

# Establishing Early Education Success for English Learners and Immigrant Families



## Introduction

*“Research shows that one of the best investments we can make in a child’s life is high-quality early education.”*

– President Barack Obama

Since its founding, the United States has been a country of immigrants and a place of refuge for individuals and families seeking a better life. The rich cultural, linguistic, and ethnic diversity that stems from this history is among our Nation’s greatest strengths. Yet, children from immigrant families sometimes face barriers to educational opportunities, particularly in enrolling in high-quality early learning programs. And these hurdles may be especially steep in the case of immigrant families, including children who are U.S. citizens from mixed-status families and undocumented children. Many educators and community leaders recognize that helping all children in immigrant families successfully integrate and be prepared for college and careers would benefit our society as a whole. However, too often schools and communities lack the information and resources to meet the unique needs of these children. The U.S. Department of Education (the Department) has developed the *Resource Guide: Building a Bright Future for All* (Guide) to assist and enhance State and local efforts to support immigrant children from birth through the elementary grades. The second section of this guide is a handbook for parents of immigrant children in early learning programs and elementary schools that we hope school staff and community-based organizations will share with the families with whom they work. The Department hopes that early childhood and elementary school teachers, principals and directors, other staff, and community-based organizations will use the contents of this Guide to better support these children and their families, and promote educational equity and opportunity for all children.



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## Glossary for this Guide

- **Caregiver:** Parents, guardians, family members, and others who take care of children.<sup>1</sup>
- **Center-based program:** Early learning programs that occur outside of family, friend, and neighbor care, including child care, preschool, nurseries, and Head Start.<sup>2</sup>
- **Cultural straddler:** Students belonging to non-dominant cultural backgrounds who “value and embrace skills to participate in multiple cultural environments, including mainstream society, their school environments, and their respective ethnoracial communities.”<sup>3</sup> These children and youth are able to share cultural practices and expressions with other members of their social groups, while simultaneously also traversing the boundaries across groups and environments.<sup>4</sup>
- **Developmental screening:** An assessment that helps to identify if a child is at risk of a developmental delay or disability.<sup>5</sup>
- **Dual language learner (DLL):** A term used to describe children aged birth to five years learning two (or more) languages at the same time, as well as those learning a second language while continuing to develop their first (or home) language.<sup>6</sup>
- **English learner (EL):** An individual—
  - (A) who is aged 3 through 21;
  - (B) who is enrolled or preparing to enroll in an elementary school or secondary school;
  - (C)(i) who was not born in the United States or whose native language is a language other than English; (ii)(I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and (II) who comes from an environment where a language other than English has had a significant impact on the individual’s level of English language proficiency; or (iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and
  - (D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual— (i) the ability to meet the challenging State academic standards; (ii) the ability to successfully achieve in classrooms where the language of instruction is English; or (iii) the opportunity to participate fully in society.<sup>7</sup>

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<sup>1</sup> U.S. Department of Education, Institute of Education Sciences, National Center for Education Evaluation and Regional Assistance. Education Resources Information Center (ERIC) Thesaurus definition of “child caregivers.” Retrieved from <http://eric.ed.gov/?qi=Child+Caregivers>.

<sup>2</sup> Hofferth, S.L. (1996). Child care in the United States today. *The future of children*: Volume 6, Number 2.

<sup>3</sup> Carter, P. (2006). *Straddling boundaries: Identity, culture, and school*. Retrieved from: <http://faculty.washington.edu/rsoder/EDUC310/310CarterStraddlingBoundaries.pdf>.

<sup>4</sup> Carter, P. (2006). *Straddling boundaries: Identity, culture, and school*. Retrieved from: <http://faculty.washington.edu/rsoder/EDUC310/310CarterStraddlingBoundaries.pdf>.

<sup>5</sup> The American Academy of Pediatrics. Retrieved from <http://pediatrics.aappublications.org/content/118/1/405.full.pdf>.

<sup>6</sup> U.S. Department of Health and Human Services, Administration for Children and Families Early Childhood Learning and Knowledge Center. Office of Head Start (OHS) definition of “dual language learners.” Retrieved from [http://eclkc.ohs.acf.hhs.gov/hslc/tta-system/cultural-linguistic/Dual%20Language%20Learners/DLL\\_%20Resources/OHSDefinitionof.htm](http://eclkc.ohs.acf.hhs.gov/hslc/tta-system/cultural-linguistic/Dual%20Language%20Learners/DLL_%20Resources/OHSDefinitionof.htm).

<sup>7</sup> Section 8101(20) of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act.

- **Mixed-status family:** A family in which one or more parents or guardians is a noncitizen and one or more children is a U.S. citizen.<sup>8</sup>
- **Service provider:** Any non-profit, for-profit, or governmental entity that provides early intervention, developmental, or educational services to children starting at birth.
- **Students with disabilities:** Includes both students who have a disability under Section 504 of the Rehabilitation Act of 1973 (Section 504) and the Americans with Disabilities Act (ADA); and students who meet the definition of "child with a disability" under the Individuals with Disabilities Education Act (IDEA). 29 U.S.C. 705(9)(B) (section 504) and 42 U.S.C. 12102 (ADA); and 20 U.S.C. 1401(3) (IDEA).<sup>9</sup>
- **Undocumented individual:** A foreign-born child or adult who is not legally authorized to be in the United States. This does not include U.S. citizens, lawful permanent residents, asylees, refugees, nonimmigrants, or others who have obtained a lawful immigration status as defined by immigration law.<sup>10</sup>



<sup>8</sup> Fix, M. & Zimmerman, W. (1999). *All under one roof: Mixed-status families in an era of reform*. Retrieved from <http://www.urban.org/research/publication/all-under-one-roof-mixed-status-families-era-reform>.

<sup>9</sup> Students protected under Section 504's definition of "individual with a disability" include those students who need special education or related aids and services because of a physical or mental impairment that substantially limits a major life activity, and, although not required, school districts generally develop written Section 504 plans that set out the regular or special education and related aids and services a student will receive. 34 CFR Part 104. Students who are children with disabilities under IDEA must be evaluated and determined to have a specified disability and to need special education and related services because of that disability. School districts must develop an individualized education program (IEP) for each IDEA-eligible student that contains the special education and related services that the student will receive. 34 CFR Part 300.

<sup>10</sup> Hoefer, M., Rytina, N., & Baker, B.C. (2011). *Estimates of the unauthorized immigrant population residing in the United States: January 2010*. Retrieved from [https://www.dhs.gov/sites/default/files/publications/ois\\_ill\\_pe\\_2011\\_0.pdf](https://www.dhs.gov/sites/default/files/publications/ois_ill_pe_2011_0.pdf).

## Background

To ensure positive educational outcomes and success in life for all children, we must start in the earliest years. This period is a critically important window of opportunity in which children's holistic development – including cognitive, social-emotional, and physical development occurs at a rapid rate. Research has shown that the early years are particularly crucial for children from low-income families, children with disabilities, immigrant children (which may include children who are U.S. citizens from mixed-status families and undocumented children), and English learners (ELs) or dual language learners (DLLs), whose participation in early learning opportunities may help to facilitate their success in kindergarten and beyond.

Advances in neuroscience and research have helped to demonstrate that the early years are a critical period in children's learning and development and high-quality early education may provide the necessary foundation for more advanced skills.<sup>11</sup> Some studies have shown a significant gap between children from lower-income families and their more affluent peers beginning at age three in the number of words they are exposed to. The quantity and quality of language children are exposed to impacts language development and literacy in later years.<sup>12</sup> While more research is needed to shed light on the role of the "word gap" in young children who speak a language other than English at home, these studies suggest that supports are needed to provide these children a strong foundation in language and literacy as they enter the elementary grades.

High-quality early learning programs can have a tremendous impact on addressing these early inequities. Indeed, a large body of evidence shows that early and preventative intervention is more cost effective than remedial interventions in later years. High-quality early learning programs also have a high rate of return through fewer referrals for special education, lower grade retention, higher graduation rates, lower crime rates, and greater economic productivity.<sup>13</sup> In addition to providing children with a foundation for school success, high-quality early learning programs can have a broader impact through measurable societal benefits due to decreased crime and public benefit expenditures.<sup>14</sup> As this evidence demonstrates, high-quality early learning programs can generate positive outcomes that extend far beyond the walls of a classroom.

Research also shows that immigrant children and ELs who participate in high-quality early learning demonstrate higher school readiness than their peers who do not participate in such programs. A study of West Sacramento's universal preschool program found that DLLs or ELs who participated in the program had higher kindergarten proficiency rates than their EL peers who did not participate in the program.<sup>15</sup> Studies of Oklahoma's pre-K program in the State's largest district, Tulsa, report positive effects for students generally and for English language learners in particular. Specifically, participating children scored significantly better in prereading, prewriting, and premath skills.<sup>16</sup> Other studies have shown that

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<sup>11</sup> Yoshikawa, H., Weiland, C., Brooks-Gunn, J., Burchinal, M., Espinosa, L., Gormley, W., ... Zaslow, M.J. (2013). *Investing in our future: The evidence base for preschool education*. Retrieved from <http://fcd-us.org/sites/default/files/Evidence%20Base%20on%20Preschool%20Education%20FINAL.pdf>.

<sup>12</sup> Hart, B., & Risley, T.R. (2003). The early catastrophe: The 30 million word gap by age 3. *American Educator*, Spring 2003, 4-9. Retrieved from <http://www.aft.org//sites/default/files/periodicals/TheEarlyCatastrophe.pdf>.

<sup>13</sup> Yoshikawa, H., Weiland, C., Brooks-Gunn, J., Burchinal, M., Espinosa, L., Gormley, W., ... Zaslow, M.J. (2013). *Investing in our future: The evidence base for preschool education*. Retrieved from <http://fcd-us.org/sites/default/files/Evidence%20Base%20on%20Preschool%20Education%20FINAL.pdf>.

<sup>14</sup> Ibid.

<sup>15</sup> Sanchez, M. (2012). *Educational outcomes for Preschool for All participants in Redwood City School District - update*. Retrieved from [http://gardnercenter.stanford.edu/resources/publications/PFA\\_IssueBrief2012\\_final%209.24.12.pdf](http://gardnercenter.stanford.edu/resources/publications/PFA_IssueBrief2012_final%209.24.12.pdf).

<sup>16</sup> Gormley, W.T. (2008). "The effects of Oklahoma's pre-K program on Hispanic children." *Social Science Quarterly*: 89(4), 916-936. Retrieved from <http://onlinelibrary.wiley.com/doi/10.1111/j.1540-6237.2008.00591.x/full>.

preschool attendance is tied to more advanced cognitive development and early literacy among ELs<sup>17</sup> and that ELs who enter kindergarten with a basic grasp of academic language (language used in school settings and in which children are expected to learn and achieve fluency) in their primary language or in English are more likely to become English proficient in the elementary grades.<sup>18</sup> Attaining English language proficiency is important to ensuring that ELs can access content and achieve at the same high levels as their non-EL peers. Center-based programs can also help immigrant children adapt to a new sociocultural environment that may be different from their home, helping them learn rules and school norms, play cooperatively with diverse peers, and learn how to build relationships with non-parental and non-relative caregivers and educators.<sup>19</sup> To ensure and enhance the learning and development gains that immigrant children and ELs can make, programs must be culturally, emotionally, and linguistically responsive.<sup>20</sup>

Yet, despite the benefits of early education, children from immigrant families participate in early learning programs at lower rates than children from native-born families. One study by the Urban Institute on child care arrangements found that children of immigrants were less likely to participate in a center-based program than children of native-born parents (32 percent compared to 39 percent).<sup>21</sup> The RAND California Preschool Study, which examined the use and quality of early childhood education received by immigrant and nonimmigrant children in center-based care, found that immigrant children had less exposure to formal early learning programs.<sup>22</sup> Further, participation in high-quality early childhood education may be even lower for immigrant families with low levels of parental education<sup>23</sup> and who are more linguistically isolated.<sup>24</sup>

Researchers attribute this disparity to a number of barriers faced by immigrant families, including the limited affordability, availability, and accessibility of early learning programs (including transportation to and from programs).<sup>25, 26</sup> Many undocumented immigrant parents also struggle with low levels of English

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<sup>17</sup> Rumberger, R. W., & Tran, L. (2006). *Preschool participation and the cognitive and social development of language minority students* (CSE Technical Report 674). Retrieved from <http://escholarship.org/uc/item/5kn6j13b>.

<sup>18</sup> Thompson, K.D. (2015). *English learners' time to reclassification: An analysis*. Retrieved from <https://ir.library.oregonstate.edu/xmlui/bitstream/handle/1957/57224/ThompsonKarenEducationEnglishLearnersTimeReclassification.pdf?sequence=1>.

<sup>19</sup> Rumbaut, R.G. (1997). "Ties that bind: Immigration and immigrant families." *Immigration and the family: Research and policy on US immigrants*: 3-46.

<sup>20</sup> To this end, the U.S. Departments of Health and Human Services and Education released a [policy statement](#) on better supporting dual language learners in early childhood settings that outlines State and local recommendations to improve children's earliest learning experiences available.

<sup>21</sup> Matthews, H. (2010). *Early education programs and children of immigrants: Learning each other's language*. Retrieved from <http://www.urban.org/research/publication/early-education-programs-and-children-immigrants-learning-each-others-language>.

<sup>22</sup> Karoly, L. A., Ghosh-Dastidar, B., Zellman, G.L., Perlman, M, & Fernyhough, L. (2008). *Prepared to learn: The nature and quality of early care and education for California's preschool-age children*. Retrieved from [http://www.rand.org/pubs/technical\\_reports/TR539.html](http://www.rand.org/pubs/technical_reports/TR539.html).

<sup>23</sup> Karoly, L.A., & Gonzalez, G.C. (2011). "Early care and education for children in immigrant families." *The future of children* 21.1: 71-101.

<sup>24</sup> Adams, G., & McDaniel, M. (2012). *Access to the Illinois Preschool for All initiative: Insights from five lower-incidence immigrant groups in northern Cook County*. Retrieved from [http://www.urban.org/research/publication/access-illinois-preschool-all-initiative-insights-five-lower-incidence/view/full\\_report](http://www.urban.org/research/publication/access-illinois-preschool-all-initiative-insights-five-lower-incidence/view/full_report).

<sup>25</sup> Greenberg, E, Adams, G., & Michie, M. (2016). *Barriers to preschool participation for low-income children of immigrants in Silicon Valley, part II*. Retrieved from <http://www.urban.org/research/publication/barriers-preschool-participation-low-income-children-immigrants-silicon-valley-part-ii>.

<sup>26</sup> Adams, G., & McDaniel, M. (2012). *Access to the Illinois Preschool for All initiative: Insights from five lower-incidence immigrant groups in northern Cook County*. Retrieved from [http://www.urban.org/research/publication/access-illinois-preschool-all-initiative-insights-five-lower-incidence/view/full\\_report](http://www.urban.org/research/publication/access-illinois-preschool-all-initiative-insights-five-lower-incidence/view/full_report).

proficiency and low functional literacy.<sup>27</sup> These barriers can be significant because many early learning programs provide only minimal interpretation and translation services (and, even then, only in the most common languages).<sup>28</sup> Some additional hurdles identified in the research include feeling unwelcome, complex enrollment paperwork that asks for sensitive personal information (e.g., Social Security numbers), distrust of government (including fear of deportation), and cultural preferences for family care at home.<sup>29</sup>

Sustaining the gains that children experience from participating in high-quality early learning programs requires a strong, supported transition into kindergarten and effective instruction throughout the elementary years.<sup>30</sup> Alignment and coordination between early learning programs and elementary schools can help ensure that children receive the needed support so that they can make this continuous academic progress.<sup>31</sup> Engagement and two-way partnerships with parents and families can further support children's learning, particularly during the early elementary years.<sup>32</sup> While children from immigrant families must have equal access to elementary and secondary education, data show that sometimes ELs and children from immigrant families do not attend the highest-quality elementary schools. For example, EL students are often concentrated in Title I schools that enroll predominantly low-income families and other ELs; such schools may be under-resourced, with higher student-teacher ratios, high student enrollment, and comparatively low academic achievement.<sup>33</sup>

In addition to the barriers that immigrant families face in accessing early learning programs, children from mixed-status families (or the small number who are undocumented themselves) can experience high levels of acculturative stress from immigration-related issues, such as fear and stigma as well as separation from family members. Family separation, associated with the migration process and with U.S. immigration procedures, has serious psychological costs and may lead to depression and anxiety in children.<sup>34</sup> These effects may sometimes be visible even in young children in the early years and in the elementary grades.

Educators and other caring adults who support children of immigrant families, including children who are U.S. citizens from mixed-status families or undocumented children from birth through elementary school, can use this Guide to build on these children's and families' unique strengths (including cultural and linguistic strengths), address their unique needs, and offer the tailored support necessary to overcome these common barriers and achieve educational success. Children from immigrant families bring important cultural and linguistic assets that, when valued and supported through collaborative efforts, can enrich our schools, classrooms, and communities. When immigrant children are supported holistically, they can achieve positive academic outcomes. For example, even in the face of unique challenges, many students who are themselves undocumented have achieved educational success, reaching and completing postsecondary

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<sup>27</sup> Capps, R., Fix, M., & Zong, J. (2016). *A profile of U.S. children with unauthorized immigrant parents*. Retrieved from <http://www.migrationpolicy.org/research/profile-us-children-unauthorized-immigrant-parents>.

<sup>28</sup> Park, M., & McHugh, M. (2014). *Immigrant parents and early childhood programs: Addressing barriers of literacy, culture, and systems knowledge*. Retrieved from <http://www.migrationpolicy.org/research/immigrant-parents-early-childhood-programs-barriers>.

<sup>29</sup> Greenberg, E., Adams, G., & Michie, M. (2016). *Barriers to preschool participation for low-income children of immigrants in Silicon Valley, part II*. Retrieved from <http://www.urban.org/research/publication/barriers-preschool-participation-low-income-children-immigrants-silicon-valley-part-ii>.

<sup>30</sup> National Association of Elementary School Principals (2014). *Leading pre-K-3 learning communities: competencies for effective principal practice*. Retrieved from [http://www.naesp.org/resources/1/NAESP\\_Prek-3\\_C\\_pages.pdf](http://www.naesp.org/resources/1/NAESP_Prek-3_C_pages.pdf)

<sup>31</sup> Center for Public Education – the Pre-K Coalition (2011). *Policy brief: The importance of aligning pre-K through 3rd grade*. Retrieved from <http://www.centerforpubliceducation.org/Main-Menu/Pre-kindergarten/Pre-K-Coalition/Policy-Documents/Issue-brief-Dec-2011.pdf>.

<sup>32</sup> U.S. Department of Health and Human Services and U.S Department of Education (2016). *Policy statement on family engagement from the early years to the early grades*. Retrieved from <http://www2.ed.gov/about/inits/ed/earlylearning/files/policy-statement-on-family-engagement.pdf>.

<sup>33</sup> Fry, R. (2008). *The role of schools in the English language learner achievement gap*. Retrieved from <http://www.pewhispanic.org/files/reports/89.pdf>.

<sup>34</sup> Suárez-Orozco, C., Bang, H.J., & Kim, H.Y. (2011). "I felt like my heart was staying behind: Psychological implications of immigrant family separations & reunifications". *Journal of adolescent research* 21(2): 222-257.

education and becoming leaders in their own communities; often these students cite the important role that their families, communities, and teachers played in their success.

Federal civil rights laws and Supreme Court precedent require States to provide equal access to basic public education to all children, regardless of their or their parents' actual or perceived immigration status. And, to ensure that these students receive an equitable education that prepares them for success, it is imperative that early childhood and elementary school educators and other personnel understand their unique needs and receive high-quality training and support on how to best serve them. The resources and tips in this Guide, which were compiled based on a review of research and recommendations from stakeholders, are intended to help educators, counselors, and other school staff to work collaboratively with families to ensure the academic and social success of all children, regardless of their or their parents' immigration status. The tips for educators are differentiated for ease of access and in recognition of the fact that certain topics may be more relevant to early learning programs or elementary schools; however, the same general themes are included throughout and certain tips have been repeated because the Department believes they may be helpful for both early learning and elementary audiences. In addition to putting into practice the tips below, the Department encourages direct outreach to immigrant families, in culturally competent and linguistically accessible ways, to better understand their needs and the best ways to support the success of their children. Such outreach may be particularly beneficial if cultural mediators (like community-based organizations) are leveraged.

## Legal Guidelines

The Department's Office for Civil Rights (OCR) enforces Title VI of the Civil Rights Act of 1964 (Title VI), which prohibits discrimination on the basis of race, color, or national origin in any program or activity receiving Federal financial assistance from the Department. OCR also enforces Title IX of the Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex; and Section 504 of the Rehabilitation Act of 1973 (Section 504), which prohibits discrimination on the basis of disability in any program or activity receiving Federal financial assistance from the Department. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II), which prohibits discrimination against qualified individuals with disabilities by public entities, including public education systems and institutions, regardless of whether they receive Federal financial assistance from the Department. The laws enforced by OCR prohibit retaliation against any individual who asserts rights or privileges under these laws or who files a complaint, testifies, or participates in an OCR proceeding.

While OCR's jurisdiction only extends to recipients of Federal financial assistance from the Department, recipients of federal funding from any source are typically subject to similar federal civil rights laws. However, some of the legal requirements summarized below, particularly those drawn from constitutional protections related to equal access to a basic public education, would not necessarily apply with equal force to all of the types of programs discussed in this Guide.

## School Enrollment for Elementary and Secondary Education

- Under Federal law, State and local educational agencies ("school districts") are required to provide all children with equal access to public education.
- The United States Supreme Court held in the case of *Plyler v. Doe*, 457 U.S. 202 (1982), that a State may not deny access to a basic public education to any child residing in the State, whether present in the United States legally or otherwise.
- To comply with Federal civil rights laws, such as Titles IV and VI of the Civil Rights Act of 1964, as well as the mandates of the Supreme Court, school districts must ensure that they do not discriminate on the basis of race, color, national origin, sex, or disability and that students are not barred from enrolling in public schools at the elementary and secondary level on the basis of their own citizenship or immigration status or that of their parents or guardians.



- Moreover, school districts may not request information with the purpose or result of denying access to public schools on the basis of race, color, national origin, sex, or disability.
- A school district may wish to review the list of documents that can be used to establish residency and ensure that any required documents would not unlawfully bar or discourage a student who is undocumented or whose parents are undocumented from enrolling in or attending school.
- A school district may not bar a student from enrolling in its schools because he or she lacks a birth certificate or has records that indicate a foreign place of birth, such as a foreign birth certificate.
- A school district cannot use the race, ethnicity, national origin, English proficiency, sex, or disability information that it collects to discriminate against students; nor should a parent's or guardian's refusal to respond to a request for these data lead to a denial of his or her child's enrollment.
- A school district may not deny enrollment to a student if he or she (or his or her parent or guardian) chooses not to provide a Social Security number. If a school district chooses to request a Social Security number, it shall inform the individual that the disclosure is voluntary, provide the statutory or other basis upon which it is seeking the number, and explain what uses will be made of it.
- In all instances of information collection and review, it is essential that any request be uniformly applied to all students and not applied in a selective manner to specific groups of students.

Find more information in English and in Spanish [here](#):

- The guidance documents in English:  
Letter: <http://www.ed.gov/ocr/letters/colleague-201405.pdf>  
Questions and Answers: <http://www.ed.gov/ocr/docs/qa-201405.pdf>  
Factsheet: <http://www.ed.gov/ocr/docs/dcl-factsheet-201405.pdf>
- The guidance documents in Spanish:  
Letter: <http://www.ed.gov/ocr/letters/colleague-201405-sp.pdf>  
Questions and Answers: <http://www.ed.gov/ocr/docs/qa-201405-sp.pdf>  
Factsheet: <http://www.ed.gov/ocr/docs/dcl-factsheet-201405-sp.pdf>

For the guidance documents in Arabic, Chinese, Korean, Tagalog, and Vietnamese, please visit: <https://www2.ed.gov/about/offices/list/ocr/frontpage/faq/rr/policyguidance/raceorigin.html>. All of the same civil rights protections that apply to documented children during and after enrollment also apply to undocumented children. Please consult the Department of Education's Office for Civil Rights (OCR) for additional guidance at <http://www.ed.gov/ocr/publications.html>.

## English Learners (ELs)

Under Title VI of the Civil Rights Act of 1964 (Title VI) and the Equal Educational Opportunities Act of 1974 (EEOA), public schools must ensure that ELs can participate meaningfully and equally in educational programs.

The U.S. Department of Education and the U.S. Department of Justice issued joint guidance in January 2015 to remind State educational agencies (SEAs), school districts, and public schools of their legal obligation to ensure that EL students can participate meaningfully and equally in educational programs.

For more information, please refer to *U.S. Department of Education and U.S. Department of Justice joint*

[Dear Colleague Letter](http://www.ed.gov/ocr/letters/colleague-el-201501.pdf) on English Learner Students and Limited English Proficient Parents, January 7, 2015.  
<http://www.ed.gov/ocr/letters/colleague-el-201501.pdf>

For additional resources, including translations into various languages other than English, please visit <http://www.ed.gov/ocr/ellresources.html>

For sample tools and resources to help SEAs and local educational agencies to support ELs by fulfilling these legal obligations, please see the U.S. Department of Education's English Learner [Tool Kit](http://www.ed.gov/oela/english-learner-toolkit/eltoolkit.pdf).  
<http://www.ed.gov/oela/english-learner-toolkit/eltoolkit.pdf>

## Limited English Proficient (LEP) Parents

Federal civil rights laws require that SEAs and school districts (1) ensure meaningful communication with LEP parents in a language they can understand and (2) adequately notify LEP parents of information about any program, service, or activity of an SEA or school district that is called to the attention of non-LEP parents.

For more information, please refer to *U.S. Department of Education and U.S. Department of Justice joint Dear Colleague Letter on English Learner Students and Limited English Proficient Parents, January 7, 2015*.  
<http://www.ed.gov/ocr/letters/colleague-el-201501.pdf>

For sample tools and resources to help SEAs and local educational agencies meet their legal obligations pertaining to communication with LEP parents, please see Chapter 10 of the English Learner Tool Kit.  
<http://www.ed.gov/oela/english-learner-toolkit/chap10.pdf>

## Children with Disabilities

School districts must ensure that undocumented children who may have a disability, as with all other students who may have a disability and may require services under IDEA or Section 504, are located, identified, and evaluated for special education and disability-related services in a timely manner.

Eligible infants and toddlers with disabilities (birth through age 2) and their families receive early intervention services under IDEA Part C. Eligible children and youth with disabilities (ages 3 through 21)<sup>35</sup> receive special education and related services under IDEA Part B. These services are provided without regard to the child's immigration status or that of his or her parent(s) or guardian(s).

All students with disabilities, including those who are IDEA-eligible, are covered by Section 504. If an elementary or secondary student with a disability is not eligible for special education services under the IDEA, he or she is still protected from discrimination by Section 504 and may be entitled to receive a free appropriate public education (FAPE) under Section 504. FAPE under Section 504 may include regular or special education and related aids and services designed to meet the needs of students with disabilities as adequately as the needs of other students are met.

Under IDEA and Section 504, services must be made available to eligible children with disabilities and their families and be provided without regard to the child's immigration status or that of his or her parent(s) or guardian(s). School districts must provide eligible children with disabilities with both the language assistance and disability-related services to which they are entitled under Federal law, without regard to the child's immigration status or that of his or her parent(s) or guardian(s).<sup>36</sup>

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<sup>35</sup> Under Part B of IDEA, a child's entitlement to a free appropriate public education begins at the child's third birthday and could last until the 22nd birthday, depending on State law or practice. 34 CFR §§ 300.101-300.102

<sup>36</sup> For more information, please refer to *U.S. Department of Education and U.S. Department of Justice joint Dear Colleague Letter on English Learner Students and Limited English Proficient Parents, January 7, 2015*.

## Bullying and Harassment

Harassment, such as bullying, on the basis of race, color, national origin, sex, or disability can lead to a civil rights violation if a school or other recipient of Federal financial assistance does not effectively address harassment that is sufficiently serious so as to limit or deny a child's participation in or benefits from the programs and activities of the recipient (i.e., harassment that creates a hostile environment.) If a school determines that such discriminatory harassment has occurred, it must take prompt and effective steps reasonably calculated to end the harassment, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects. Further, if bullying of a student with a disability results in the student not receiving meaningful educational benefits which constitutes a denial of FAPE under IDEA or if the bullying constitutes a denial of FAPE under Section 504, the school must remedy the problem, regardless of whether the bullying was based on the student's disability.

For more information, refer to *U.S. Department of Education, Office for Civil Rights Dear Colleague Letter: Harassment and Bullying*, October 26, 2010, <http://www.ed.gov/ocr/letters/colleague-201010.pdf> and *U.S. Department of Education, Office for Civil Rights Dear Colleague Letter: Responding to Bullying of Students with Disabilities*, October 21, 2014, <http://www.ed.gov/ocr/letters/colleague-bullying-201410.pdf>.

## Filing a Civil Rights Complaint

If children or families face barriers in accessing educational programs that conflict with these civil rights protections, consider filing a complaint with OCR, or your SEA or State lead agency under IDEA, as appropriate. To file a complaint, visit <http://www.ed.gov/ocr/docs/howto.html> or contact OCR at (800) 421-348; TDD(800)-877-8339.

## Tips for Early Learning Programs and Educators

The U.S. Department of Education does not mandate or prescribe practices, models, or other activities in this Guide. This Guide contains examples of, adaptations of, and links to resources created and maintained by other public and private organizations. This information, informed by research and gathered in part from practitioners, is provided for the reader's convenience and is included here to offer examples of the many resources that educators, parents, advocates, administrators, and other concerned parties may find helpful and use at their discretion. The U.S. Department of Education does not control or guarantee the accuracy, relevance, timeliness, or completeness of this outside information. Further, the inclusion of links to items does not reflect their importance, nor is it intended to endorse any views expressed, or materials provided. All links were verified on December 9, 2016. The list of resources may be updated and revised in the future.

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## (1) Implement Strategies to Increase Immigrant Family Enrollment

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<http://www.ed.gov/ocr/letters/colleague-el-201501.pdf>

**Strengthen outreach efforts.** Research has found that many early learning program providers have successfully engaged with immigrant families by using a mediator, such as a trusted community-based organization (including faith-based organizations), or building self-sustaining word-of-mouth outreach among families.<sup>37</sup> To better reach these families, early learning providers, schools, community-based organizations, and educators should strategically review available data and learn about the families in their community. Using these data, preschool programs can identify where and how families can best be reached. Programs should provide families with culturally and linguistically responsive information on the benefits of enrolling their child in center-based early learning programs or high quality family child care programs. Early learning programs can strengthen outreach efforts by:

- Building ties to immigrant-serving community-based organizations, including faith-based organizations, health care providers and pediatricians, community leaders, and businesses, as a way of reaching immigrant families through a trusted mediator.
- Creating cross-sector partnerships, including with social service agencies, advocates, and community organizations, to ensure a “no wrong door” approach for families.
- Participating in or hosting community events where there are high concentrations of immigrants.
- Posting translated flyers with key, culturally relevant information and conducting in-person outreach in places where immigrant families already frequent, such as local grocery stores, doctor’s offices, places of worship, adult English-as-a-second language classes, and community-based organizations.
- Advertising on various media outlets, including ethnic media and foreign-language outlets.
- Investing in dedicated community and family outreach personnel, increasing bilingual and bicultural outreach staff, and using face-to-face communication.

**Simplify the enrollment process and address barriers to access.** As discussed in the background section, research has found that immigrant families face a number of barriers in accessing early learning programs, which may explain the low participation of immigrant children in early learning programs. These barriers may be greater for undocumented and mixed-status families. Early learning programs can improve the enrollment process and help reduce barriers to access by:

- Streamlining the enrollment process, including reducing the number of forms, and ensuring that eligibility requirements for any program are clear and available in multiple languages. Keep language as simple as possible in communications to caregivers.
- Offering translated enrollment forms, enrollment assistance, and interpreter services and multiple times and days for in-person enrollment. For more information on legal guidelines related to translation for programs supported by Federal funds, please see the legal guidelines section on pages 10-12 and the links therein.
- Providing multiple flexible options for how caregivers can demonstrate their place of residence, child’s age, and income, if applicable.
- Providing transportation support for young children to and from early learning programs, independent of their caregivers.

**Create immigrant-friendly programs.** Early learning programs should create a welcoming atmosphere for all families, caregivers, and children, including those from immigrant families, DLLs or ELs, and children

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<sup>37</sup> Gelatt, J., Adams, G., & Huerta, S. (2014). *Supporting immigrant families’ access to prekindergarten*. Retrieved from <http://www.urban.org/sites/default/files/alfresco/publication-pdfs/413026-Supporting-Immigrant-Families-Access-to-Prekindergarten.PDF>.

with disabilities. Educators and other program personnel should develop trusting relationships with families and caregivers to strengthen each child's opportunity for success in their program. Enrollment personnel, educators, and other staff should remain open-minded, withholding judgement and biases about immigration status and cultural views.<sup>38</sup> Early learning programs can create welcoming environments by:

- Considering potential distrust of government institutions or differing cultural views in regards to early learning when interacting with families.
- Demonstrating respect for diversity in learning environments by incorporating books, posters, and other visuals that demonstrate different cultures, ethnicities, and language backgrounds.
- Integrating learning about diverse cultures, ethnicities, religions, and languages into the regular instruction of an early learning program by, for example, incorporating cultural traditions, reading stories, and listening to music from children's cultural backgrounds.
- Providing regular and intentional opportunities for DLLs or ELs to strengthen their Native language through qualified staff who speak children's Native language/s and through using the language skills of their caregivers and families (such as inviting caregivers and families to participate in classroom activities or school events in the language they feel most comfortable using).
- Making early learning programs more responsive to caregivers by employing empathy, actively listening to their concerns, and taking the appropriate actions when necessary, in collaboration with families.

## (2) Promote Healthy Child Development

**Align instruction and training to support dual-language learning.** Promote bilingualism and biliteracy (i.e., literacy in multiple languages) and intentionally support children's home language/s and English development by setting clear expectations for speaking, listening, understanding, and reading in both a child's home language and English. Early learning programs can also integrate recommendations from research on second language acquisition and provide learning opportunities for educators on the dynamics of language learning for DLLs or ELs. Early learning programs can design instruction and training to support DLLs by:

- Using the *Multicultural Principles for Head Start Programs Serving Children from Birth to Five* as a starting point for professional learning opportunities. For more information, please visit [http://eclkc.ohs.acf.hhs.gov/hslc/hs/resources/ECLKC\\_Bookstore/PDFs/Revisiting%20Multicultural%20Principles%20for%20Head%20Start\\_English.pdf](http://eclkc.ohs.acf.hhs.gov/hslc/hs/resources/ECLKC_Bookstore/PDFs/Revisiting%20Multicultural%20Principles%20for%20Head%20Start_English.pdf).
- Addressing the needs of children from diverse language and cultural backgrounds when designing instructional plans and build in dual and second-language acquisition strategies.
- Encouraging integration of a child's home language by using effective instructional practices, increasing the numbers of bilingual and bicultural staff, and welcoming caregiver and family volunteers.

**Address issues of bullying, harassment, and discrimination.** As discussed in the legal guidelines section on page 11, schools must take prompt and effective steps reasonably calculated to end discriminatory harassment that creates a hostile environment for students, prevent its recurrence, and remedy its effects. In addition to these civil rights requirements, a welcoming environment can help increase student learning and strengthen children's and families' sense of belonging and safety. Acts of bullying, harassment, and discrimination should be addressed swiftly, and learning opportunities about tolerance and the value of

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<sup>38</sup> Ibid.

diversity should be available to children, staff, and families. Early learning programs can address bullying and discrimination by:

- Ensuring access to cultural and linguistic sensitivity training for all staff.
- Creating plans for addressing any issues of discrimination in a class, center, or school.
- Promoting diversity, understanding, and acceptance across lines of difference among children and staff.
- Encouraging multicultural instruction that is responsive to and reflective of the diverse backgrounds, languages, ethnicities, religions, and cultures of children and their families or caregivers.

**Discuss the developmental and behavioral screening process with families and caregivers.**<sup>39</sup> Before screening children, educators should talk to families and caregivers and provide them with information about the screening process in the language used at home. It is important to let families know that the screening process does not provide a diagnosis. Educators should also explain why the screening process is valuable for all children. Early learning programs can improve discussions about the developmental screening process by:

- Asking families and caregivers if they know if their child has been screened before and, if so, what the results were.
- If a child is struggling with a specific behavior, identifying the specific behavior the child is struggling with and asking the caregiver(s) if they observe the same behaviors at home, including giving the family and caregiver(s) time to reflect and provide input.
- Providing families and caregivers with informative materials in an accessible format and places they can go to learn more.

**Recognize and identify possible delays and concerns early.** According to the American Academy of Pediatrics, developmental and behavioral screening should be administered when a child is 9, 18, and 24 or 30 months of age, or whenever a parent or provider expresses a concern. If the parent or the provider administering the screening has concerns, the parent should be given the necessary information and supports on who to contact and what is needed to determine if the child is eligible as a child with a disability under IDEA, or the provider may refer the child for evaluation. Providers and educators can support healthy development and recognize and identify possible delays and concerns by:

- Using universal language screening measures to determine a child's general language ability including production and comprehension.
- Differentiating between children who are DLLs or ELs and going through the normal language acquisition process and children who are experiencing language delays or disabilities and require additional supports.
- Keeping in mind that when screening DLLs or ELs, delays apparent in both languages, (i.e., their native language, as well as in English), may require further evaluation for developmental delay or disability; whereas, by distinction, delays in English (not accompanied by delays in the home language), may be a product of the typical dual language acquisition process.
- Monitoring developmental milestones, celebrating progress and sharing concerns with families.

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<sup>39</sup> Please see, for example, the *Birth to Five: Watch Me Thrive!* Web site by visiting <http://www.acf.hhs.gov/programs/ecd/child-health-development/watch-me-thrive>.

- If a child appears to be experiencing a delay, providing the caregiver(s) with information about the delay and where they can go to get additional information and assistance.
- Encouraging development of a child's first language while also supporting the development of the second language because literacy skills often transfer from a child's first language to a second language.<sup>40</sup>

### (3) Encourage Family and Caregiver Engagement

**Strengthen family and caregiver engagement efforts.** Studies have found a link between family engagement in early education and an improvement in the child's social skills, behavior, and ability to adapt well to school.<sup>41</sup> Early learning programs should encourage and support caregivers to be actively involved in their child's education. Educators can help reach this goal by informing caregivers about what their child is learning, identifying and using family strengths to support positive early learning outcomes, and providing tips for how they can help build on their child's learning at home. Early learning programs can also strengthen caregiver engagement efforts by:

- Encouraging caregivers to talk, read, and sing with their child every day in the language they are most comfortable using. (More information on talking, reading, and singing to children is available at <http://www.ed.gov/early-learning/talk-read-sing>.)
- Clearly outlining expectations of and opportunities for caregivers and regularly communicating with caregivers about what their child is learning.
- Hosting regular family nights, holiday parties, volunteer opportunities, and parent-teacher conferences at times that caregivers can attend, as these can become support networks and information-sharing vehicles for families.
- Regularly involving caregivers in informal decisions that affect the classroom and their child's experiences within it, such as in the development of curricula.
- Offering tailored, practical information and training for caregivers on child development and other services, in a language they understand.
- Empowering caregivers to conduct outreach and provide peer support to each other, by offering paid or volunteer opportunities as program ambassadors or parent leaders.

### (4) Build Staff Capacity and Knowledge

**Build awareness of other State or local policies, not specific to immigration, that may create barriers for mixed immigrant families.** As discussed in the background section and throughout this Guide, State or local policies and procedures (such as the enrollment process and related documentation) may sometimes unintentionally create barriers to educational access and success for immigrant families, including mixed-status or undocumented families. Some ways educators can help build awareness of these issues include:

- Working with principals, superintendents and boards of education, school district staff, and SEA staff to review and revise policies and procedures that may create barriers for immigrant families.

<sup>40</sup> Páez, M., & Rinaldi, C. (2006). Predicting English word reading skills for Spanish-speaking students in first grade. *Topics in language disorders*, 26(4), 338–350.

<sup>41</sup> Gelber, A.M., & Isen, A. (2011). Children's schooling and parents' investment in children: Evidence from the Head Start impact study. *Journal of public economics* 101: 25-38.

- Considering and vocalizing, whenever new policies or procedures are being created or proposed, how they may uniquely impact immigrant children, including children who are U.S. citizens from mixed-status families or undocumented children. Based on these considerations, educators, school leaders, LEA staff, and others should recommend changes and seek feedback from families themselves, if possible.

**Be a resource for families and build connections across systems.** Lack of legal status can be an isolating experience for families and caregivers, and many may lack access to critical services and support networks. Some ways providers can become a trusted resource for families include:

- Looking for opportunities to help support immigrant families in their community and advocating for policies that promote inclusion.
- Seeking out community-based organizations that assist immigrants, including faith-based organizations, and sharing this information with caregivers and families.
- Establishing trusting relationships with children and caregivers so that they have a source of support when the unique challenges faced by immigrant families (including mixed status or undocumented families) cause stress or worry.
- Providing access to comprehensive services by building partnerships with community-based organizations and legal service providers, and referring caregivers and families in need. Consider prioritizing linguistically and culturally appropriate and easily accessible service providers.

#### Sources for these Tips and Other Resources:

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9. U.S. Department of Education. (n.d.). *Let's Talk, Read, and Sing about STEM!* Retrieved from [http://www2.ed.gov/about/inits/ed/earlylearning/talk-read-sing/index.html?utm\\_name=#talk-read-sing-stem](http://www2.ed.gov/about/inits/ed/earlylearning/talk-read-sing/index.html?utm_name=#talk-read-sing-stem)



10. Dreby, J. (2012). *How today's immigration enforcement policies impact children, families, and communities: A view from the ground*. Retrieved from <https://www.americanprogress.org/wp-content/uploads/2012/08/DrebyImmigrationFamiliesFINAL.pdf>.

## Tips for Elementary Schools and Educators

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### (1) Create Open and Welcoming Environments

**Embrace and value diversity and backgrounds of all students.** Educators should take proactive steps to learn about the cultural, linguistic, and educational backgrounds of students and their families. Research has shown that children can benefit from practices that incorporate cultural and linguistic diversity into instruction and that highlight differences in a positive light.<sup>42</sup> Celebrating cultural and linguistic diversity can also provide valuable learning opportunities for all students. Some ways educators can embrace and value diversity and the cultural backgrounds of all students include:

- Engaging in self-reflection to address personal biases and increase multicultural, religious, and linguistic competence.
- Demonstrating respect for diversity in learning environments by incorporating books, posters, and other visuals that demonstrate different cultures, religions, ethnicities, and language backgrounds.
- Integrating lessons about diverse cultures, ethnicities, religions, and languages into the regular instruction, such as by incorporating cultural traditions, reading literature, and listening to music from children's cultural backgrounds.
- Providing regular opportunities for ELs to strengthen their Native language in the classroom and encouraging their parents, guardians, and families to do so at home and in the community.
- Planning and hosting trainings on multicultural issues that educate teachers and other personnel about students and families from diverse backgrounds.
- Increasing bilingual and bicultural staff.
- Fostering dialogue in the classroom on immigration and integrating immigration-related issues into the curriculum. Group discussions around these topics can promote trust and dialogue.

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<sup>42</sup> Gonzalez, J. & Darling-Hammond, L. (1997). *New concepts for new challenges: Professional development for teachers of immigrant youth*. *Topics in immigrant education* 2. Retrieved from: <http://files.eric.ed.gov/fulltext/ED421018.pdf>.

**Address issues of bullying, harassment, and discrimination.** Bullying, discrimination, or harassment in schools against students based on their actual or perceived race, religion, sex, national origin, or disability status is prohibited.<sup>43</sup> Such conduct can jeopardize students' ability to learn, undermine their physical and emotional well-being, provoke retaliatory acts, and exacerbate community conflicts. These issues should be addressed swiftly and learning opportunities about acceptance and the value of diversity should be available to children, staff, and families. Some ways educators can address bullying, harassment, and discrimination include:

- Modeling multicultural sensitivity for students and other personnel. To be effective, cultural competency and advocacy must be implemented on multiple levels, and modeling is one approach for achieving this.
- Proactively addressing bullying or subtle forms of discrimination between peers, education personnel, and others.
- Ensuring access to cultural and religious sensitivity training for all staff.
- Communicating a clear message to students that harassment and bullying will not be tolerated, and that school is a safe place for all students.
- Creating plans for addressing any issues of bullying and discrimination in a class or school by students, teachers, or administrators.
- Implementing a Positive Behavioral Interventions and Supports (PBIS) framework or approach for assisting school personnel in adopting and organizing evidence-based behavioral interventions into an integrated continuum that enhances academic and social behavior outcomes for all students. For more information, please visit: <https://www.pbis.org/>.
- Promoting tolerance and acceptance among children and staff.
- Encouraging multicultural instruction that is responsive to and reflective of the diverse backgrounds, languages, ethnicities, religions, and cultures of children and their families.
- Developing anti-bullying and anti-discrimination initiatives in collaboration with students, parents, and families.

**Avoid stereotypes and biases about immigration status and cultural views.** Educators and other personnel should not make assumptions about students' immigration status (or that of their families) – including assuming that ethnicity or speaking languages other than English imply non-citizen status. Please see the legal guidelines section and the links therein (pages 10-12) for more information. Some ways in which educators can withhold judgment and biases about immigration status and cultural views include:

- Not inquiring about a student's immigration status or that of their caregivers.
- Following all relevant civil rights guidelines when inquiring about student and family background characteristics.
- Providing cultural and religious competency trainings to educators and other personnel and creating policies that prohibit discriminatory behavior.

**Proactively welcome immigrant parents and families.** Immigrant families, including those that are mixed-status or undocumented, may feel uncomfortable interacting closely with school staff. When

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<sup>43</sup> Title VI of the Civil Rights Act, which is enforced by the Department of Education, does not prohibit discrimination on the basis of religion (unless the discrimination is national origin discrimination based on shared ancestral characteristics of a religion). However, discrimination based on religion is prohibited by Title IV of the Civil Rights Act, which is enforced by the Department of Justice.

engaging with immigrant families, remain open-minded and empathetic, considering their unique background and the barriers they may have faced in accessing the school system (e.g., differing cultural values, negative experiences with government institutions). Taking affirmative steps to engage and build a partnership with immigrant parents and families can have a positive impact on student learning and school climate. See additional tips under (2) below. Schools can proactively welcome immigrant parents and families by:

- Distributing a welcome letter or packet to caregivers at the beginning of the school year in the languages spoken by families in the school.
- Informing caregivers of their rights and ways to report incidents of discriminatory or retaliatory practices. Consider using the *Handbook for Parents, Guardians, and Families: Building a Bright Future* as a resource. See the “Civil Rights of Families & Children” section.
- Exploring home visits, as appropriate, and regular phone calls home to develop relationships and build trust with immigrant families.
- Providing workshops and other learning opportunities for parents and families to orient them to the school and community.

## (2) Partner with and Engage Immigrant Parents, Guardians, and Families

**Be empathetic and build positive relationships with parents, guardians, and their families.** Once families have been proactively welcomed to the school environment, strive to establish trust, knowing that parents and other family members who are undocumented may be in a tenuous position and have reservations and fears about engaging with a government entity, even if it is a school. When trust is built with teachers or counselors, parents, guardians, and families may feel comfortable enough to reach out for help when they need it. This provides an opportunity to be a critical resource for immigrant families, including mixed-status and undocumented families, and alleviate the isolation and anxiety that they may be feeling, to the ultimate benefit of their children and your students. Schools can create positive relationships by:

- Understanding the stress and other feelings immigrant families, including mixed-status and undocumented families, may experience.
- Entering relationships with immigrant parents and guardians with a positive mindset and being consistently encouraging and willing to listen.

**Ensure that all communications are in a language and format understandable to parents.** Breaking down language and communication barriers is a key part of creating a welcoming school environment for immigrant students and families; it is also required under Federal civil rights law. Please see the legal guidelines section and the links therein (pages 10-12) for more information and consider visiting the U.S. Department of Justice’s translation and interpretation website for more related resources: [http://www.lep.gov/interp\\_translation/trans\\_interpret.html](http://www.lep.gov/interp_translation/trans_interpret.html). Educators can help ensure that caregivers are able to communicate with school personnel in many ways, including:

- Hiring staff that have ties to and speak the language of the communities the school serves. Consider hiring personnel who have received the requisite training as a translator or interpreter.
- Streamlining the enrollment process, including reducing the number of forms, and using clear and simple language, regardless of the specific language. Provide multiple times and days for in-person enrollment.
- Offering translated enrollment forms and enrollment assistance and provide interpretation.
- Recording school voicemail in all languages spoken by parents in the school.

- Translating and providing online documents in multiple languages, which can enhance a school's multicultural sensitivity.

**Make schools more responsive to parents and families.** Strive to create an active feedback loop so that immigrant parents, guardians, and families have a real voice in how the school is run. Hearing directly from parents and families will increase the likelihood that the strategies a school employs are truly responsive to their needs. Additional ways to be more responsive to parents and families include:

- Strengthening complaint procedures to enable parents to resolve problems and hold schools accountable.
- Holding events or regular open office hours when principals, assistant principals, and other relevant school staff are accessible to parents and guardians. Those planning an event should aim to include other school staff who have close interactions with families, such as coaches, counselors, cafeteria employees, and maintenance staff, and ensure that interpretation services are offered.
- Clearly outlining opportunities for caregivers, regularly communicating about what each caregiver's child is learning, and routinely gathering input from families on their child's learning and development, and their satisfaction with their child's education..
- Regularly involving parents and guardians in informal decisions that affect the classroom and their child's experiences within it, such as the selection and implementation of curricula.

**Be proactive and create frequent, flexible engagement opportunities for families.** Research has shown that the support of actively engaged parents and families can help undocumented students achieve academically and build resilience.<sup>44</sup> Education personnel should approach relationships with families with openness and an aim to establish trust, acknowledging that this may be challenging for immigrant families.. Some ways to be proactive include:

- Facilitating office hours that will provide access to all families, including those who are mixed-status or undocumented.
- Discussing and demonstrating cultural understanding of the expectations for students by their families. Acknowledging that some families may have differing perspectives on education, while still communicating its value.
- Promoting parent and family support groups as a way for immigrant parents, guardians, and families to support and engage each other in the education of their students.
- Offering tailored, practical information and training for parents and guardians in appropriate languages and literacy levels on comprehensive services available to them from community-based organizations, social services agencies, and elsewhere in the community.

**Facilitate parent and family leadership in schools.** Immigrant families, including mixed-status and undocumented families, have a host of cultural, linguistic, and other assets to enrich classrooms and schools. Once families have opportunities for authentic engagement, consider utilizing the assets they bring by creating space for parents and guardians to be leaders in schools. Schools can facilitate parent and family leadership by:

- Creating a training module for parents that will orient them to the school system and build their skills to take on parent leadership positions.

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<sup>44</sup> Cortes, R., Perez, W., Espinoza, R., Ramos, K., & Coronado, H.M. (2009). Academic resilience among undocumented Latino students. *Hispanic journal of behavioral sciences*, 31(2): 149-181.

- Creating more opportunities for volunteers, and ensuring that potential and current volunteers receive support.
- Utilizing parents and families as resources to enhance classroom instruction, school and community events, and extracurricular activities.
- Ensuring that all meetings for parents and families are also held in the native languages of parents who do not speak English, or have interpreters present.

### (3) Use Effective Instructional Strategies and Address Socioemotional Needs

**Ensure a strong transition from early learning programs to elementary school.** Research has shown that school readiness is not just dependent on an individual child’s skills, but also on the readiness of schools and communities to support the transition for young learners into kindergarten.<sup>45</sup> Schools can collaborate with early learning providers to build alignment and ensure continuity, with particular attention to the unique needs of ELs by:

- Exploring opportunities to coordinate timing of entry and language assessments for ELs entering kindergarten or elementary school.
- Actively involving parents and caregivers, including those from mixed-status and undocumented families, in the transition process and equipping them with all the information they may need.
- Building partnerships between local early learning programs (including Head Start), community-based organizations, faith-based institutions, and elementary schools to support seamless transitions for students.

**Support a whole-child approach and offer wraparound supports.** Immigrant children and youth must navigate multiple cultures and languages, and they are best supported when schools foster bicultural identities and support students in becoming “cultural straddlers.”<sup>46</sup> Further, children in mixed-status and undocumented families may face unique stresses and struggles – even though many of these children may be U.S. citizens themselves and may not be aware of their parent’s or guardian’s status. Educators and other school staff can, while following the legal guidelines on pages 10-12, support the success of these students by emphasizing a holistic approach, providing comprehensive services, and addressing socioemotional needs, including by:

- Capitalizing on the skill sets of counselors and school social workers to help meet the unique needs of children in mixed-status or undocumented families.
- Partnering with immigrant-serving organizations and other community-based organizations to offer wraparound supports to children, parents, and families.
- Offering trainings for educators and other school personnel to learn more about cultural navigation and plan collaboratively for how your school can support students in becoming “cultural straddlers.” The strategies under (1) Create Open and Welcoming Environments may be helpful. The Department’s webinar series on the educational and linguistic integration of New Americans may be helpful for educators seeking to better welcome and support

<sup>45</sup> Bohan-Baker, M., and Little, P.M.. (2002). *The transition to kindergarten: A review of current research and promising practices to involve families*. Retrieved from <http://www.hfrp.org/content/download/1165/48670/file/bohan.pdf>.

<sup>46</sup> Tamer, M. (2014). *The education of immigrant children: As the demography of the U.S. continues to shift, how can schools best serve their changing population?* Retrieved from <https://www.gse.harvard.edu/news/uk/14/12/education-immigrant-children>.

immigrant students; for more information, please visit:  
<http://www.ed.gov/oela/webinars/new-americans/index.html>

**Create opportunities for student leadership and peer-to-peer learning.** All children, regardless of their or their parents' immigration status, have many assets to offer. When lessons are centered on cross-cultural learning or promoting diversity, children from immigrant families may be particularly well-suited to lead their peers. Schools can empower these children, build their confidence, and provide valuable learning opportunities by letting students take the lead, including by:

- Providing time and space for children to lead student support or other extracurricular groups.
- Ensuring that children and their families have ample opportunities to engage in and lead school events.
- Consciously creating these opportunities for interested students, strategically helping them prepare beforehand, and providing feedback after the lesson's conclusion.
- Considering connecting with undocumented college students or other community leaders for mentorship opportunities with children.

**Integrate oral and written English language instruction into content-area teaching.**<sup>47</sup> Content-based instruction that strategically integrates language instruction has been found to have positive results for students who are beginning to learn English and students who are already in the process of becoming proficient. Some ways in which schools can integrate oral and written English language instruction into content-area teaching include:

- Strategically using instructional tools—such as short videos, visuals, and graphic organizers—to anchor instruction and help students make sense of content.
- Explicitly teaching the content-specific academic vocabulary, as well as the general academic vocabulary that supports it, during content-area instruction.
- Providing daily opportunities for students to talk about content in pairs or small groups.
- Providing writing opportunities to extend student learning and understanding of the content material.

**Provide regular, structured opportunities to develop written language skills.**<sup>48</sup> The transition to college- and career-ready standards in many States has led to higher expectations for students' writing abilities. ELs may need extra support to meet these higher expectations. Educators can help by providing writing assignments that are anchored in content and focused on developing academic language as well as writing skills. Schools can also provide structured opportunities for ELs to develop writing skills by:

- Ensuring that language-based supports are available for all writing assignments to facilitate students' entry into, and continued development of, writing.

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<sup>47</sup> Baker, S., Lesaux, N., Jayanthi, M., Dimino, J., Proctor, C.P., Morris, J., Gersten, R., Haymond, K., Kieffer, M.J., Linan-Thompson, S., & Newman-Gonchar, R. (2014). Teaching academic content and literacy to English learners in elementary and middle school (NCEE 2014-4012). Washington, DC: National Center for Education Evaluation and Regional Assistance (NCEE), Institute of Education Sciences, U.S. Department of Education. Retrieved from [http://ies.ed.gov/ncee/wvc/pdf/practice\\_guides/english\\_learners\\_pg\\_040114.pdf](http://ies.ed.gov/ncee/wvc/pdf/practice_guides/english_learners_pg_040114.pdf).

<sup>48</sup> Baker, S., Lesaux, N., Jayanthi, M., Dimino, J., Proctor, C.P., Morris, J., Gersten, R., Haymond, K., Kieffer, M.J., Linan-Thompson, S., & Newman-Gonchar, R. (2014). Teaching academic content and literacy to English learners in elementary and middle school (NCEE 2014-4012). Washington, DC: National Center for Education Evaluation and Regional Assistance (NCEE), Institute of Education Sciences, U.S. Department of Education. Retrieved from [http://ies.ed.gov/ncee/wvc/pdf/practice\\_guides/english\\_learners\\_pg\\_040114.pdf](http://ies.ed.gov/ncee/wvc/pdf/practice_guides/english_learners_pg_040114.pdf).

- Using small groups or pairs to provide opportunities for students to work and talk together on varied aspects of writing.
- Assessing students' writing periodically to identify instructional needs and provide positive, constructive feedback in response.

**Provide small-group instructional intervention to students struggling in areas of literacy and English language development.**<sup>49</sup> Schools should ensure access to a rigorous curriculum so that all students can achieve college- and career-readiness. Additionally, ELs who are struggling may need additional support to promote their language acquisition and literacy. Once educators have identified struggling students using available assessment information, they can successfully provide small-group interventions by:

- Designing the content of small-group instruction to target students' identified needs.
- Providing additional instruction in small groups consisting of three to five students to students struggling with language and literacy.
- For students who struggle with basic foundational reading skills, spending time not only on these skills but also on vocabulary development and listening and reading comprehension strategies.
- Understanding students' educational needs that may require additional services or qualify them as a student with a disability under IDEA. Educators should possess an awareness of the second language acquisition process and be able to detect when a delay may not be due to the language learning process, but the result of a disability.

**Create accessible and enriching after-school activities.** Like all children, immigrant children, including those from mixed-status and undocumented families, can benefit from extended learning opportunities. To maximize the benefit that these children can derive, these activities should be designed with their unique needs in mind. And the purposes and value of these activities should be shared with children and families in culturally and linguistically competent ways. Some ways in which schools and other organizations can create accessible and enriching after-school activities include:

- Surveying students and families when designing after-school programs and activities.
- Offering a diverse array of after-school programs and activities.
- Providing specialized training to ensure that all staff are culturally, religiously, and linguistically competent.
- Ensuring that activities are accessible for families and address barriers as necessary.
- Communicating with families about enrichment activities in ways that are culturally and linguistically competent and recognize potential differences in cultural attitudes regarding participation in such activities.

#### **(4) Build Staff Capacity and Knowledge**

<sup>49</sup> Baker, S., Lesaux, N., Jayanthi, M., Dimino, J., Proctor, C.P., Morris, J., Gersten, R., Haymond, K., Kieffer, M.J., Linan-Thompson, S., & Newman-Gonchar, R. (2014). Teaching academic content and literacy to English learners in elementary and middle school (NCEE 2014-4012). Washington, DC: National Center for Education Evaluation and Regional Assistance (NCEE), Institute of Education Sciences, U.S. Department of Education. Retrieved from [http://ies.ed.gov/ncee/wvc/pdf/practice\\_guides/english\\_learners\\_pg\\_040114.pdf](http://ies.ed.gov/ncee/wvc/pdf/practice_guides/english_learners_pg_040114.pdf).

**Build awareness of other State or local policies, not specific to immigration, which may create barriers for immigrant families.** As discussed in the background section and throughout this Guide, State or local policies and procedures (such as the enrollment process and related documentation) may sometimes unintentionally create barriers to educational access and success for immigrant families, including mixed status and undocumented families. Some ways educators can help build awareness of these issues include:

- Working with principals, superintendents and boards of education, LEA staff, and SEA staff to review and revise policies and procedures that may create barriers for immigrant families.
- Considering and vocalizing, whenever new policies or procedures are being created or proposed, how they may uniquely impact U.S. citizen children from mixed-status families and undocumented children. Based on these considerations, educators, school leaders, LEA staff, and others should recommend changes and seek feedback from families themselves, if possible.

**Be a resource for families and build connections across systems.** Lack of legal status can be an isolating experience for families and caregivers and many may lack access to critical services and support networks. Some ways educators can become a trusted resource for families include:

- Looking for opportunities to help support immigrant families in your community and advocating for policies that promote inclusion.
- Seeking out community-based organizations that assist immigrants, including faith-based organizations, and sharing this information with caregivers and families.
- Establishing trusting relationships with children and caregivers so that they can turn to a trusted source of support when the unique challenges faced by undocumented or mixed-status families cause stress or worry.
- Providing access to comprehensive services by building partnerships with community-based organizations and legal service providers and referring caregivers and families in need. Consider prioritizing linguistically and culturally appropriate and easily accessible service providers.

#### **Sources for these Tips and Other Resources:**

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2. Gonzalez, J. & Darling-Hammond, L. (1997). *New concepts for new challenges: Professional development for teachers of immigrant youth*. *Topics in immigrant education 2*. Retrieved from <http://files.eric.ed.gov/fulltext/ED421018.pdf>.
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## Programs and Resources

Sometimes families are not able to access high-quality early learning programs or other educational opportunities because they do not have information regarding programs for which their children qualify. Educators, early childhood providers, and other education personnel can help clarify this information for immigrant parents, guardians, and families, while following the legal guidelines as listed on pages 10-12.

### Education Programs

#### Early learning programs:

Many public early learning programs (including those located in public schools) are open to all eligible children, without regard to immigration status. Because many programs have limited slots available, this does not necessarily mean that there will be capacity to serve every eligible child. Please use the resources below to find more information about eligibility guidelines for early learning programs.

#### Elementary/secondary education:

Public elementary and secondary schools **must** provide equal access to basic educational opportunities open to all children, regardless of their or their parent's or guardian's immigration status.<sup>50</sup>

- Some examples include: elementary and secondary public education, English-as-a-second language or other programs for ELs, special education services and programs, and gifted and talented programs or advanced coursework.

#### U.S. Department of Education:

The examples below are education programs funded and administered by the U.S. Department of Education that provide opportunities open to all eligible children, regardless of their or their parent's or guardian's immigration status. Eligibility is determined by income, status as an EL, or disability status.

Program	Description	For More Information
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<sup>50</sup> See pages 9-12.

Title I, Part A Grants to Local Educational Agencies, Improving the Academic Achievement of the Disadvantaged, Title I ESEA, Title I LEA Grants <http://www.ed.gov/programs/titleiparta/index.html>  
 [Note that this is guidance for Title I of the ESEA prior to amendment by the ESSA in December 2015 (which is effective for Title I formula grants starting in the 2017-2018 school year).]

Title III Supplemental language instructional education programs and supports for ELs; and programs for serving Immigrant Children and Youth <http://www.ed.gov/programs/sfgp/nrgcomp.html>  
 [Note that this is guidance for Title III of the ESEA prior to amendment by the ESSA in December 2015 (which is effective for Title III formula grants starting in the 2017-2018 school year).]

IDEA, Part C Early intervention programs for Infants and Toddlers With Disabilities <http://www.ed.gov/policy/speced/reg/idea/part-c/index.html>

IDEA, Part B 619 Special education programs and services for children with disabilities ages 3-5 <http://idea.ed.gov/explore/view/p/%2Croot%2Cstate%2CI%2CB%2C619%2C>

**U.S. Department of Health and Human Services:**

Early learning programs funded by the U.S. Department of Health and Human Services have varying citizenship eligibility requirements. U.S. citizen children from mixed-status families and undocumented children may be eligible for the following programs:

**Program**

**For More Information**

Head Start and Early Head Start	<a href="http://www.acf.hhs.gov/sites/default/files/occ/pi2008_01.pdf">http://www.acf.hhs.gov/sites/default/files/occ/pi2008_01.pdf</a>
Migrant and Seasonal Head Start	<a href="https://eclkc.ohs.acf.hhs.gov/hslc/standards/pc/i_pc_actual.htm">https://eclkc.ohs.acf.hhs.gov/hslc/standards/pc/i_pc_actual.htm</a>
Home Visiting	<a href="https://www.ssa.gov/OP_Home/ssact/title05/0511.htm">https://www.ssa.gov/OP_Home/ssact/title05/0511.htm</a>

**Other Federally Funded Programs:**

For the following program, eligibility is based on being a member of the United States Armed Forces, a U.S. Department of Defense (DOD) civilian or contractor. Non-citizen caregivers may enroll their child in the program as long as the child is the dependent of a U.S. military sponsor or DOD civilian sponsor.

**Program**

**For More Information**

Military Child Care Centers

<http://www.militaryonesource.mil/family-and-relationships/child-care-and-youth-programs> (Click on Military Child Care Centers for more information)

**Supportive Services Programs**

**Nutrition programs.** All children whose families meet certain income eligibility requirements may participate in the free and reduced-price school lunch program regardless of immigration status. Further, schools may **not** collect information regarding a household’s citizenship on the application for school meal benefits because citizenship is not a requirement for participation in the school meal programs. For more information, see <http://www.fns.usda.gov/sites/default/files/cn/EliMan.pdf>. All children whose families meet certain income eligibility requirements and who attend eligible child care centers and Head Start programs may participate in the Child and Adult Care Food Program (CACFP). For more information, please visit <http://www.fns.usda.gov/cacfp/child-day-care-centers>.

**Health programs** – All children, without regard to immigration status, must have equal access to school-based health programs and the opportunity to receive services provided by school nurses, if these options are available to other children. More specific guidance on this topic may be available from your State educational agency or local educational agency.

**Resources List**

Some of the Web addresses in this publication are for sites created and maintained by organizations other than the U.S. Department of Education (ED). They are provided for the reader’s convenience. The Department does not control or guarantee the accuracy, relevance, timeliness, or completeness of this outside information. Further, the inclusion of particular Web addresses is not intended to reflect their importance, nor is it intended to endorse any views expressed or products or services offered on these outside sites, or the organizations sponsoring the sites. All links were verified on December 9, 2016.

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**Resources**

Resource Name	For More Information:	Description
<i>Early Learning Resources</i>		
Birth to 5: Watch Me Thrive!	<a href="http://www.acf.hhs.gov/programs/ecd/child-health-development/watch-me-thrive">http://www.acf.hhs.gov/programs/ecd/child-health-development/watch-me-thrive</a>	Birth to 5: Watch Me Thrive! is a coordinated Federal effort to encourage healthy child development, universal developmental and behavioral screening for children, and support for the families and providers who

Resource Name	For More Information:	Description
		care for them. This site contains a number of helpful resources for educators and families in English and Spanish.
Talk, Read, and Sing Together Every Day!	<a href="http://www.ed.gov/about/inits/ed/earlylearning/talk-read-sing/index.html">http://www.ed.gov/about/inits/ed/earlylearning/talk-read-sing/index.html</a>	Created by ED, the Department of Health and Human Services (HHS), and Too Small to Fail specifically for families, caregivers, and early educators, the "Talk, Read, and Sing Together Every Day" tip sheets can help enrich a child's early language experiences by providing research-based tips for talking, reading, and singing with young children every day beginning from birth. All tip sheets are available in English and Spanish, and can be downloaded for free.
Let's Talk, Read, and Sing about STEM!	<a href="http://www2.ed.gov/about/inits/ed/earlylearning/talk-read-sing/index.html">http://www2.ed.gov/about/inits/ed/earlylearning/talk-read-sing/index.html</a>	ED, HHS, and Too Small to Fail have created a set of early STEM resources for families and educators of young children entitled Let's Talk, Read and Sing about STEM! These tip sheets provide fun, concrete resources and recommendations for families, caregivers, and infant, toddler, and preschool educators on easy ways to incorporate STEM concepts and vocabulary into everyday routines, and suggestions for activities to engage young children in STEM learning.
Joint ED/HHS Policy Statement on Supporting the Development of Children who are Dual Language Learners in Early Childhood Programs	<a href="https://www.acf.hhs.gov/sites/default/files/ecd/dll_policy_statement_final.pdf">https://www.acf.hhs.gov/sites/default/files/ecd/dll_policy_statement_final.pdf</a>	This policy statement includes comprehensive recommendations to States and to early childhood programs. It also recommends that States and local communities work together to ensure that all early childhood programs are welcoming and linguistically accessible to families of dual language learners (DLLs), foster children's emerging bilingualism and learning more broadly, and

Resource Name	For More Information:	Description
		support the early childhood workforce in building their capacity to stimulate the learning of DLLs.
Dual Language Learner Toolkit	<a href="http://eclkc.ohs.acf.hhs.gov/hslc/tta-system/cultural-linguistic/Dual%20Language%20Learners/toolkit">http://eclkc.ohs.acf.hhs.gov/hslc/tta-system/cultural-linguistic/Dual%20Language%20Learners/toolkit</a>	A toolkit, released by HHS' Office of Head Start, includes free resources on supporting the learning and development-including dual language development - of DLLs at home, in early learning settings, and in the community.
Joint ED/HHS Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings	<a href="http://www.ed.gov/policy/gen/guid/school-discipline/policy-statement-ece-expulsions-suspensions.pdf">http://www.ed.gov/policy/gen/guid/school-discipline/policy-statement-ece-expulsions-suspensions.pdf</a>	This policy statement supports families, early childhood programs, and States by providing recommendations for preventing and severely limiting expulsion and suspension practices in early childhood settings. In addition to providing free resources, the statement raises awareness about exclusionary discipline practices in early childhood settings, including issues of racial/national origin/ethnic and sex disparities and negative outcomes for children associated with expulsion and suspension in the early years.
Joint ED/HHS Policy Statement on Inclusion of Children with Disabilities in Early Childhood Programs	<a href="http://www.ed.gov/policy/speced/guid/earlylearning/joint-statement-full-text.pdf">http://www.ed.gov/policy/speced/guid/earlylearning/joint-statement-full-text.pdf</a>	This policy statement provides recommendations to States, LEAs, schools, and public and private early childhood programs for increasing the inclusion of infants, toddlers, and preschool children with disabilities in high-quality early childhood programs.
Joint ED/HHS Policy Statement on Family Engagement from the Early Years to the Early Grades	<a href="https://www2.ed.gov/about/inits/ed/earlylearning/files/policy-statement-on-family-engagement.pdf">https://www2.ed.gov/about/inits/ed/earlylearning/files/policy-statement-on-family-engagement.pdf</a>	This policy statement provides recommendations to early childhood systems and programs on family engagement (the systematic inclusion of families in activities and programs that promote children's development, learning, and wellness).
The Preschool Years	<a href="http://www.colorincolorado.org/preschool-years">http://www.colorincolorado.org/preschool-years</a>	This bilingual site provides information to families on preschool, early literacy

Resource Name	For More Information:	Description
		preschool, building a child's vocabulary, storytelling, music, rhyme, and how to get ready for kindergarten.
<i>English Learner Resources</i>		
English Learner Tool Kit	<a href="http://www.ed.gov/oela/english-learner-toolkit/eltoolkit.pdf">http://www.ed.gov/oela/english-learner-toolkit/eltoolkit.pdf</a>	The English Learner Tool Kit is a companion document that provides information to help State and local educational agencies fulfill these obligations. The Tool Kit has 10 chapters (one for each section of the DCL), and contains an overview, sample tools, and resources.
Fast Facts: English Learner (EL) Students Who Are Black	<a href="http://sites.ed.gov/whieea/files/2013/03/OELA-and-WHIEEA-Fast-Facts-1-of-2-10.6.15-FINAL.pdf">http://sites.ed.gov/whieea/files/2013/03/OELA-and-WHIEEA-Fast-Facts-1-of-2-10.6.15-FINAL.pdf</a>	This fact sheet provides helpful information and data on English learners who are Black.
<i>Research and Resources on Engaging Immigrant Families</i>		
White House Task Force on New Americans Educational and Linguistic Integration Webinar Series	<a href="http://www.ed.gov/oela/webinars/new-americans/index.html">http://www.ed.gov/oela/webinars/new-americans/index.html</a>	A webinar series created by the Department's Office of English Language Acquisition to help educators, schools, and community-based organizations support the educational and linguistic integration of New Americans. The webinar series includes specific sessions on creating welcoming schools, engaging immigrant parents and families, dual-language learning, and early learning opportunities.
Build Initiative Diversity & Equity Toolkit	<a href="http://www.buildinitiative.org/TheIssues/DiversityEquity/Toolkit.aspx">http://www.buildinitiative.org/TheIssues/DiversityEquity/Toolkit.aspx</a>	The BUILD Diversity Toolkit includes resources that individuals, programs, States, and systems need to address diversity in meaningful ways. The toolkit provides stakeholders with evidence, examples, and supports related to addressing issues of culture, language, equity, and diversity. Specific resources to support immigrant children and

Resource Name	For More Information:	Description
		families are included.
U.S. Department of Education Newcomer Toolkit	<a href="https://www2.ed.gov/about/offices/list/oela/newcomers-toolkit/ncomertoolkit.pdf">https://www2.ed.gov/about/offices/list/oela/newcomers-toolkit/ncomertoolkit.pdf</a>	The <i>Newcomer Tool Kit</i> provides (1) discussion of topics relevant to understanding, supporting, and engaging newcomer students and their families; (2) tools, strategies, and examples of classroom and schoolwide practices in action, along with chapter-specific professional learning activities for use in staff meetings or professional learning communities; and (3) selected resources for further information and assistance, most of which are available online at no cost.
Refugee Portal	<a href="http://www.brycs.org/refugee-portal/index.cfm">http://www.brycs.org/refugee-portal/index.cfm</a>	This resource highlights multilingual resources available on family life and parenting, early childhood, the U.S. K-12 school system, children's books, and health/mental health.
Supporting Immigrant Families' Access to Prekindergarten	<a href="http://www.urban.org/research/publication/supporting-immigrant-families-access-prekindergarten">http://www.urban.org/research/publication/supporting-immigrant-families-access-prekindergarten</a>	Report draws on interviews conducted with over 40 prekindergarten directors and staff, directors of early childhood education programs, and other specialists to present strategies for improving prekindergarten enrollment among immigrant families and ELs.
Immigrant Parents and Early Childhood Programs: Addressing Barriers of Literacy, Culture, and Systems Knowledge	<a href="http://www.migrationpolicy.org/research/immigrant-parents-early-childhood-programs-barriers">http://www.migrationpolicy.org/research/immigrant-parents-early-childhood-programs-barriers</a>	Report identifies the unique needs of newcomer parents across the range of expectations for parent skill, engagement, and leadership sought by early childhood education and care programs, and strategies undertaken to address these needs.
Helping Immigrant Families Overcome Challenges	<a href="https://www.childwelfare.gov/topics/systemwide/diverse-populations/immigration/helping-immigrant-families-overcome-challenges/">https://www.childwelfare.gov/topics/systemwide/diverse-populations/immigration/helping-immigrant-families-overcome-challenges/</a>	Resources to help professionals work with immigrant families in a culturally competent manner and build culturally competent

Resource Name	For More Information:	Description
		organizations.
<i>Resources for Educators of Undocumented Students</i>		
Dear Colleague Letter and Resource Guide: Supporting Undocumented Youth	<a href="http://www.ed.gov/policy/elsec/guid/secletter/151019.html">http://www.ed.gov/policy/elsec/guid/secletter/151019.html</a> <a href="http://www.ed.gov/about/overview/focus/supporting-undocumented-youth.pdf">http://www.ed.gov/about/overview/focus/supporting-undocumented-youth.pdf</a>	A guide for educators developed by the Department of Education to help teachers, schools, and colleges support the success of undocumented students in secondary and postsecondary settings.
Guide for Teachers Helping Dreamers	<a href="http://unitedwedream.org/wp-content/uploads/2013/03/guide4teachers_daca.pdf">http://unitedwedream.org/wp-content/uploads/2013/03/guide4teachers_daca.pdf</a>	This guide was created for teachers and service providers who teach, mentor, and help undocumented youth. Intended to be a brief, easy-to-read guide on how to help undocumented youth and where they can get support.
Top 10 Ways to Support Undocumented Students	<a href="http://www.e4fc.org/images/E4FC_EducatorTop10.pdf">http://www.e4fc.org/images/E4FC_EducatorTop10.pdf</a>	A list of 10 ways educators can support undocumented students.
Supporting Undocumented Youth through Community Engagement	<a href="http://www.idra.org/IDRA_Newsletter/June_July_2015_Accountability_and_Civic_Engagement/Supporting_Undocumented_Youth_through_Community_Engagement/">http://www.idra.org/IDRA_Newsletter/June_July_2015_Accountability_and_Civic_Engagement/Supporting_Undocumented_Youth_through_Community_Engagement/</a>	A synthesis of research and a list of recommendations for how schools can support undocumented youth.
Social Justice Collaboration in Schools: A Model for Working with Undocumented Latino Students	<a href="http://www.psyr.org/jsacp/Storlie-v4n2-12_99-116.pdf">http://www.psyr.org/jsacp/Storlie-v4n2-12_99-116.pdf</a>	This article describes the challenges encountered by undocumented Latino students and introduces a model that promotes social action within a K-16 system. This model is designed to generate insights into how to educate professionals on realistic and empowering methods to give opportunities for undocumented Latino students.
The DREAM Educational Empowerment Program Web site	<a href="http://unitedwedream.org/about/projects/education-deep/">http://unitedwedream.org/about/projects/education-deep/</a>	The DREAM Educational Empowerment Program (DEEP) is designed to promote educational justice and empowerment for immigrant students. DEEP educates, connects, and empowers immigrant students, parents, and



Resource Name	For More Information:	Description
		educators to close the opportunity gap and engage in local efforts to improve educational equity.
National Educators Coming Out Day	<a href="http://unitedwedream.org/educatorsout">http://unitedwedream.org/educatorsout</a>	Toolkit and pledge for educators on how to support undocumented students.
Helping Your Immigrant Students and School Community: Updates on Deferred Action Programs for Undocumented Youth and Family	Webinar: <a href="https://cliniclegal.org/resources/webinars/helping-your-immigrant-students-and-school-community-updates-deferred-action">https://cliniclegal.org/resources/webinars/helping-your-immigrant-students-and-school-community-updates-deferred-action</a>	CLINIC's webinar for educators, counselors, and others working in schools and adult education programs provides information about supporting undocumented students and their families.
<b>Family Engagement Resources</b>		
ED Family and Community Engagement Website	ED Family and Community Engagement Website <a href="http://www.ed.gov/parent-and-family-engagement">http://www.ed.gov/parent-and-family-engagement</a>	A dedicated webpage on ED's website with information and many helpful resources for parents and families.
Center for Parent Information and Resources	Center for Parent Information and Resources <a href="http://www.parentcenterhub.org/">http://www.parentcenterhub.org/</a>	A national source of information and resources for parents of children with disabilities. The website houses a wide variety of useful information on many topics for families of children with disabilities from birth through age 26. The site also has many resources in Spanish, and links to resources in other languages.
Parent Training and Information Centers (PTI) & Community Parent Resource Centers (CPRC)	Parent Training and Information Centers (PTI) & Community Parent Resource Centers (CPRC) <a href="http://www.parentcenterhub.org/find-your-center/">http://www.parentcenterhub.org/find-your-center/</a>	Families of children with disabilities often need information about their children's disabilities, early intervention services, school services, therapy, local policies, transportation, and more. States have at least one Parent Training and Information Center (PTI) to offer families this information. Many States have a Community Parent Resource Center (CPRC), which offers support and training.  Many PTIs and CPRCs have staff

Resource Name	For More Information:	Description
		who speak other languages and have experience working with immigrant families.
<b>Immigration-Specific Resources</b>		
Immigo 2.0 Mobile App	For Information: <a href="http://live.nclr.org/issues/immigration/immigrant-integration/">http://live.nclr.org/issues/immigration/immigrant-integration/</a>  For Download: <a href="https://itunes.apple.com/us/app/immigo/id891595380?mt=8">https://itunes.apple.com/us/app/immigo/id891595380?mt=8</a>  <a href="https://play.google.com/store/apps/details?id=com.probononet.immigo&amp;hl=en">https://play.google.com/store/apps/details?id=com.probononet.immigo&amp;hl=en</a>	A free mobile app developed by National Council of La Raza and the Immigration Advocates Network that puts basic information about immigration at the fingertips of service providers. It includes basic information on Deferred Action for Childhood Arrivals (DACA) and a legal service directory for nonprofit legal service providers.
Educators' Back to School Toolkit	<a href="https://cliniclegal.org/educators-back-school-toolkit">https://cliniclegal.org/educators-back-school-toolkit</a>	CLINIC's resources for educators provide an overview of DACA, including the benefits and risks, and information about the process for requesting DACA and about seeking qualified legal assistance.
Women's Refugee Commission Resources	<a href="https://www.womensrefugeecommission.org/rights/legal">https://www.womensrefugeecommission.org/rights/legal</a>	A wide variety of resources to support refugees, asylees, and asylum seekers, including information about legal protection.
<b>Other Relevant Resources</b>		
Dear Colleague Letter on Discriminatory Harassment Based on Race, Religion, or National Origin	<a href="http://www.ed.gov/policy/gen/guid/secletter/151231.html">http://www.ed.gov/policy/gen/guid/secletter/151231.html</a>	This DCL, released in December 2015, reminds educational leaders about the urgent need to create safe spaces in which students are free from discrimination and harassment based on race, religion, or national origin. In addition to reminding leaders about their relevant civil rights obligations, the letter provides ideas for how schools can work together with students, families, and community groups to create safe learning environments in which all students are equally able to participate.

Resource Name	For More Information:	Description
<p>Healthy Students, Promising Futures: State and Local Action Steps and Practices to Improve School-Based Health</p>	<p><a href="http://www.ed.gov/admins/lead/safety/healthy-students/toolkit.pdf">http://www.ed.gov/admins/lead/safety/healthy-students/toolkit.pdf</a></p>	<p>This ED/HHS toolkit, released in January 2016, provides tools to help State and local stakeholders take practical steps to strengthen the link between health and education. Topics covered include increased access to health insurance, providing physical and mental health supports at school, and stronger collaboration between health and education.</p>
<p>Hosting Your Own African American Education Teach in: A tool kit for individuals and communities to accelerate African American educational excellence and respond to urgent needs of African American students and communities</p>	<p><a href="http://sites.ed.gov/whieea/files/2013/03/WHIEEA-toolkit.pdf">http://sites.ed.gov/whieea/files/2013/03/WHIEEA-toolkit.pdf</a></p>	<p>This resource includes tips, letter, and resources for communities to host their own teach in and addresses the need to be sure to be bidirectional with families and communities in efforts to support educational success by being culturally responsive and addressing the unique needs of students.</p>



TeachME  
CEUs for Teachers and Educators

Learning starts at home, and you are your child's first teacher. The role of families is especially important during the early childhood years, when the brain is rapidly developing. Children are more successful in school when parents and families are actively involved in their children's education. To work well, family engagement must be a two-way partnership between home and school. The U.S. Department of Education (the Department) believes strongly that each immigrant family brings valuable assets, including a rich home language and culture. When schools honor and incorporate these assets into learning, all immigrant families become partners in their children's education – making schools better places for all of our Nation's children.

To ensure each child receives a high-quality education, this *Handbook for Parents, Guardians, and Families: Building A Bright Future for All* (Handbook) seeks to inform and empower immigrant families, including mixed-status and undocumented families, as they work with early learning programs and schools. The Department encourages community- and faith-based organizations, schools, and early learning programs to work alongside immigrant parents and families to put these resources and recommendations into action. This Handbook includes:

- Information about the importance of high-quality early learning programs and elementary schools, especially for immigrant children and English learners (ELs);
- Tips for helping children learn and develop language skills at home;
- The rights of children and families in accessing public education, regardless of their place of birth or immigration status;
- Eligibility rules for some child care, early learning, and public education programs (many of which are open to all eligible children, regardless of their immigration status);
- Tips for getting assistance help if you face challenges accessing educational opportunities;
- Resources for immigrant parents, families, and children; and
- Information about requesting consideration for Deferred Action for Childhood Arrivals (DACA) and on accessing local adult education programs.

## Glossary for this Handbook

- **Center-based program:** Early learning programs outside of family, friend, and neighbor care, including child care, preschool, nurseries, and Head Start, which may be located in community-based settings or schools.<sup>51</sup>
- **Developmental screening:** An assessment that helps to identify if a child is at risk of a developmental delay or disability.<sup>52</sup>
- **Dual language learner (DLL):** A term used to describe children aged birth to five years learning two (or more) languages at the same time, as well as those learning a second language while continuing to develop their first (or home) language.<sup>53</sup>

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<sup>51</sup> Hofferth, S.L. (1996). Child care in the United States today. *The Future of Children*: Volume 6, Number 2.

<sup>52</sup> The American Academy of Pediatrics. Retrieved from <http://pediatrics.aappublications.org/content/118/1/405.full.pdf>.

- **English learner (EL):** An individual—
  - (A) who is aged 3 through 21;
  - (B) who is enrolled or preparing to enroll in an elementary school or secondary school;
  - (C)(i) who was not born in the United States or whose native language is a language other than English; (ii)(I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and (II) who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or (iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and
  - (D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual— (i) the ability to meet the challenging State academic standards; (ii) the ability to successfully achieve in classrooms where the language of instruction is English; or (iii) the opportunity to participate fully in society.<sup>54</sup>
- **Service provider:** Any non-profit, for-profit, or governmental entity that provides early intervention, developmental, or educational services to children starting at birth.

## Why High-quality Early Learning Matters

High-quality early learning programs help children build a foundation for success in school and in life. Participating in a high-quality early learning program is one of the best opportunities you can provide for your child's future. High-quality center and home-based programs can provide many benefits, such as well-qualified teachers, defined early learning expectations, screening opportunities, and learning resources.

As the box below (“Creating Success Step-by-Step”) shows, the first five years are a very important time for a child's learning. What your child learns as an infant, toddler, and preschooler sets the stage for success in elementary school and beyond. Enrolling in a high-quality early learning program and creating learning opportunities at home (in the language you feel most comfortable) can help you take advantage of this important time!

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<sup>53</sup> U.S. Department of Health and Human Services, Administration for Children and Families Early Childhood Learning and Knowledge Center. Office of Head Start (OHS) definition of “dual language learners”. Retrieved from [http://eclkc.ohs.acf.hhs.gov/hslc/tta-system/cultural-linguistic/Dual%20Language%20Learners/DLL\\_%20Resources/OHSDefinitionof.htm](http://eclkc.ohs.acf.hhs.gov/hslc/tta-system/cultural-linguistic/Dual%20Language%20Learners/DLL_%20Resources/OHSDefinitionof.htm).

<sup>54</sup> Section 8101(20) of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act.

## CREATING SUCCESS STEP BY STEP



Birth to age 5 is the most critical period for brain development. Learning gaps appear as early as 9 months of age. Some children might start school 18 months behind their peers and know half as many words in English as others their age.

Children's language skills from age 1 to 2 are predictive of their pre-literacy skills at age five.

Children who attend high-quality preschool programs are more likely to graduate from high school.

Children who attend high-quality preschool programs are more likely to go on to college and succeed in their careers

\*55, 56, 57, 58, 59, 60

<sup>55</sup> Hart, B. & Risley, T. R. "The early catastrophe: The 30 million word gap by age 3." *American educator* 27.1 (2003): 4-9.

<sup>56</sup> Kennedy, D.N., Makris, N., Herbert, M.R., Takahashi, T., & Caviness, V. S. "Basic principles of MRI and morphometry studies of human brain development." *Developmental science* 5.3 (2002): 268-278.

<sup>57</sup> Halle, T., Forry, N., Hair, E., Perper, K., Wandner, L., Wessel, J., & Vick, J. (2009). *Disparities in early learning and development: Lessons from the early childhood longitudinal study – birth cohort (ECLS-B)*. Washington, DC: Child Trends.

<sup>58</sup> Barnett, W. S., Tarr, J. E., Larny, C. E., & Frede, E. C. (2001). *Fragile lives, shattered dreams: A report on implementation of preschool education in New Jersey's Abbott districts*. New Brunswick, NJ: National Institute for Early Education Research.

<sup>59</sup> Kuhl, P. K. "Early language learning and literacy: Neuroscience implications for education." *Mind, brain, and education* 5.3 (2011): 128-142.

Research shows achievement gaps between children from high-income families and their low-income peers appear early on.<sup>61</sup> When children enter kindergarten behind their peers, the gaps may continue to grow. But rich learning opportunities at home and enrolling in high-quality early learning programs can make a difference. High-quality early learning programs can narrow the early achievement gap and set the stage for a lifetime of success. Immigrant children and DLLs or ELs can especially benefit from participating in early learning.

## DUAL LANGUAGE LEARNERS OR ENGLISH LEARNERS

- A study of the West Sacramento, California universal preschool program found that DLLs or ELs who participated in the program were **more prepared for success** in kindergarten than their EL or DLL peers who did not participate in the program.
- DLLs or ELs who enter kindergarten knowing academic language (language valued and used in school settings) in their home language are more likely to become **English proficient** in the elementary grades.



\*62,63

<sup>60</sup> Yoshikawa, H., Weiland, C., Brooks-Gunn, J., Burchinal, M., Espinosa, L., Gormley, W., ... Zaslow, M.J. (2013). *Investing in our future: The evidence base for preschool education*. Retrieved from <http://fcd-us.org/sites/default/files/Evidence%20Base%20on%20Preschool%20Education%20FINAL.pdf>.

<sup>61</sup> Reardon, S.F. "The widening income achievement gap." *Educational leadership* 70.8 (2013): 10-16.

<sup>62</sup> Sanchez, M. (2012). *Educational outcomes for Preschool for All participants in Redwood City School District - update*. Retrieved from [http://gardnercenter.stanford.edu/resources/publications/PFA\\_IssueBrief2012\\_final%209.24.12.pdf](http://gardnercenter.stanford.edu/resources/publications/PFA_IssueBrief2012_final%209.24.12.pdf).

<sup>63</sup> Thompson, K. D. (2015). *English learners' time to reclassification: An analysis*. Retrieved from <https://ir.library.oregonstate.edu/xmlui/bitstream/handle/1957/57224/ThompsonKarenEducationEnglishLearnersTimeReclassification.pdf?sequence=1>.

## Tips for Parents & Families

# PARENT & FAMILY ROLE

In the earliest years of life, you can play an especially big role in your child's development. You can help your child learn by talking, reading, and singing every day to your child **in whatever language** you feel most comfortable using. Speaking to your child in another language does not hinder their English.

- When you talk, read, and sing with your child – even before they can use words – you're helping them learn and making them happier too! Talking, reading, and singing with your child every day from birth can help his or her brain develop and build important language, math, reading, and social skills for use in school and beyond.
- You probably naturally talk to your child about the events of the day. Keep doing it, and do it more! The more words and conversations you share together, the better prepared your child will be to learn. You are your child's first teacher!
- When you talk and interact with your child regularly, you may have an important opportunity to notice if something does not seem quite right. If that happens, there are resources available to help you get additional help and supports to meet the needs of your child.
- Every child develops at his or her own pace, but if you are ever worried about your child's development, don't wait! Acting early can make a big difference. Remember, you know your child best. Talk with your child's doctor if you have concerns. Get tips to help you prepare at [www.cdc.gov/Concerned](http://www.cdc.gov/Concerned).

For more tips in English and Spanish to help you engage in your child's early learning, please visit <http://www.ed.gov/early-learning/talk-read-sing>.





## Immunizations

According to the Centers for Disease Control & Prevention (CDC), during the early years of life, children need vaccines to protect them from 14 diseases that can be serious, even life-threatening. Parents can find out what vaccines their children need and when the doses should be given by reviewing CDC's recommended Childhood Immunization Schedule (see: <https://www.cdc.gov/vaccines/parents/downloads/parent-ver-sch-0-6yrs.pdf>). The recommended immunization schedule is designed to protect infants and children early in life, when they are most vulnerable and before they are exposed to potentially life-threatening diseases.

Children often also need certain immunizations to enroll in early childhood settings and public schools. Not having the needed immunizations can sometimes make child care, preschool, or k-12 school enrollment more difficult and time-consuming. The immunization schedule is provided to make sure you have the information you need to ensure your child gets the immunizations he or she needs to be ready for school.

## Civil Rights of Families & Children

Immigrant families sometimes face challenges in accessing high-quality early learning programs or enrolling in elementary schools. These challenges may be more significant if you are an undocumented parent, even if your child is a U.S. citizen. However, you and your child are entitled to important rights and protections, regardless of your or your child's immigration status.<sup>64</sup> Community-based organizations, including faith-based organizations and advocacy groups, may be able to help support you and your children in ensuring these rights are upheld.

Federal civil rights laws prohibit discrimination, including harassment, on the basis of race, color, national origin, religion, sex, and disability by recipients of Federal financial assistance. Those laws also prohibit retaliation against any individual who asserts rights or privileges under these laws or who files a complaint, testifies, or participates in a Federal investigation or proceeding.

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<sup>64</sup> U.S. Department of Education, Office for Civil Rights, and U.S. Department of Justice *Dear Colleague Letter: School Enrollment Procedures*. <http://www.ed.gov/ocr/letters/colleague-201405.pdf>.

As discussed below, in some contexts, such as providing access to a basic public education, discrimination on the basis of immigration status is also prohibited by Federal law.

The box below (“Language Assistance for Parents”) lists key requirements for language assistance for parents and guardians that must be provided by schools and public early learning programs that receive Federal financial assistance. The box on the next page (“Access to Public Education for All”) describes the obligations of school districts to ensure that all children have access to a basic public education, regardless of their immigration status or that of their parents or families.

## LANGUAGE ASSISTANCE FOR PARENTS

- Schools **must** provide information to parents in a language they can understand. This includes information related to:
  - Registration and enrollment;
  - Language assistance programs;
  - Report cards;
  - Student discipline policies and procedures;
  - Parent-teacher conferences;
  - Parent handbooks;
  - Special education and disability-related services;
  - Gifted and talented programs; and
  - Requests for parent permission for student participation in school activities.
- Schools **must** provide language assistance to you even if your child is proficient in English and are required to provide adequate, independent assistance.
- Schools **may not** ask your child, other students, or untrained staff to translate or interpret.
- Schools **must** offer language assistance, such as translated materials and/or a language interpreter.

For more information and guidance, please visit:

<http://www.ed.gov/ocr/docs/dcl-factsheet-lep-parents-201501.pdf>

## ACCESS TO PUBLIC EDUCATION FOR ALL

- The United States Supreme Court has held that a State **may not** deny equal access to a basic public education to any child residing in the State, whether present in the United States legally or otherwise.
- To comply with Federal civil rights laws, as well as the mandates of the Supreme Court, school districts must ensure that they **do not** discriminate on the basis of race, color, or national origin, and that students are not barred from enrolling in public schools on the basis of their own citizenship or immigration status or that of their parents or guardians.
- A school district **may not** request information with the purpose or result of denying access to public schools on the basis of race, color, or national origin.
- A school district **should** review the list of documents that can be used to establish residency and ensure that any required documents would not unlawfully bar or discourage a student who is undocumented or whose parents are undocumented from enrolling in or attending school.
- A school district **may not** bar a student from enrolling in its schools because he or she lacks a birth certificate or has records that indicate a foreign place of birth, such as a foreign birth certificate.
- A school district **cannot** use the race, ethnicity, national origin, or English proficiency information it collects to discriminate against students; nor should a parent's or guardian's refusal to respond to a request for this data lead to a denial of his or her child's enrollment.
- A school district **may not** deny enrollment to a student if he or she (or parent or guardian) chooses not to provide a Social Security number.
- Any request **must** be uniformly applied to all students and not applied in a selective manner to specific groups of students.

For more information and guidance, please visit:

<http://www.ed.gov/ocr/letters/colleague-201405.pdf>

DLLs or ELs bring important cultural and language assets that should be embraced and valued. If your child is an EL, he or she is also entitled to certain protections and services under Federal civil rights law. See the box below (“English Learners”) for more information.

## ENGLISH LEARNERS

- Under Title VI of the Civil Rights Act of 1964 (Title VI) and the Equal Educational Opportunities Act of 1974 (EEOA), public schools **must** ensure that EL students can participate meaningfully and equally in educational programs.
- The U.S. Department of Education and the U.S. Department of Justice issued joint guidance in January 2015, to remind SEAs, school districts, and public schools of their legal obligation to ensure that EL students can participate meaningfully and equally in educational programs. These obligations include:
  - Identifying and Assessing All Potential EL Students
  - Providing Language Assistance to EL Students
  - Staffing and Supporting an EL Program
  - Providing Meaningful Access to All Curricular and Extracurricular Programs
  - Avoiding Unnecessary Segregation of EL Students
  - Evaluating EL Students for Special Education and Disability-Related Services and Providing Dual Services
  - Meeting the Needs of Students Who Opt Out of EL Programs or Particular Services
  - Monitoring and Exiting EL Students from EL Programs and Services
  - Evaluating the Effectiveness of a District’s EL Program
  - Ensuring Meaningful Communication with Limited English Proficient Parents (see “Language Assistance for Parents”)

For more information, please refer to *U.S. Department of Education and U.S. Department of Justice joint [Dear Colleague Letter](http://www.ed.gov/ocr/letters/colleague-el-201501.pdf), English Learner Students and Limited English Proficient Parents, January 7, 2015.* <http://www.ed.gov/ocr/letters/colleague-el-201501.pdf>

For information to help State and local educational agencies fulfill these obligations, please see the U.S. Department of Education’s *English Learner Tool Kit*.  
<http://www.ed.gov/oela/english-learner-toolkit/eltoolkit.pdf>

States and school districts must make a free appropriate public education (FAPE) available to all children who are found eligible as a child with a disability under the law called the Individuals with Disabilities in Education Act (IDEA). These services must occur in the least restrictive environment (meaning in an environment in which they should spend as much time as possible with peers who do not receive special education). Additions to the initial language of the IDEA support an increased focus on access to the general education curriculum; include both Part B and Part C services for individuals from birth through age 2; provide requirements for preschool and secondary school transition, and require participation of most children with disabilities in all general State and districtwide assessment programs.

Under Part B of the IDEA, the main means for providing FAPE to children and youth ages 3 through 21 is through an appropriately developed individualized education program (IEP) that is based on the individual strengths and needs of the child. Early intervention services are provided under Part C to infants and toddlers with disabilities from birth through age 2 through an appropriately developed individualized family service plan (IFSP) that is based on the individual strengths and needs of the child and family.

Parents are a critical partner in developing, reviewing, and revising an IFSP under Part C and an IEP under Part B. Both Part B and Part C providers make supports available to ensure parents are able to fully participate in the IEP and IFSP process.



See the box on the next page (“Children with Disabilities”) for information on the legal rights of children who are eligible as a child with a disability under the IDEA, regardless of their immigration status or that of their parent(s) or guardian(s). Further, Section 504 of the Rehabilitation Act of 1973 and its implementing regulations prohibit discrimination by any recipient of Federal financial assistance against persons with disabilities and require school districts to provide FAPE to each eligible student with a disability.

## CHILDREN WITH DISABILITIES

- School districts **must** provide children with disabilities with both the language assistance and special education and disability-related services to which they are entitled under Federal law, without regard to the child's immigration status or that of his or her parent(s) or guardian(s).
- School districts **must** ensure that all children, regardless of their or their parents' or guardian's immigration status, who may have a disability and who may require services under the IDEA or Section 504 of the Rehabilitation Act of 1973 are located, identified, and evaluated for special education and disability-related services in a timely manner.
- Infants and toddlers who are eligible as a child with a disability (birth through age 2) under the IDEA and their families receive early intervention services under IDEA Part C. Children and youth with disabilities (ages 3-21) who are eligible receive special education and related services under IDEA Part B. These services must be made available to otherwise eligible children and, where applicable, their families without regard to the child's immigration status or that of his or her parent(s) or guardian(s).
- All students with disabilities are protected from discrimination and, if eligible, are entitled to receive FAPE under Section 504. School districts **must** provide children with disabilities with both the language assistance and special education and disability-related services to which they are entitled under Federal law, without regard to the child's immigration status or that of his or her parent(s) or guardian(s).

## Program Eligibility List

# ACCESS TO PROGRAMS

Sometimes families do not enroll their children in high-quality early learning programs or other educational opportunities because they are not familiar with programs for which their children qualify. Most public early learning programs have requirements that determine whether a child is eligible to participate, such as income or disability status. Regardless of your or your child's immigration status, your child may be eligible for many programs if he or she meets the other relevant criteria. Because many programs have limited slots available, this does not necessarily mean that there will be capacity to serve every eligible child. For more information, please see <https://www.usa.gov/child-care>. Learn more by reading below.<sup>65</sup>

## Education Programs

### Early learning programs

Many early learning programs (including those located in public schools) are open to all eligible children, without regard to immigration status. Children from immigrant families may be eligible for Head Start programs, for example.

### Elementary/secondary education

Elementary and secondary programs **must** provide basic educational opportunities open to all children, regardless of their or their parent's or guardian's immigration status.

- Some examples include: English as second language or other programs for English learners, special education services and programs, gifted and talented programs or advanced coursework, and all other basic educational opportunities offered in U.S. public schools.

## Supportive Services Programs:

### Nutrition programs

**All children** attending schools that participate in the National School Lunch Program and School Breakfast Program are eligible to receive free and reduced price school meals. Eligibility does **not** depend on a child's immigration status. Schools may **not** collect information regarding a household's citizenship on the application for school meal benefits.

**All children** from households that meet income requirements and who attend participating child care programs and Head Start programs may participate in the Child and Adult Care Food Program (CACFP).

### Health programs

All children, without regard to immigration status, must have equal access to school-based health programs and the opportunity to receive services provided by school nurses, if the school provides such services. More specific guidance on this topic may be available from your State Educational Agency or local educational agency (school district).

## Tips for Addressing Barriers

# SEEKING HELP

As mentioned in the program eligibility section, immigrant families sometimes face certain barriers when seeking educational opportunities. Below are some guiding questions that may help if you face any difficulties in accessing educational programs. If you do face any of these barriers, consider turning to a community-based organization that you trust for support, resources, and help in asking these hard questions.



### **Commonly cited barriers include:**

- Requests for Social Security numbers
- Complicated enrollment processes
- Providing proof of residency
- Language barriers
- Distrust of government institutions

### **When faced with any of these barriers, consider:**

- If information is requested of you, is it optional or required? If it is unclear, ask for clarification from program staff.
- Is there any conflict with the civil rights protections listed on pages 8-13?
- Are programs asking for the same information of all families or is your family being treated differently?
- Are programs taking proactive steps to address your language needs? Is language assistance being provided when you need it?
- Are programs using cultural mediators, community organizations, and outreach to help you meet the unique needs of your family?

### **All Parents Have Rights**

Some barriers can be resolved informally, especially with the help of a supportive community-based organization. But another option is available to you. If you face barriers in accessing educational programs that you believe conflict with the civil rights protections on pages 8-13, then you may consider filing a complaint with the Department's Office for Civil Rights (OCR), or your State educational agency or State lead agency under the IDEA, as appropriate. If you do not feel comfortable filing a complaint yourself, a community-based organization knowledgeable about you and your family may be able to help you file a complaint or file a complaint on your behalf.

To file an OCR complaint, visit <http://www.ed.gov/ocr/docs/howto.html> or contact OCR at (800) 421-3481; TDD (800)-877-8339.

### **Opportunities for Parents & Guardians**

A child's learning is impacted by a number of factors, both inside and outside early learning programs or elementary schools. The Department believes that, for students to be successful, parents and guardians need opportunities not just to be involved in their child's education, but also to continue their own learning so that they themselves can fulfill their potential, live stably, and provide for their needs and those of their children.



“This document was developed from the public domain document:  
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