



# Indiana Department of Education

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Dr. Katie Jenner, Secretary of Education

To: Superintendents and Principals

From: Catherine Danyluk, State Attendance Officer

Adam Pitt, Assistant Director of English Learners and Migrant Education

Date: November 30, 2021

Subject: Immediate Enrollment of Refugee and Immigrant Students

This memo is an annual reminder regarding the enrollment of refugee and immigrant students, including those who have English learner status:

- Students must be enrolled immediately, regardless of immigration status, or not being a citizen of the country or the state.
- A child must be in school in Indiana if the child intends to remain in the state for at least 30 days (IC 20-33-2-3 (2)(B); 511 IAC 1-7-1). Enrollment must be immediate when intent to remain for 30 days is determined, without regard to legal domicile (IC 20-33-2-3).
- Children of undocumented immigrants, including Non-English speaking students must be allowed to attend public school. *Schools may not request Visa or immigration status documents (Plyler v. Doe, 457 US 202 (1982)).*
- Refugee students who lack a fixed, regular, and adequate nighttime residence at this time, should be accommodated as a homeless student.
- Placement of students is a local decision, as long as the setting has the same diploma-earning potential. If the student receives education through an Adult Education Program, alternative or online program, it must be credit-bearing and the student cannot be charged a fee.
- A student must have a birth certificate or other reliable proof of the student's date of birth (IC 20-33-2-10(a)(2)). If a birth certificate or other reliable proof of the date of birth is not provided within 30 days of enrollment, the school shall notify the Indiana State Police Clearinghouse for Information on Missing Children & Missing Endangered Adults. The student must continue to be enrolled regardless of whether this information is obtained.



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- Although students over the age of 18 are not required to attend school under the Compulsory School Attendance Law, they do have a right to attend school until they have received a high school diploma (Constitution of the State of Indiana, Article 8, Section 1). The school determines whether the student can enroll in the regular high school program or must enroll in the school's adult education program. If the school does not have an adult education program, or the adult education program does not have a diploma program, the school must either enroll the student in its high school program or make arrangements for the student to attend a nearby adult education program (with a diploma program) at no cost to the student. Students over the age of 18 are still subject to the student discipline law (I.C. 20-33-8) and legal settlement requirements (I.C. 20-26-11).

For questions, please contact, Catherine Danyluk at [cdanyluk@doe.in.gov](mailto:cdanyluk@doe.in.gov) or Adam Pitt at [apitt@doe.in.gov](mailto:apitt@doe.in.gov).