

## Guidance Related to Immigrant Indicator Code

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You cannot ask directly about immigration status, but here are three questions based on guidance from the *PEIMS Data Standards* that you are allowed to ask:

- 1) Are you aged 3–21 years?
- 2) Were you born outside of the US?
- 3) Have you attended a US school for 3 full academic years?

Note: The 3 years do not need to be consecutive.

If the answer is yes to the first two questions and no to the third question, then the immigrant flag should be turned on.

Excerpt from the *PEIMS Data Standards*:

**IMMIGRANT-INDICATOR-CODE (E0797)** indicates whether the student is an identified immigrant under the definition found under Title III of the No Child Left Behind Act of 2001 (NCLB), where the term ‘immigrant children and youth’ is defined as, “individuals who are aged 3 through 21; were not born in any state; and have not been attending one or more schools in any one or more states for more than 3 full academic years.” The term ‘State’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico. (See P.L. 107-110 Title III, Part C, § 3301(6).)

Note: The term immigrant has three definitions approved by the Texas Education Agency. Each definition serves a unique purpose. The NCLB definition serves to identify the recent immigrants for the Title III program. The Student Assessment Division’s definition assists in determining the appropriate evaluation of the LEP students in Texas. The English for Speakers of Other Languages (ESOL) I and II definition determines eligibility of the LEP students who may receive high school credit for these two courses.