



Enrolling Refugee Children in U.S. Schools


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Learning Objectives:


- Participants will be informed of some of the challenges that refugee children and families have when enrolling in U.S. schools
- Participants will learn current U.S. law regarding school enrollment in order to address these potential challenges
- Participants will be provided with some best practice recommendations on how your community can best assist

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School Enrollment: Challenges




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Omar

Omar is a 17 year old Somali refugee who has just arrived in the United States from a refugee camp in Kenya. He is currently living with his aunt's family who do not have legal guardianship. His aunt attempts to enroll him in school, however Omar appears to have minimal formal education, speaks little English, and does not have his birth certificate.




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Evelyn

Evelyn is a 13 year old girl who fled gang violence in Guatemala and after apprehension in the U.S. was released to her undocumented mother who herself has only arrived in the U.S. 6 months ago. Evelyn's mother is currently renting out a bedroom in a friend's home. Evelyn's mother attempts to enroll her into the local school, however Evelyn does not have any previous school records, and her mom does not have proof of residency.



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Challenges


- Lack of required documents:
 - Birth certificates
 - Previous school records
 - Proof of residency
- Age at time of enrollment
- Legal Guardianship
- Minimal education
- Language barriers

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School Enrollment: Policies



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Dear Colleague Letter

Plyler v. Doe (1982)

- School districts *cannot ask a student or family about their immigration status* as it is unnecessary to establish residency in a school district.
- School districts *may not bar a student from enrolling* if they lack a birth certificate
- Providing social security numbers is voluntary

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Dear Colleague Letter (cont'd)

- Providing a social security number is voluntary.
- School districts may not require certain documents – such as a parents' state issued drivers license – if such a requirement would prevent a student from enrolling because of his or her parent's immigration status.
- Homeless children do not have to provide proof of residency and school districts must immediately enroll the child even if they do not have the documents usually required.

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McKinney Vento Act


Homeless - any person who lacks a fixed, regular, and adequate nighttime residence.

Unaccompanied youth - youth who are not in the physical custody of a parent or guardian.

- Not all UAC will be considered "unaccompanied youth" by the public schools and the McKinney Vento Act
- Some may be considered "homeless"; for example, if they are in "doubled-up" housing with relative sponsors. Must be reviewed on a case-by-case basis.

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McKinney Vento Act (cont'd)

Homeless children and youth have a right to:


- Immediate enrollment, even if they don't have all of their paperwork. The student can be enrolled in school while these records are being obtained.
- Access to all of the school's programs and services on the same basis as all other students, including special education, school nutrition programs, extracurricular activities, etc.
- If a student needs immunizations or medical records, a homeless liaison should assist the student with obtaining them. The student can be enrolled in the meantime.

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School Enrollment: Best-Practice Recommendations



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School Enrollment Tips - Guardianship

Residency Requirements

- Child needs to be in the school district for a "legitimate" purpose

Educational Consent Laws


- allows a caregiver without legal custody or guardianship to complete an affidavit under penalty of perjury that they are the primary caregivers of the children

Children have legal residency

- where a child lives is his or her legal residence for purposes of attending public school

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School Enrollment Tips - Guardianship

Power of Attorney Laws

- Allows for parents to complete a form or handwritten documents allowing for the caregiver to give authority in enrollment procedures

Surrogate Parent under Individuals with Disabilities Education Act (IDEA)

- Allows an individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or who is legally responsible for the child's welfare; or a surrogate parent who has been appointed in accordance

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School Enrollment Tips - Guardianship

Children released from ORR/DCS Custody

- Verification of Release
- Sponsor Care Agreement
- Refer to nearest consular office



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School Enrollment Tips – Placement

Centralized enrollment centers

- Staff are familiar with refugee/immigrant families
- Conduct initial screenings

Newcomer programs

- “International Centers”
- Temporary learning centers for students with interrupted formal education (SIFE)
- Intensive ESOL classes



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School Enrollment Tips – Placement

Missing Transcripts and Grade Placement

- See if school is able to “rebuild” transcript
- Consult with state Department of Education

Grade placement

- Primary schools may place child in age appropriate grade
- Secondary schools may have option to test out or start in 9th grade



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School Enrollment Tips – Placement

Older Adolescents

- Can benefit from full-time schooling but may face roadblocks.
- Know your state's age limits for guaranteed schooling
- Seek out tutoring or other supports for these students to assist them to catch up to their peers




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Suggestions for School Districts

- Hold "community conversations" or other forums for schools and community partners to discuss issues
- Follow all federal language access laws to ensure that families are provided with interpreters
- Professional development / cultural proficiency
- Hire bilingual family liaisons
- Connect with homeless liaison



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Additional Resources

- U.S. Department of Education. Dear Colleague Letter: Guidance for School Districts to Ensure Equal Access for All Children to Public Schools Regardless of Immigration Status. (May 8, 2014)
<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201405.pdf>
- Information on the Rights of All Children to Enroll in School: Questions and Answers for States, School Districts and Parents
<http://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-201405.pdf>
- Fact Sheet: Information on the Rights of All Children to Enroll in School
<http://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-201405.pdf>

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Additional Resources

- U.S. Dept. of Education page on "Educational Services for Immigrant Children" <http://www2.ed.gov/policy/rights/guid/unaccompanied-children.html>
- U.S. Department of Education. Resource Guide: Supporting Undocumented Youth. A Guide for Success in Secondary and Postsecondary Settings. (October 2015). <http://www2.ed.gov/about/overview/focus/supporting-undocumented-youth.pdf>
- National Center for Homeless Education. Enrolling Children and Youth Experiencing Homelessness (Summer 2014) <http://center.serve.org/nche/downloads/briefs/enrollment> www.brycs.org

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Additional Resources

- The Newcomer Program: Helping Immigrant Students Succeed in US Schools <http://www.nceia.us/files/rcd/BE018149/PIG8.pdf>
- International Transcript: Parent's Report of Classes Taken http://www.brycs.org/documents/upload/Dekalb_Parent_Report.pdf
- The Birthdates of Refuge Children and the Impact on Grade Placement <http://www.brycs.org/documents/upload/ageandgradeFAQ-3.pdf>
- School Attendance Age Limits <http://www.ecs.org/clearinghouse/01/07/04/10704.pdf>

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Questions?

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