

**PSC-ED-OELA**

**Moderator: Francisco Javier Lopez  
August 19, 2015  
12:30 pm CT**

Coordinator: Thank you all for standing by. At this time all participants are in a listen-only mode. After the presentation we will conduct a question-and-answer session. And to ask a question you may press star then 1.

This call is being recorded. If you have any objections you may disconnect at this time. Now I will turn the meeting over to your host, (Roberta Micelli). Ma'am you may now begin.

(Roberta Micelli): Good afternoon everyone. My name is (Roberta Micelli) and I'm from the Office of State Support here at the United State Department of Education. And I'm here with colleagues from other offices this afternoon and agencies to share information with you on our unaccompanied children and youth.

We've heard from the field that our children who are classified as unaccompanied children and youth were having challenges enrolling in schools and not getting the services they're entitled to in a timely manner.

Since you are our first point of contact in the field we're very pleased that you can join us today in this webinar and at this point I'm going to turn it over to (Supreet Anand).

(Supreet Anand): Good afternoon everybody, this is (Supreet). We heard from all of you regarding the challenges that you all were facing in dealing with local officials and - and we heard from other folks that are working with our children along the challenges that (Roberta) just spoke about.

So as you all had requested we collaborated with many other offices and agencies here and what you - and you'll hear from all of them today. And what we've designed is more of a webinar that's like a trainer of trainer's view.

So this information that we are presenting today on the rights of these children and the responsibilities of the schools and LEAs will help you - our goal is that this information will help you basically talk to the representatives at the local district level such as the Title III directors at the local districts or the registrars or counselors and other folks that work with our English learners who are unaccompanied children and youth at the front line.

So without much ado let me just go over some housekeeping and webinar logistics. For anyone who has logged on the web but has not yet dialed in the dial-in number is on the slide that you can see. This webinar will be recorded so if you have other folks in the field that you feel should get this information directly from us or missing this information please feel free to share the information with them.

This will be distributed on the Title III director's listserv after the webinar and we will post it on our website also. Regarding questions, if you could please send the questions through the chat box we'll have a general Q&A session at the end of the webinar when we open the phone lines but at this point if you could just use the chat box to send in any questions as the presenters are presenting we will try to take up a few questions along the way but we'll wait for some of the questions - most of the questions at the very end.

Additionally, the contact information for all of the speakers that you'll hear from today and other offices that are represented today are going to be at the end of the webinar so you'll get that information in writing but you'll also see at the end of the webinar so you don't have to worry about noting down their contact information at this time.

This slide shows you the offices that will participate in the webinar as well as our agenda. During this webinar you will hear each of the speakers address services to unaccompanied youth from the perspective of their programs and requirements.

You will hear from the US Department of Health and Human Services, that's the first point of contact for most of these children. The Office that particularly deals with the children is the Administration for Children and Families, Office of Refugee Resettlement.

You'll hear from the US Department of Education, the Office for Civil Rights and the Office of English Language Acquisition. And in the Office of Elementary and Secondary Education you will hear from the Office of Safe and Healthy Students and from the Office of State Support.

So going to do now is I'm going to turn it over to (Tricia Swartz). She is the Associate Deputy Director for the Office of Refugee Settlement in the Administration for Children and Families in the US Department of Health and Human Services. (Tricia)?

(Tricia Swartz): Thank you very much. It's a pleasure to be with you today. An unaccompanied alien child is a term in US immigration law but the more common term to describe the same child is unaccompanied immigrant child or simply unaccompanied child.

We frequently refer to them as 'UCs' or a 'UC'. A UC in this context is a child who is under the age of 18, has no lawful immigration status in the United States, and has no parent or legal guardian in the United States or no parent or legal guardian in the US is available to provide care or legal custody.

Children who meet this definition are encountered most frequently at the US-Mexico border and to a smaller extent in the interior of the United States,

usually by the Department of Homeland Security who takes custody of these children.

Common reasons cited for the departure from the home country and the migration to the United States include violence, hunger, poverty, abuse, human trafficking, and family reunification.

By law the United States Department of Homeland Security then transfers the children to the custody of the US Department of Health and Human Services Office of Refugee Resettlement, also known as ORR.

ORR provides care and services to the children but ultimately releases the children to sponsors in the United States who are usually family members who provide for their safety and care and are responsible for the children's appearance in immigration proceedings. I work with that office, ORR.

As you may be aware, there was an increase in the number of unaccompanied children in recent years that started in October of 2011. And in 2014 there was a humanitarian crisis when the number of children being referred to ORR outnumbered the amount of beds available to receive them.

By law, the vast majority of those children were served and released by ORR to approved sponsors in the United States. These are sponsors who are responsible for the safety, care, and appearances at immigration proceedings.

You can see in the chart on your screen that the number of referrals thus far this year is below the number in 2014 but they're still on pace to be the second highest annual number. The fiscal year 2015 number on your screen is the number current through June 30 of this year.

Let's look at some demographics of the children. Here you can see that countries of origin of the children. The vast majority, about 90% to 95% of the children are from Central America, especially they're from El Salvador, Guatemala, and Honduras. Most of the children speak Spanish but we also

serve children who speak indigenous languages like Mayan dialects or other languages.

On this slide you'll see the ages of the children, you can see that more than half of the children are between the ages of 15 and 17 but there are children of all ages represented. It may have been some time since some of these children have seen their family members who are in the United States so knowing that there many in the teenager group may be helpful to you in targeting your resources.

At the bottom you can also see that - about a third of the children are female. So the average length of stay in these ORR shelters is about 30 to 35 days. During this time there are many services provided to the children. In addition to the obvious services like shelter, care, and custody, some other services include the family reunification or sponsor vetting that I've already spoken about, group counseling, individual counseling, medical services including vaccinations, educational services, recreation and leisure, acculturation, access to religious services, know your rights presentations, and access to legal services.

Ultimately under the law the vast majority of these children are released to a sponsor who is responsible for their care, safety, and appearance at immigration proceedings. In making determinations to release these children, the primary objectives are the care and safety of the child, the safety of others, and safety of the community.

ORR's legal responsibility for the child ends upon release from the program however the Trafficking Victim Protection Reauthorization Act requires ORR to continue to provide some forms of post release services. So therefore, after release you may encounter a social worker or an immigration lawyer who's working with the child. However, most often that is not the case.

As mentioned the vast majority of children are released to sponsors and these sponsors are most often close family members but not always. As you can see most of the children are released to parents. On my last slide in a moment you will see a website link where you can also find the location by county and state where these sponsors and children reside.

Upon release each child is provided with information and documents. Included in those documents is a form called a verification of release. This form is generated by ORR. The document includes the child's name. It will also include the sponsor's address at the time the child was released. Often children and their sponsors take this document when conducting business such as enrolling in school. If this form is voluntarily presented to you the form may be appropriate for schools to accept as proof of identity, residency, and/or age and a substitute for guardianship for purposes of enrolling the child.

You can familiarize your registrars with this form. The form does not indicate current immigration status or lack of immigration status. Some children may have achieved immigration status and others still may be in process.

Another helpful document provided to the children and the sponsors at release is the vaccination records. While these countries of origin have robust vaccination programs the children normally do not have their records. So all unaccompanied children receive vaccinations while in ORR care if indicated.

Some vaccinations occur in a series and it may be that the child continues that series after release. If the sponsor misplaced these records, duplicate records can be obtained using the authorization for release of records and it is found as a key document on the ORR webpage and that link will appear momentarily on a slide.

In the course of our work at ORR we hear compliments about really great schools and great programs across the country enrolling unaccompanied children and providing great services. However, ORR also receives questions and comments about school enrollment from public and private schools and nonprofit organizations.

Generally these questions and comments follows the themes listed here on the slide. We hear that schools ask for further guardianship documentation when a child attempts to register with items such as the verification of release or the power of attorney.

We hear that documents - document requirements for schools such as residency checks may be more stringent for these children than for other children. Sometimes we hear that children are being denied enrollment or being diverted to night school or adult education.

We've heard some reports where non-English speaking children are sometimes not provided language assistance. Recall that most of these children are Spanish speaking.

And ORR releases children throughout the year including during the winter and the summer months. So some people report that during these times of the year some schools are denying enrollment citing the school break or sometimes citing that the school year is already underway.

We hear about these challenging - these challenges in addition to problems regarding access to assessment as well as the inappropriate use of ESL and special education for these children.

We do hear occasionally concerns about immunization records, which I already covered. If they're lost the sponsor can submit a request for placement records.

And here is the slide that I've been mentioning that has resources where you can find more information, policies, access to that vaccination form, and request for vaccination records. So at this point I would like to thank you very much and now turn it over to the Office for Civil Rights at the US Department of Education.

(Mary Hanna-Weir): Thank you. This is (Mary Hanna-Weir) and I along with one of my colleagues will be presenting on behalf of the Office for Civil Rights. I'm sure you all are fairly familiar with our work but we did just want to give you a very brief note about OCR.

OCR's work is as a civil rights enforcement agency primarily although we do often engage in webinars and other technical assistance such as this. And both I and my colleague (Carolyn) who will be presenting work in our policy development office. And so often get a little more opportunity to do this work.

On the next slide I just wanted to briefly remind you all of the laws that we enforce and note that we process any complaint that walks in the door from any person and so if you happen to or if you know people who happen to know of potential civil rights violations of any of these laws they are welcome to file a complaint with the office for civil rights.

Today's presentation is a quick overview of our section on the next slide. We wanted to briefly retouch on the issues that this particular population has been facing that ORR already covered but we'll quickly walk through those again, talk about some recent guidance documents that our office has put out that might be of particular use to you as you work with schools and districts in your states, and also provide those links again so that you can pass them along.

On our next slide we have some of the enrollment issues that we've been facing that we've already walked through and a couple that we wanted to

really draw some attention to in our portion was issues in actually getting students enrolled, whether that's the timing of enrollment, being enrolled in the correct schools, also issues with identifying and placing students who may need EL services or who are being inappropriately placed in special education instead of receiving EL services, which is something we've heard of, and failure to provide language assistance, especially we've heard for those student who do speak those less common languages, those Mayan dialects and others, but also even students who are speaking Spanish.

We also wanted to draw your attention to some concerns we've heard about these students being shuffled into different schools or programs where they're getting access to less highly qualified teachers, maybe don't have access to all of the courses that other students may have, and that that kind of differential treatment or even practices that have a disparate impact based on race or national origin is a real concern for the office for civil rights and we want to make sure that that's not happening for these youth.

So the first guidance that I'll speak about - we wanted to highlight was our joint guidance with the Department of Justice on school enrollment procedures. I'm sure many of you are familiar with it in particular since we issued it actually twice in the last several years. In May of 2014 we updated the guidance to address some of the confusion and areas that we had not yet covered in a previous 2011 guidance.

Here you can see the links. These are particularly guidances about that first contact of students coming to enroll so if a sponsor is bringing an unaccompanied youth to school this guidance would be particularly relevant there. The takeaway point on this guidance is that all children who reside in the school district have the same right to enroll in public - elementary and secondary schools regardless of their race, color, national origin, immigration, or citizenship status and also regardless of their parent or guardian or sponsor status.

And the guidance walks through in quite some detail on some of the issues that people may encounter in enrollment and in particular encourages schools, states, and districts to think carefully about the range of documents that they may ask for in enrollment and ensuring that that process is nondiscriminatory and as flexible as is reasonable to serve the school's interest.

So some of those key points are that school districts should be weary of asking for information that may be a proxy for immigration status.

Since school districts don't need to know the immigration status of students, asking for information that may sound like you're trying to seek out their immigration status, asking whether they're here on a visa or when they enter the United States or things of that nature may have a chilling effect on both students and sponsors enrolling their students in school. And ultimately we want these kids to go to school.

Just as a point of clarification, the Title 3 immigrant program definition is really not the same as immigration status. And so when we talk about how schools don't need to know immigration status we understand that many of you work with Title 3 immigrant programs and they'll often use the enrolment process to identify students for that and that is a little bit different.

You know, that is about students who are born outside of the United States who have enrolled in US schools for less than a total of three years. And many if not all of the unaccompanied youth that we're talking about on this webinar may qualify for those programs but that's still not really seeking, you know, are you here on a particular visa? Are you here legally or not? That's just a matter of were you born outside of the United States and have you been enrolled in US schools for fewer than three years.

So we're really through this guidance encouraging school districts to consider whether the information that might have a resonance with seeking out citizenship or immigration status, whether or not they may create some

flexibility in their enrollment process to think about what needs to be collected at that first contact with a parent or guardian or sponsor and the student or what can be sort of given information over time after students are enrolled so that a student can go ahead and get into the school and into classes and start their education here in the United States while they perhaps get some of that information that you may need for placement in some of these other programs .

On our next slide we wanted to talk about some specific questions we've gotten related to this guidance with some federal programs and exemptions, in particular many school districts do have a need to know or would like to know how long specific students have been enrolled in US schools, in particular you may be aware that for Title 1 accountability recently arrived LAP students can be exempted from the first administration of the English and Language Arts accountability assessment.

And that's defined as an EL student who's been enrolled in US schools for a total of fewer than 12 months. And then again with the Title 3 immigrant programs, a similar - how long have you been enrolled.

What we've encountered is that many school districts and states are asking information that doesn't quite get at that but rather ends up sounds more like you're trying to get at immigration status.

So they've asked questions like when did a student enter the United States or when were they first enrolled in school in the United States or even when they were most recently enrolled in school in the United States? But none of those questions quite get specifically at how many months or years has the student been enrolled in US schools.

And so we're encouraging districts and schools to think about ways to ask the questions they actually need the answers to.

So on our next slide we have a few recommendations. Again, because some of this is not necessarily required we hope that you all will work with the districts and schools that you work with to create solutions that work with your local place but we do want to think about ways in which you can kind of separate the questions and also explain why you're asking so that students and parents and sponsors will know that you're not trying to turn them into authorities or get them in trouble but rather than you're trying to ensure that they have the services they need and access to the programs they need.

So for example, you may consider separating the home language survey and other methods of identifying EL students from this sort of very initial enrollment process and/or identify students as English learners before you ask them how long they've been enrolled in US schools.

And again, we want to make sure that when you do ask for this information that you clearly articulate why you're seeking the information and how it will - and also will not be used. For example, many school districts use social security numbers as an identification number in their student record systems and if they do it that should be optional and should be explained why you're using it and that not having a social security number is not a reason why you wouldn't be enrolled in school.

So again, kind of tailoring to fit between what you ask for and what you actually need to know and also considering flexibilities and considering, for example, when a student presents the verification and release form or presents their immunization records from ORR that they - that should be used in a similar way as other nonstandard forms of proving identity or proving residency or proving vaccinations.

And that students in general we would hope will be enrolled as quickly as they can be as soon as schools and districts can place them in the right grade, school, etc. That's where we are hoping.

So I'm going to turn it over to my colleague (Carolyn) to talk some more about other pieces of OCR guidance.

(Carolyn): Thank you, (Mary). My name is (Carolyn) (Seugling) and as (Mary) said I work with the (Mary) in the office for civil rights.

As (Mary) was just discussing, her portion of this webinar talks about the different challenges unaccompanied youth face when they're enrolling in school and the guidance that we released in January of 2015 which hopefully all of you have had an opportunity to at least hear about if not have read talks about what happens to unaccompanied youth or any student once they're in school and what are the rights and responsibilities that the school has - and what are the rights of English language learners once they're actually enrolled in school.

And so that's what I'm going to be talking to you today, this guidance's authority comes from Title VI of the Civil Rights Act of 1964 and the Equal Educational Opportunities Act of 1974 and it was issued jointly with the Department of Justice. And we hope that you'll take a look at it as well as give it to the school districts that you work with.

Each section of the guidance has a companion toolkit that my colleagues, (Mariana Vinson) and the Office of English Language Acquisition is going to tell you about briefly.

(Mariana Vinson): Thank you, (Carolyn). As you stated, as a companion to the EL guidance the Office of English Language Acquisition has been leading the development of a toolkit for educators. If the dear colleague letter is what schools and districts should be doing to support English learners the EL toolkit provides some of the how.

The toolkit is designed to be useful to practitioners identifying practices, research citations, examples, and samples of practices for English learners.

We have released four of the ten chapters thus far and the remaining chapters are going through final vetting and should be available in September. I'll be sharing some of the chapters that have been released as (Carolyn) presents on the guidance.

(Carolyn): Thank you. So the guidance has - covers ten main civil rights issues and I'm not going to go through all of them today. The guidance essentially - as (Mariana) said explains what the civil rights requirements are for English language learners and as well as explains how to implement it.

So the guidance discussion area - and today I'm going to discuss those that have been identified through ORR's listening session as having the most impact on unaccompanied children so that you know how you can use this guidance on behalf of these youth.

Perhaps the most important point that I can convey this afternoon is that unaccompanied children who are English learners have all the same rights and are entitled to all the same services as all other English language learners in the school. So as I go through Section A, D, F, and J please keep that in mind.

So the first section I'm going to discuss is about identifying and assessing all potential EL students. Once enrolled school districts must have procedures in place to accurately and timely identify a student who has a primary or home language other than English.

As we have heard, unaccompanied children most often come from Central America and have recently crossed the US-Mexico border. As such there's a very high likelihood that these children's primary or home language is other than English. The school must use the same procedures it uses to identify potential EL students as those it uses for unaccompanied children.

Most school districts use a home language survey at the time of enrollment to gather information about a student's language background and as many of you

know, the home language survey identifies those students who should be referred for an English language proficiency assessment to determine whether they should in fact be classified as an English learner student. Sometimes I'll refer to those students as EL students.

EL students are entitled to language assistance services. English language placement assessments must assess the proficiency of the students in all four-language domains. And we have heard that ELP assessments may be being delayed for unaccompanied children.

This lengthens the length of time that students are not getting the appropriate services and unaccompanied youth are inhibited in their ability to learn when they need - and are entitled to English language services but aren't getting them. And this delay is impermissible under the civil rights law.

Furthermore, once students have been identified and given an assessment school districts must provide notices to the parents or as we're talking about today I'm going to use that term interchangeably with sponsors within 30 days from the beginning of the school year.

And that notice is whether or not the child is eligible for English language learner services. So even if the unaccompanied child does not begin the school year at the same time traditionally in the fall as other students.

The notice must include the English learner student's identification and placement in a language instructional education program and to the extent practicable be translated into a language that the sponsor can understand.

Of course, if written translations are not practicable school districts must also give LEP sponsors free oral interpretation of the written information.

(Mariana Vinson): Chapter 1 of the EL toolkit focuses on tools and resources for identifying English learners. This chapter was released back in January when the dear colleague letter was released.

As with all chapters Chapter 1 begins with a two-page overview that includes key points. These key points are directly aligned with the dear colleague letter and pull out some of the most salient information. The backside of the two-page overview also contains a set of guiding questions, what you might consider a self-monitoring tool that education leaders such as yourselves can use to guide staff in conversations around the chapter topic, to think through the particular aspects of your state's EL program.

For instance, the questions in Chapter 1 focus on the home language survey including administration, translation, interpreting results, etc.

Each chapter then includes a series of tools. The tools are intended to give sample and examples to help schools and districts and SEAs to meet the needs of English learners.

In Chapter 1, which focuses on identifying ELs, the tools are primarily sample home language surveys including sample HLS questions translated into various languages. Chapter 1 also contains a tool on the placement test often times referred to at the local level as the EL screener used to assess and identify student as needing EL services.

(Carolyn): Thanks, (Mariana). Next I'm going to talk about providing meaningful access to all circular and extracurricular programs. SEAs in school districts share a dual obligation to provide English learner students, including unaccompanied youth assistance programs as well as assistance in other areas of the curriculum where their equal participation may be impaired by academic deficits incurred while they were learning English.

This dual obligation requires school districts and SEAs to design and implement EL programs that are reasonably calculated to enable EL students including unaccompanied children to attain both English proficiency and parity of participation in the standard instructional program within a reasonable time.

EL students are entitled to instruction in the school district's core curriculum and all programs including extracurricular activities. Again, we have heard that getting unaccompanied children involved in extracurricular activities helps them develop and acculturate. We've also heard that specialized programs may be being developed but some of them could lack the high quality teachers, other resources and facilities that traditional schools have.

As stated earlier, this raises civil rights concerns. EL students are entitled to all the same services curricula, extracurricular and school facilities that non-EL students are - so they can meet the promotion and graduation requirements. They are entitled to an equal opportunities to participate in all programs. And so here on the screen is listed several of those programs.

(Mariana Vinson): Chapter 4 of the EL toolkit, tools and resources for providing English learners equal access to circular and extracurricular programs is a companion to this part of the English learner guidance. The chapter has one section that focuses on core circular programs and another section that focuses on gifted and talent programs for ELs.

In addition, the chapter includes guiding questions for self-monitoring and tools detailing how to access EL data from the civil rights data collection known as CRDC as well as other tools to support ELs' academic achievement.

Each chapter then concludes with a resources section. The resources include current and foundational research and other resources for those looking to delve deeper into the content of the chapter. In Chapter 4 those resources are

focused on academic achievement of ELs. We should also mention that though there will be one chapter, Chapter 6, that specifically focuses on ELs with disabilities, each and every chapter includes some information about English learners with disabilities.

(Carolyn)

That's a good lead-in to talking about EL students with disabilities. SEAs and school districts must ensure that all unaccompanied children who may have a disability like all students who may have a disability and need services under the IDEA or Section 504 are located, identified, and evaluated for special education and disability related services in a timely manner.

When conducting such evaluations school districts must consider the English language proficiency of EL students in determining the appropriate assessments and their evaluation materials to be used. School districts must not identify or determine that English language learner students are students with disabilities because of their limited English proficiency.

We have heard that some unaccompanied children are being placed in special education classes when they do not have a disability, especially if there is no English as a second language class or other appropriate English language development program available.

Similarly we have also learned that unaccompanied children who may have a disability are being placed in ESL classes and not evaluated or they're being - or they're delaying the evaluation for services under the IDEA or Section 504.

Due to their English language proficiency they are not being evaluated or due to their English language proficiency they are not being evaluated for special education services and are considered to have sometimes behavioral problems rather than being evaluated for an emotional disability.

So as I've just noted, this practice would be impermissible under the IDEA and the civil rights laws. Once a school district determines that an EL student is a child with a disability under the IDEA and needs special education and related services the school district is responsible for determining through the development of an IEP at a meeting of the IEP team the special education and related services necessary to make a free appropriate public education available to the child.

As part of this process the IDEA requires the IEP team to consider among other special factors, the language needs of a child with limited English proficiency as those needs relate to the child's IEP.

(Carolyn): So I think this does kind of boil down to - and we want to make sure that we emphasize - that policies that do not allow dual services or delay disability evaluations for ELs for special education related services for a specific period of time based on their EL status are impermissible under the IDEA and federal civil rights laws.

The Department's expect SEAs to address these policies in monitoring the district's compliance with federal law. And again, districts must inform a parent of an EL student including unaccompanied children with an individualized education program - IEP how the language instruction program meets objectives of the child's IEP.

And then the last part of the guidance that we're going to talk about is ensuring meaningful communication with LEP parents, guardians, and sponsors. As we've heard before unaccompanied children are released to a sponsor and I'm going to use that term interchangeably with parents and guardians today.

So for unaccompanied children living with a sponsor that sponsor should be afforded the same consideration as an LEP parent or guardian. And oftentimes sponsors have limited English proficiency.

And we've heard that sponsors may feel intimidated because they do not understand or unable to communicate with school officials. We've also heard that schools do not provide free language assistance services for low incident languages like Quechua or a Mayan dialect.

And this is extremely concerning especially when you're dealing with a population that is - a population of sponsors responsible for the care and custody of unaccompanied children whom they themselves may not be as familiar with the educational process as other parents.

So school districts and SEAs have an obligation to ensure meaningful communication with sponsors who are limited English proficient in a language they can understand and to adequately notify - I'm going to call them LEPs or limited English proficient sponsors of information about any programs, service, or activities of a school district or SEA that is called to the attention of non-LEP sponsors.

School districts actually have to develop and implement a process for determining whether the sponsors are limited English proficient and what their language needs are, including whether or not there are any language needs for low instance languages.

The process should be designed to identify all LEP sponsors including parents or guardians of children who are proficient in English and parents and guardians or sponsors whose primary language is not common in the district.

Oftentimes the same home language survey that we've discussed before is used. The school's initial inquiry should be translated into languages that are common in the school and surrounding communities so that the inquiries

designed to reach parents and sponsors in a language that they're likely to understand.

However, as I keep repeating, for LEP sponsors who speak languages that are less common at a particular school the school may use a cover page explaining in those languages how a parent may receive oral interpretation of a form and the school should offer interpreters to ensure parents accurately report their communication needs on the form. So the guidance explains more in depth and, you know, what - about all of these topics.

And one of the things that's most important here is once they've identified the language needs they have to provide the language assistance to those sponsors effectively and with appropriate competent staff or appropriate and competent outside resources.

SEAs and school districts must provide free qualified language services to LEP parents and sponsors. And a school may not rely on or ask students, siblings, friends, or untrained school staff to translate or interpret for parents or sponsors.

And so all of this information is contained more in depth in the guidance that I just spoke about and we wanted to give you a slide that you have all of the resources available on ED's website that we - (Mary) and I spoke about as well as there's many of these documents are translated under the languages and there's some FAQ sheets also available that boil a lot of this information down into - just more understandable language, less legalese as well as the FAQ sheet geared to parents that would be helpful for you to actually hand to parents and sponsors so that they can read it in their language and understand.

And now I'm going to turn the presentation over to (John McLaughlin).

(John McLaughlin): Thank you, (Carolyn) and to everyone for including me in the education for homeless children and youth program in this webinar. My name is John

McLaughlin and I've been working with this program and also in the field of English as a second language for decades. It's really interesting to see how the population and issues have evolved.

And I've also received several questions over the past year from state contacts in homeless education and other federal education programs and from colleagues around unaccompanied children and youth who are homeless or may be homeless. And we're certainly concerned about any who could become homeless either because their sponsor has become homeless or they are now in a homeless situation.

And at the same time we want to use this opportunity to clarify that an unaccompanied child or youth is not necessarily an unaccompanied homeless youth as defined under the (McKinney-Vento) Homeless Assistance Act. And - but you know, if identified they certainly are entitled to many rights and services under the act, which I'll be going over.

And as you see on the slide here some background about the program, the Act started in 1987 and by 2002, with the No Child Left Behind Act, with which the program has been cross referenced, all school districts must designate a local liaison for homeless education and also provide Title 1 services to homeless students in non-Title 1 schools.

Our definition is also used in all federal education programs such as special education, Title 1, Title 3, and in other agency federal programs serving program and youth such as Headstart and the USDA's school nutrition programs.

So this slide gives some basic background on the act and as I mentioned the rights and services one is entitled to are quite strong if identified as homeless. The three main purposes of the program are enrollment, retention, and school

success and often people think of our program as heavily focused on enrollment.

And there's been a lot of discussion in the past slides about enrollment issues and retention or attendance. We do a lot of arranging of transportation because students who are homeless are entitled to transportation to the school of origin.

And for school success we do a lot of coordination across other federal education programs in the school district and federal programs in the community including expedited evaluations and placements for homeless students in a district who may be English learners or students with disabilities.

And I must say we have a broad body of technical assistance through our National Center for Homeless Education, which has been around since 1998 and about which I'll be providing more information at the end.

We don't necessarily have a lot of regulations or guidance for the program but there are a lot of legal advocates for homeless families, children, and youth and they're involved in initiating, mediating, and resolving disputes so it's good for everybody to know some basics about who's homeless and the dispute process.

And again, not all unaccompanied children are necessarily unaccompanied homeless youth so now I will explain more about who is a homeless child or youth.

So on this slide in the first bullet the part in bold, children or youth who lack a fixed, regular, and adequate nighttime residence, those are common areas of the definition of homelessness across all federal agencies. So they would be lacking something that's fixed, regular, adequate.

Clearly there's some discretion involved there by the people doing the intake in any federal program, whether a person meets that condition. But that's basic for us too. If there's no other adequate alternative that is certainly one basis.

These two slides cover about nine situations in our statute, which we break down into four different - four main categories. The first one is being involuntarily doubled up so you had a loss of housing and are sharing housing with others due to economic hardship or similar reason which often includes fleeing domestic violence or abuse.

We have a group of people who are living in motels or hotels, again, due to lack of regular, adequate nighttime residence. And then we have several categories of being in a shelter, an emergency or transitional shelter, foster care, emergency foster care placement.

And then on the next slide we include some situations that we consider unsheltered. So living in a public or private place not designed for human habitation, that could be in a park or a car, an abandoned building.

And so these are, I think, again, the basic elements but we do have a lot of technical assistance on how we interview and ask questions in a way where we may not use the word homeless directly. It can be very stigmatizing but we try to understand the housing situation that the child or youth is in.

So on our next slide we distinguish what unaccompanied is under the (McKinney-Vento) Homeless Assistance Act, defined as not in the physical custody of a parent or guardian. Now certainly our unaccompanied children or youth are in the custody of a sponsor usually. They're not with a parent or guardian.

And so to qualify as eligible for (McKinney-Vento) services their primary nighttime residence must meet the above categories that I mentioned in the

previous two slides, so being unaccompanied does not automatically convey homeless status.

So I mentioned there are some pretty broad, strong rights and entitlements. So first of all immediate enrollment even if the student is lacking any paperwork once identified as homeless through an interview with the local liaison for the district, with the sponsor, or the child.

So even without immunization records or transcripts you would enroll and then try to obtain those records later. For school selection we try to allow the child to stay in their school of origin where they were enrolled when they first became homeless or identified as homeless if feasible.

They can also - if they move out of the community and are residing somewhere in a homeless situation, maybe with someone other than their sponsor, they have the right to attend a local attendance area school.

And so if the school district is not going to place the student where they would like to be placed they must notify the youth or the parent or guardian or sponsor in writing and there's a dispute resolution process that the school district and state Department of Education level and the local liaison for the district would know about that and could help them initiate that.

And there is - of course, transportation to and from the school of origin if requested by the parent or by the local liaison for an unaccompanied homeless youth.

Then among the other services one is entitled to if identified as homeless free school meals through direct certification. You don't need your parent's financial information, the local liaison can sign for this.

Title 1 Part A support. Now all homeless students are automatically eligible but in a targeted assistance school they may not be targeted for the support. If they're in a non-Title 1 school they should receive comparable services.

So definitely it's good to ask the liaison about Part A services. There's actually additional set asides for support services for homeless students as well so Part A is the most important program in terms of resources to coordinate with.

Special education, when a student has an IEP that specifies a school placement or transportation arrangement, that always takes precedent over (McKinney-Vento) rights. But certainly the special education coordination and the local liaison should be consulted for a homeless student with disabilities. Sometimes we have two districts so four people are involved.

And then other support - support from other programs from which they meet eligibility criteria. Comparable services would apply and particularly to preschool children, I don't think this population would necessarily get that young, but if somebody did a preschool age child who's homeless and preschool's offered to other children in the district then the homeless child has the right to enroll and be transported there within the district.

Then in terms of our program structure and funding I think a few key points here is if you don't know how to find the local liaison for the school district there is a state coordinator for homeless education in every state Department of education.

This link here is updated regularly every month and that person should have an updated directory, can help you get the contact information for the local liaison. Also they can let you know if the school district has a subgrant. Typically our subgrants are small, typically only \$30,000 to \$50,000 but there are services that one is entitled to.

And in fact, our basis for providing services is if you're homeless and there's a need you're eligible for subgrant funded services. You can't supplant the regular academic program but unlike Title 3 and Title 1 we don't have a lot of

nuances about whether something is supplanting state and local resources. If it's providing services to a homeless student, it's allowable so the definition for being identified as homeless is key.

I wanted to mention the local liaison is responsible for training other staff in a district. And that would be your frontline personnel enrollment secretaries, often bus drivers, cafeteria workers should probably know the signs of who might be homeless and how to refer them.

Often when we're getting disputes it's because the family - the parents, the guardian has interacted with somebody who is not the liaison, who's not trained so it's really important to double check if it was the liaison.

And so here's more information about the National Center for Homeless Education and including we have webpages on immigrant and unaccompanied students experiencing homelessness.

And I want to thank Christina Dukes who's a staff member there for preparing and revising these slides. She also operates the Spanish hotline for the national center for homeless education with a background and interest in immigration issues and encourage you to contact NCHE as well if you have questions.

Woman: (John), there's one question that you could perhaps address real quickly.

(John McLaughlin): Okay. And so I see here most of our unaccompanied children and their parents, guardians, and sponsors are doubling up with other families due to economic hardship. Would they then be considered homeless?

The liaison should have an interview with the sponsor, parent, or guardian to see what their loss of housing, if there's a lack of fixed regular adequate nighttime residence, and certainly if economic hardship is evident here to determine them as eligible.

If for some reason the district doesn't think so, they can let them know about the enrollment dispute process at the school district and state Department of education level.

So now I will turn the floor over to my colleague, Millie Bentley Memon?  
from the Office of State Support.

(Millie Bentley Memon): Hi everybody. I'm (Millie Bentley Memon) of the Office of State Support and I'm now going to talk to you about how Title III funds can be used to serve unaccompanied children and youth.

And today I'm just going to show on a few slides for you some of the Title III requirements that we know you're familiar with but we've pulled these so you can use them as you develop your message to LEAs on how federal funds can be used to provide services to unaccompanied children and youth.

So these slides are going to be for your reference as you provide - as (Supreet) suggested earlier, sort of train the trainer as you reach out to your LEAs.

So first on the slide you're going to see a big yellow star so that you can work with LEAs to remind them to look at all the sources of federal funds that can be used to serve these students.

So we encourage you to think about the areas that you have leverage over like for example the joint improvement plans maybe in your state to encourage LEAs to think about how they can leverage federal funds to support these unaccompanied children and youth.

And yes, of course, Title III funds, both for the LEA formula and immigrant subgrants can be used to serve these children. So as you know, under Title III for the State Formula Grant program there's the two LEA required activities, the high quality language instruction ED program and high quality professional development and unaccompanied children and youth who are

English learners and participating in Title III could certainly participate in and benefit from these activities.

This slide shows, again, for your reference as you talk with LEAs, that there are also numerous authorized activities that LEAs receiving Title III funds can engage in. These could benefit unaccompanied children and youth such as work on program objectives, instructional strategies for these students, curriculum and instruction materials, tutorials that might be helpful to these students or community participation programs and other activities.

And finally, as you know, in addition to the Title III formula grant program there are LEAs that have Title III immigrant subgrants. We had both the new immigrant subgrant that was one-time funding that was provided this year as well as a regular Title III subgrant.

And both of those should be used to serve unaccompanied children and youth. There are many activities that you can conduct with these subgrants. They are flexible and many that would apply to services to these students such as family literacy, support for personnel maybe that have the expertise in working with immigrant children, especially unaccompanied children and youth, curriculum materials, other activities, community services.

So these are things that you might encourage your LEAs to think through to see if they could be used to serve these students.

So now I'm going to turn it over to (Mariana Vinson) of the Office of English Language Acquisition who's going to share some more resources which might be helpful to you.

(Mariana Vinson): Thank you, (Millie). We also wanted to take a few minutes to share some of the work happening across the administration. In November when President Obama issued the executive actions on immigration he also created the White

House Taskforce on New Americans. The taskforce includes 18 federal Departments, agencies, and the White House offices.

In April the White House Taskforce on New Americans took an important step by outlining the federal government's goals to strengthen its integration efforts nationwide and build welcoming communities in a report entitled *Strengthening Communities by Welcoming All Residents: A Federal Strategic Action Plan on Immigrants and Refugee Integration*.

The White House Taskforce on New Americans is a government wide effort tasked with better integrating immigrants and refugees into American communities in three key areas, civic, economic, and linguistics.

The programmatic efforts of the US Department of Education support a number of immigrant populations including immigrant children, unaccompanied youth which we've been talking about today, and the children of immigrants, , immigrant families, adult immigrants, foreign-born professionals, migrant students, teachers of English learners and foreign languages, and receiving communities. We support them all.

Initiatives geared towards learners, teachers, schools, and communities support all three pillars of immigrant integration, civic, economic, and linguistic. As a nation of immigrants America has benefited from the vitality and enthusiasm brought to its shores by those seeking a better life.

Successful immigrant and refugee integration efforts build the capacity of schools and early learning programs, communities, organizations, and other stakeholders to support again the civic, linguistic, and economic integration of immigrants. We recognize that integration is a dynamic two-way process that brings together newcomers and the longtime residents of the communities into which they settle.

To find out more about the work of the White House Taskforce on New Americans you can access the websites listed here or follow the work of the taskforce on Twitter.

In addition to supporting the work of the Whitehouse Taskforce on New Americans the US Department of Education is sponsoring a series of seven webinars focused on the educational and linguistic integration of immigrants and refugees.

We are bringing together experts in the field and promising practices to share with you. Information on the webinar series is detailed here. We invite you to attend the third webinar in our series, which will take place next week.

We'd like to share with you a number of links and resources to some of what we've been sharing today. The first link to educational resources for immigrants and refugees is a US Department of Education's one stop shop for all links supporting immigrants, English learners, and undocumented youth, including information on (DOCA).

We encourage you to check it out. You can also access Chapters 1-4 of the EL toolkit on (OELA)'s landing page indicated here. There is also - this is also where additional chapters will be posted as they become available.

We welcome you to like (OELA) on Facebook or signup for the NCELA newsletter to receive the most current information from the Office of English Language Acquisition. Also included are direct links to OCR and DOJ's websites on English learners for your reference.

And I'll turn it over to (Supreet) for questions.

(Supreet Anand): Thank you, (Mariana). The purpose was for this webinar that we were trying to bring you all of the information that we have across agencies in one place

so that you could use this information as you needed to reach out to your LEAs.

As you also saw, the issue of unaccompanied children and youth is not a new thing. It's been happening for years. It's continuing to happen. And it's just that last year we had a bigger influx so it's - you know, became a bigger issue. But it is something that we are going to continue to deal with and so we found - we hope that this information will be useful to you.

We do have a couple of questions that are in the chat box so we - at this point, we're going to address those questions. The first question we have is about suggestions on actually identifying - no, actual questions to ask when you can identify students that qualify for immigrant children and youth programs.

So in response OELA shared their resources at the beginning on their toolkit that does have some sample home language surveys. Additionally it's very specific to the state, what questions do you want to add to your home language survey or how you want to structure that particular issue of identification.

And we will be willing to work with you one on one so that we can apply to the context of your state. Some states have one or two questions on the home language survey, some states do a three-prong process to identification. So it's very state specific and we'll be happy to work with you one on one. But you can also look at the OELA toolkit for additional resources.

Second question is if it is in writing anywhere that districts don't need to require birth certificates. Many of our unaccompanied children have birth certificates that are incorrect because they don't have the real parent name.

And schools don't want to enroll them either without the correct birth certificate or without guardianship papers. They want something in writing.

That is all right to enroll them without this particular piece of information. So I'm going to turn it over to OCR.

(Mary Hanna-Weir): Sure, so this is (Mary) from the Office for Civil Rights and I think that it is our understanding that it is generally a matter of state law what documents school districts are required to collect but that in every state that we are familiar with there's a range of documents for which school districts can use as proof of age, proof of residency, proof of identity and not all states require all of those things.

So we can't give a one-size-fits-all answer. You certainly can look to our guidance related to school enrollment procedures as one source of authority for the rule or view that many documents can be accepted but in general we have found that in most states the law accepts for example an affidavit as one form of proof of age and/or identity and/or residency.

And so that - a birth certificate is typically not the only document that is required that you could use some other form of proof as well. And so that - for unaccompanied children any of those other options that state law provides should be available and allowed for these students as well.

And if their documents are not in English they should be accepted in - on the same terms that other documents would be accepted. So it would be nondiscriminatory rules and also looking to state law as to what other documents might be available.

(Supreet Anand): Thank you, (Mary). And I think the next one is probably for you too. The question is that if you're enrolling your child in the school related sport you must get physical - get a physical, which can cost money, but you also have to provide your health insurance information.

Carolyn: So I'll take that. I think that it's good right now to understand that what the guidance and what the civil rights law require is that the student be eligible to enroll in the sport but the school certainly may impose requirements on all students.

So if the requirement of a physical or of health insurance information is required of all students and unaccompanied child would also have to provide that information or get the physical to participate. So they can't be denied participation but if a school has requirements they do have to comply with those requirements.

And those requirements, you know, are probably educationally necessary for the school to ensure that the students are healthy enough to play in that sport. So those would be acceptable so long as (Mary) was saying the policy was applied to all students in a non-discriminatory fashion.

(Millie Bentley Memon): This is (Millie), I also just wanted to add from a practical perspective on this that many high schools and districts have all sports boosters like athletic booster clubs at the high school level. They will provide a low cost or free booster physical for kids when they can come in on a certain day.

So you might be able to work with the districts and the high schools to arrange for those kids to come in and get the physicals onsite at the school that could be used for sports, assuming they could meet the other criteria that (Carolyn) described.

(Supreet Anand): The next question we have is that EL students are being delayed special education services due to their language attainment - two years. The special education department sometimes wants the ELL students to gain language acquisition before bringing them to the child study team.

Carolyn : This is a great observation and this is what we have heard as well. And this is why it's so important for you to download - go to the link for the guidance and look at the section on special education and related services for students who are English language learners. This practice of delaying services - education services for English language learners is a violation of the Civil Rights Law.

So that practice should be - if you're experiencing that practice you should take the guidance which clearly states that students are entitled to both special education services and must be identified, you know, as soon as it would be - you know, as soon as any other child would be identified with a disability so they're eligible for disability related services as well as English language services.

So if they are actually have a policy or practices of delaying special ED services those are impermissible and a school should be alerted to that and to the extent that, you know, a school is not willing to proactively change its policies or practices you can always file a complaint with the Office for Civil Rights.

And we had a link for that in some of those slides. And our office would initiate a complaint investigation and most - you know, under these circumstances would then investigate and most likely would find a compliance issue or an actual violation.

And then the school would have to comply with the law.

(Supreet Anand): In other words, they should listen to you first. Okay. And next our question - age old question, where can this - when can this webinar slide be obtained and where? So we will post them on our website. Additionally, (Millie)?

(Millie Bentley Memon): Yes, and we'll be sending them out on the Title III state director's listserv in the near future. And this is also been recorded so we'll make that available soon.

(Supreet Anand): The slide delay in posting the slides would be because we have to work on making them 508 compliance and that takes a little bit of time. But other than that these - they should be available pretty soon.

We still have a little bit more time (Millie) tells me so are there any other questions from the field? Any observations? Anything that anybody would like to share?

Woman: Send them in the chat box.

(Supreet Anand): Chat box? Okay, and they can do on the phone too, no? Chat box? Okay. We have to use the chat box is what they're telling me so if anybody has any other questions we will be happy to address that. We will do a little wait time.

Going back to the HHS release certification form, can that serve as proof of guardianship or proof of residence? Like, what proof can we use that particular form for?

(Tricia Swartz): Hi, this is (Tricia) from HHS ORR. That is an official document that indicates who the child was released to, who the sponsor is. And so yes, you should be able to use that to enroll the children.

(Supreet Anand): Can they use it as a proof - physical - proof of residence? Or proof of guardianship specifically?

(Tricia Swartz): Well, that's somewhat out of ORR's purview, how the school district interprets or utilizes the verification of release forms but it is an official document that does indicate where the child was released, the residence that the child was released to, as well as the name of the sponsor. So it has the name of the sponsor and the address.

Woman: (Mary), is there anything else you'd like to add?

(Mary Hana-Weir): Sure, I would just say that I think from our understanding of the law as set forth in our guidance for school enrollment that in general it would be appropriate to rely on that document as one proof of residency as one proof of guardianship. It's possible that state law requires multiple forms.

And we express no interest other than a nondiscriminatory application of those rules. But it is proof of this sponsor has custody of this child at this particular address at the time of release.

(Supreet Anand): So I think it might be a matter of informing the LEAs and the registrars that this is an official document and if the state or the local districts accepts multiple forms of proof and then this is one official form of proof it would be in my mind discriminatory for them to say not this one but we'll accept that one.

So that might be an opportunity to explore on how to make sure that, you know, the documents are used.

Tricia: And this form can be found - there's an example of it on one of the slides contained today. And the form itself is given to the child and the sponsor upon release so the family may present with this verification of release form at the time they enroll in school.

(Supreet Anand): What is the name of the form? What is it officially called?

Tricia: Verification of release.

(Supreet Anand): Verification of release is the name of the form and when you get the slides you can see a sample of it. And in the various links that ORR provided you can see other - the samples of the form.

Question on administration of the separate unaccompanied youth funds provided under Title III.

Millie: Someone asked please about the Title III immigrant children and youth funds, supplemental additional funds that were provided this year. These funds were provided to states that had an influx of unaccompanied children and youth.

We did provide questions and answers on use of these funds. It's on the ED.gov website. It's in the Title III section under Resources. And if you have any specific questions about administration of those special immigrant grant funds either at the state or local level please send to your Office of State Support program officer and we'll make sure that you get a response.

(Supreet Anand): And I think that was a one-time allocation. We didn't see it in a budget line item for the upcoming year, the congressional budget line items that we've gotten. So we don't anticipate that we're going to get that influx like as a separate form for next year. So I think that was a one-time thing.

So if the form - if the misplaced forms - it's the immunization records, right, that can be obtained if they've been misplaced, right, (Tricia)?

(Tricia Swartz): Yes, this is (Tricia) from ORR. The form can be replaced if they are misplaced by the sponsor, either the verification of release or the immunization records. The way you would go about that is by looking at the links that were provided by one of the slides. And there is an authorization for release of records so that's how you would go about getting those.

And there's also a question about whether that form - the verification of release form provides the age of the child and, yes, it does. It provides the age of the child which is based on the documentation and the best evidence that ORR has at the time of the child's release.

(Supre Ani): Okay. I think those are all the questions we have so far. We'll give it another 30 seconds to see if anybody else has any other questions or comments that they'd like to share. Okay, I don't see anything blinking or coming up so at this point I think that's all we have at our end.

We do hope you found this useful and we hope it gives you enough information to work with in terms of working with your local district officials, especially the registrars and the counselors and other people at the local school level that are at the frontlines of - you know, working with our children.

I think that's all we have. Thank you to all my colleagues at HHS and at the Department. And thank you all for joining us today. Thank you.

Coordinator: Thank you, ma'am. Thank you speakers. That's going to conclude today's conference. Thank you all for joining. You may now disconnect.

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