*****Massachusetts Department of***

***Elementary and Secondary Education***

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| Jeffrey C. Riley*Commissioner* |  |

# MEMORANDUM

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| **To:** | Superintendents, Charter School Leaders, Assistant Superintendents, Collaborative Leaders, Leaders of Approved Special Education Schools |
| **From:**  | Jeffrey C. Riley, Commissioner of Elementary and Secondary Education |
| **Date:**  | April 6, 2022 |
| **Subject:** | Welcoming Newcomer and Refugee Students & Families |

**Background**

As a result of various global circumstances, districts across Massachusetts have seen an increase in recent months of newly arrived students, many of whom are refugees resettling in communities throughout the state. Some communities, for example, are welcoming Afghan families as part of [Operation Allies Welcome](https://www.dhs.gov/allieswelcome), while others are seeing an increasing number of new arrivals from Brazil, Haiti, and Central America. Many of these newcomers are school-aged children who require enrollment in school as soon as possible. They may be residing with friends or relatives and may have needs that require various support services, and some may be students with limited or interrupted formal education (SLIFE), exacerbated by the ongoing pandemic. This memo provides information and resources for districts to support enrollment and education of newcomer and refugee students. We encourage you to share this memo and resources with school building leaders and district staff who work with families.

**Enrollment**

Newcomer and refugee school-aged students are legally entitled to equal access to a free public education without regard to their or their parents’ or guardians’ national origin or immigration status as established by the U.S. Supreme Court in *Plyler v. Doe*, 457 U.S. 202 (1982). Newcomer and refugee school-aged students have the right to attend the public schools in the town in which they reside and must be permitted to enroll in public schools without undue delay.

While the Department of Elementary and Secondary Education (DESE) anticipates that many newcomer and refugee students will lack the paperwork that districts ordinarily require for enrollment, districts should enroll students and begin educating them as quickly as possible. For example, newly arrived families may not have leases or utility bills in their names, or they may arrive without their child's birth certificate. In cases where newly arrived families do not have the documents the districts ordinarily use to verify eligibility for enrollment, districts should work with families to find alternative means to establish residency or proof of age and facilitate prompt enrollment of students. For example, if a family does not have a birth certificate for a child, the district may accept an affidavit from the parent indicating the child's date of birth. If the student's parent, guardian, or person acting in place of the parent, has limited English proficiency, the district must arrange for translation or interpretation services as needed to facilitate prompt enrollment.

In some instances, newcomer and refugee students may qualify as homeless and will be entitled to immediate enrollment in school under federal law, even if they lack the paperwork that the district typically requires for enrollment. For example, students are considered homeless if they are sharing the housing of other persons due to loss of housing or economic hardship; are living in motels or hotels; are living in emergency or transitional shelters; or have a primary nighttime residence that is a public or private place not designed for or ordinarily used to provide regular sleeping accommodations. For more information, please see [McKinney-Vento Homeless Education Assistance Advisories](https://www.doe.mass.edu/sfs/mv/).

A recent [Dear Colleague Letter from the US Department of Education (January 14, 2022)](https://oese.ed.gov/files/2022/01/K-12-Resources-for-Afghan-Evacuees.pdf)provides some helpful resources related to enrollment and districts' legal obligations to serve newly arrived Afghan evacuees. Additionally, joint guidance from the United States Department of Education (USDOE) and Department of Justice (DOJ) provides general information about the rights of students from other countries to enroll in U.S. public schools and the responsibilities that districts have in this process:

* [Confronting Discrimination Based on National Origin and Immigration Status](https://www2.ed.gov/about/offices/list/ocr/docs/confronting-discrimination-national-origin-immigration-status)
* [Information on the Rights of All Children to Enroll in School](https://www.justice.gov/sites/default/files/crt/legacy/2014/05/08/plylerfact.pdf)

See also this 2017 Massachusetts [Attorney General Advisory: Equal Access to Public Education for All Students Irrespective of Immigration Status](https://www.mass.gov/files/documents/2018/11/13/ag-advisory-on-equal-access-to-education-3-2-17_0.pdf).

**English learner services**

Many newcomer and refugee students are English learners. School districts must identify in a timely manner English learners in need of English language services, and provide such services in accordance with applicable laws, regulations, and guidance. See [Guidance on Identification, Assessment, Placement, and Reclassification of English Learners](https://www.doe.mass.edu/ele/guidance/) for more detailed information about identifying and serving English learners.

If the student’s parent, guardian, or person acting in place of the parent has limited English proficiency, the district must provide essential information, such as information about registration and enrollment, English language services, and special education services, to them in a language they understand. See [Dear Colleague Letter from the U.S. Department of Education (January 7, 2015)](https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf) for additional information. For helpful resources to support engaging families using culturally and linguistically sustaining practices, see “More information and resources” below. Districts can also help connect families of newcomer and refugee students with existing parent support groups within the school district, such as the English Learner Parent Advisory Council (ELPAC) or Special Education Parent Advisory Council (SEPAC).

Some newcomer and refugee students may also be SLIFE (students with limited or interrupted formal education) and therefore entitled to additional supports. For more information on identifying SLIFE and tools to support districts in meeting the needs of these students, see DESE’s [Massachusetts Students with Limited or Interrupted Formal Education (SLIFE) Definition and Guidance](https://www.doe.mass.edu/ele/slife/default.html).

**Special education services**

Some newcomer and refugee students may be children with disabilities who are entitled to special education services under state and federal special education laws. Districts must ensure that children ages 3 through 21 who have a disability are identified, located, and evaluated to determine eligibility for special education services in a timely manner.[[1]](#footnote-2) It is crucial to engage parents or caregivers early in the process using culturally sustaining practices, including the use of qualified interpreters, to build trust, gather relevant information about the student, and to begin familiarizing the family with the education system in the United States. If parents, guardians, or caregivers provide the school with documentation of a child’s disability from the home country in a language other than English, districts should have it translated. All information obtained at enrollment or thereafter that is relevant to special education assessments and/or individualized education program (IEP) planning should be provided to the designated special education administrator or other administrators, as appropriate, to facilitate the prompt implementation of services.

Assessments and other evaluation materials used to determine a child's eligibility for special education services, must be "selected and administered so as not to be discriminatory on a racial or cultural basis," and must be "provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer." [34 C.F.R. 300.304(c)(1)](https://sites.ed.gov/idea/regs/b/d/300.304).

The district must ensure the IEP team includes participants who are knowledgeable of the child’s language needs and who have training, preferably expertise, in second language acquisition. For students who are found eligible for special education services, a free and appropriate public education (FAPE) must be provided in the least restrictive environment in accordance with the student’s IEP. Notably, English learners with disabilities must be provided with both the language supports and the disability-related services to which they are entitled under federal and state laws. For more information about serving English learners with disabilities, please see DESE’s [Guidance for Supporting English Learners with Disabilities](https://www.doe.mass.edu/ele/disability.html) and [U.S. Department of Education's English Learner Toolkit](https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap6.pdf) (Chapter 6).

**More information and resources[[2]](#footnote-3)**

In support of [Operation Allies Welcome](https://www.dhs.gov/allieswelcome) by the U.S. Department of Homeland Security, the U.S. Department of Education has curated a rich collection of resources called [“Keeping the Promise.”](https://www2.ed.gov/about/inits/ed/keeping-the-promise/index.html)These resources include educational, student and family engagement, and general cultural and linguistic documents to help guide states and districts, postsecondary institutions, and community-based providers in supporting Afghan refugees. Many of these resources are also more broadly applicable to other groups of newcomer students and families. Examples include but are not limited to:

* [*Starting School in the United States: A Guide for Newcomer Students' Families*](https://ies.ed.gov/ncee/edlabs/regions/northwest/news/newcomer-guides.asp)(REL Northwest, July 2020 – available in four languages)
* [*Welcoming, Registering, and Supporting Newcomer Students: A Toolkit for Educators of Immigrant and Refugee Students in Secondary Schools*](https://ies.ed.gov/ncee/edlabs/regions/northwest/pdf/REL_2021064.pdf)(REL Northwest, February 2021)

**Resources for supporting students and families who have experienced trauma**

Many newcomer and refugee students and their families have experienced trauma and are in the midst of major family transitions while adapting to a new life and culture. Below are some resources about trauma-informed practices for school personnel working with newcomers and refugees:

* [Understanding Refugee Trauma: For School Personnel, by The National Child Traumatic Stress Network](https://www.nctsn.org/sites/default/files/resources/fact-sheet/understanding_refugee_trauma_for_school_personnel.pdf)
* [Helping Traumatized Children Learn, by the Trauma and Learning Policy Initiative](https://traumasensitiveschools.org/get-involved/creating-trauma-sensitive-schools/)
* [Being Culturally and Trauma-Informed while Assisting Displaced Afghan Families](https://www.nctsn.org/resources/being-culturally-and-trauma-informed-while-assisting-displaced-afghan-families)
* [Colorín Colorado:](https://www.colorincolorado.org/) [Addressing Student Trauma, Anxiety, and Depression](https://www.colorincolorado.org/immigration/guide/trauma)
* [Children's Hospital Trauma and Community Resilience Center](https://www.childrenshospital.org/centers-and-services/programs/o-_-z/trauma-and-community-resilience-center/refugee-trauma-and-resilience)

**Additional resources for welcoming Afghan refugees include**

* [BRYCS (Bridging Refugee Youth and Children’s Services),](https://brycs.org/blog/schools/) a long-time federal partner, has a variety of resources, including those specifically designed for schools.
* [Family Engagement Resources from WIDA](https://wida.wisc.edu/teach/learners/engagement),now translated in Dari and Pashto – two common languages spoken in Afghanistan. The newly translated print resources, which are housed on the WIDA Family Engagement webpage under Explain ELL Status and Language Testing and Promote and Support Family Engagement, help explain topics like: determining EL status and language testing and providing families with strategies to support children’s language development. These tools are available in a variety of other languages as well.
* [Immigrant Connections](https://www.immigrantsrefugeesandschools.org/)offers this comprehensive list of[Resources to Orient Afghans to K-12 Education in the U.S.](https://www.immigrantsrefugeesandschools.org/post/resources-to-orient-afghans-to-k-12-education-in-the-u-s)including resources in Dari and Pashto.
* [The International Institute of New England (IINE)](https://iine.org/)and Dr. Rachel Lehr present: [IINE Afghan Cultural Orientation Webinar – November 2021](https://www.youtube.com/watch?v=AkTBOPTBCwE). This 2-hour training, held on Zoom, explores the geography, languages, and culture of Afghanistan.
* [Colorín Colorado](https://www.colorincolorado.org/)has articles and links to many resources at: [*How Schools Can Partner with Afghan Refugee Families*.](https://www.colorincolorado.org/refugees/afghan)

**General resources for supporting immigrant and refugee students**

* [Massachusetts Office for Refugees and Immigrants](https://www.mass.gov/orgs/office-for-refugees-and-immigrants)(ORI)
	+ [ORI Community Partners Directory](https://www.mass.gov/lists/ori-resources#community-partners-directory-)
* [Educational Services for Immigrant Children and Those Recently Arrived to the United States](https://www2.ed.gov/policy/rights/guid/unaccompanied-children.html)(U.S. Department of Education)
* [Office of Refugee Resettlement](https://www.acf.hhs.gov/orr)(an office of the U.S. Department of Health & Human Services, Office of Administration for Children & Families)
* [U.S. Department of Education Newcomer Toolkit](https://www2.ed.gov/about/offices/list/oela/newcomers-toolkit/ncomertoolkit.pdf)(U.S. Department of Education)
* **Food Resources:** Families can apply for Supplemental Nutrition Assistance Program (SNAP) benefits by calling DTA Assistance Line (877) 382-2363 or SNAP Senior Assistance Line: (833) 712-8027 for seniors or apply online at DTAConnect.com. Apply for Women, Infants, & Children (WIC) Nutrition Program by calling (800) 942-1007 or visiting [www.mass.gov/forms/apply-for-wic-online](http://www.mass.gov/forms/apply-for-wic-online). Call Project BreadFoodSource Hotline at 1-800-645-8333 for additional Food Resources.

For questions about English learner services, please contact el@doe.mass.edu.

For questions about special education services, please contact specialeducation@doe.mass.edu.

For questions about enrollment of students who are homeless, please contact achievement@doe.mass.edu.

1. For more information about these requirements, please see the Child Find Resources page at <https://www.doe.mass.edu/sped/docs.html>. [↑](#footnote-ref-2)
2. This list of resources was compiled by DESE for information and convenience of districts and does not constitute an endorsement or recommendation by DESE of any specific organization. DESE is not responsible for and does not guarantee the accuracy of information on other sites accessible through links herein. DESE may supplement this list with other resources that meet the specified criteria. For more information, contact el@doe.mass.edu. [↑](#footnote-ref-3)