a year. The U.S. Social Security Administration estimated that in 2010 undocumented immigrants—and their employers—paid \$13 billion in payroll taxes alone for benefits they will never get. They can receive schooling and emergency medical care but not welfare or food stamps. Under the 1996 welfare law, most government programs require proof of documentation, and even immigrants with documents cannot receive these benefits until they have been in the United States for more than five years.

7. The United States is being overrun by immigrants like never before.

From 1890 to 1910, the foreign-born population of the United States fluctuated between 13.6 and nearly 15 percent; the peak year for admission of new immigrants was 1907, when approximately 1.3 million people entered the country legally. In 2010, about 13 percent of the population was foreign-born (see Table 1). Since the start of the recession in 2008, the number of immigrants without documentation coming into the country has fallen each year and, in more recent years, the number has stabilized. Many people claim that immigrants have "anchor babies"—an offensive term for giving birth to children in the United States so that the whole family can stay in the country (and a narrative that contributes to the myth that the immigrant population is exploding).

According to the 14th Amendment of the U.S. Constitution, a child born on U.S. soil is automatically a U.S. citizen. However, immigration judges will not keep immigrant parents in the United States just because their children are U.S. citizens. In 2013, the federal government deported 72,410 foreign-born parents whose children had been born in the United States. U.S. citizens must be at least 21 before they can petition for a foreign-born parent to receive legal-resident status. Even then, the process is long and difficult. In reality, there is no such thing as an "anchor baby." The vast majority of the 4 million immigrant adults without documentation who live with their children who were born in the United States have no protection from deportation.

8. We can stop undocumented immigrants coming to the United States by building a wall along the border with Mexico.

Ask students, "How do you think immigrants come to the United States?" Immigrants who enter the United States across the United States-Mexico border without authorization could be from any number of geographical areas. The majority of unauthorized immigrants in the United States are from Mexico, but their estimated number—5.8 million in 2014—has declined by approximately 500,000 people since 2009. In 2014, 5.8 million Mexican immigrants were living in the United States without authorization, down from 6.9 million in 2007. Additionally, the number of immigrants from nations other than Mexico who are living in the United States without authorization grew to an estimated 5.3 million in 2014. Populations of immigrants who are undocumented increased from Asia, Central America and sub-Saharan Africa. So, a wall along the border with Mexico would not "stop" undocumented immigrants from coming to the United States. Building a wall or fence along the entire Mexico border is unlikely to prevent unauthorized entry. Details aside, history has shown that people have always found ways to cross walls and borders by air and sea as well as over land.

9. Banning immigrants and refugees from majority-Muslim countries will protect the United States from terrorists.

A recent executive order, issued by President Donald Trump in March 2017, blocked the entry of citizens from six Muslim-majority countries for 90 days, ostensibly to protect Americans from terrorism. The title of this executive order, "Protecting the Nation From Foreign Terrorist Entry Into the United States," seems to equate the people most affected by the ban—Muslims—with the term *foreign terrorists*, implying that barring Muslims from entry would protect the United States from harm. However, between 1975 and 2015, no fatalities have been committed in the United States by foreign-born extremists from the countries covered by the executive order. According to Alex Nowrasteh, an immigration expert at the Cato Institute, "[Between 1975 and 2015], the annual chance of being murdered by somebody other than a foreign-born terrorist was 252.9 times greater than the chance of dying in a terrorist attack committed by a foreign-born terrorist."

10. Refugees are not screened before entering the United States.

Ask students what the screening process is for refugees. Refugees undergo more rigorous screenings than any other individuals the government allows in the United States. It remains an extremely lengthy and rigorous process, which includes multiple background checks; fingerprint tests; interviews; health screenings; and applications with multiple intelligence, law enforcement and security agencies. The average length of time it takes for the United Nations and the United States government to approve refugee status is 18 to 24 months.