

## What job roles are in the audience today?

1. Administrator
2. Counselor
3. Title III Director/Staff
4. Family Liaison/Engagement Specialist
5. Refugee Resettlement Staff
6. Teacher
7. Other





# Education and Afghan Newcomers: Keeping the Promise

*Dr. Supreet Anand, Office of English Language Acquisition*

*Carolyn Seugling, Office for Civil Rights*

*Patrick Rooney, Office of Elementary and Secondary Education*

*Megan Ritter, Office of Refugee Resettlement*

*Dr. Jessica Swan, Office of English Language Acquisition*



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# OELA Presenters



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Deputy Director, OELA



Dr. Jessica Swan  
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# Panelists



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U.S. Department of Health and Human  
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# Agenda



- Welcome and Context
- Refugee Resettlement Process
- Rights to Education
- Office of Elementary and Secondary Education Funding and Supports
- Office of Refugee Resettlement Funding and Supports
- Resources and Next Steps



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# Context



- Operation Allies Welcome – Strong partnerships
- Eight safe havens (Military bases in VA, IN, NM, NJ, WI, TX)
- More than 10 hours/week of education for those 18 and under
- Movement off safe havens into destination communities



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# Refugee Resettlement Process



- Screening and Vetting
- Humanitarian Parole
- Life on the Bases
- Resettlement



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# Rights of Students



- All children in the United States have an equal right to enroll and participate in public elementary and secondary schools without regard to their or their parents' or guardians' immigration status.
- Public schools must offer language assistance services to all students with limited English proficiency.
- Public schools must communicate information about enrollment, classes, and other educational programs and activities in a language that all parents, guardians, and sponsors can understand.

*“Confronting Discrimination Based on National Origin and Immigration Status” (August 2021)*

<https://www2.ed.gov/about/offices/list/ocr/docs/confronting-discrimination-national-origin-immigration-status>



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# Education Rights and Responsibilities



1. **[Biden Executive Order 13985](#)** *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government. (January 2021)*
2. Civil Rights Requirements
3. Significant Case Law
4. ESEA and Standards
5. Executive Orders



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# Civil Rights Requirements



- **Title VI of the Civil Rights Act of 1964**

- No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

- **Section 1703(f) of the EEOA**

- No State shall deny equal educational opportunity to an individual on account of his or her race, color, sex, or national origin, by. . . the failure by an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs.



# Significant Case Law



- ***Plyler v. Doe***: 1982 Supreme Court Case that found a State may not deny access to basic public education to any child residing in the State, regardless of their immigration status.
- ***Lau v. Nichols***: 1974 Supreme Court Case that found school systems must take “affirmative steps” to address language barriers so that EL students may participate meaningfully in schools’ educational programs.
- ***Castañeda v. Pickard***: 1981 Fifth Circuit case that specifies that an appropriate EL instructional program should be (1) based on sound theory, (2) implemented effectively, and (3) evaluated to determine effectiveness.



# Resources from OCR



<https://www2.ed.gov/about/offices/list/ocr/ellresources.html>

Schools' Civil Rights Obligations

www2.ed.gov/about/offices/list/ocr/ellresources.html

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### Schools' Civil Rights Obligations to English Learner Students and Limited English Proficient Parents

The obligation not to discriminate based on race, color, or national origin requires public schools to take affirmative steps to ensure that limited English proficient (LEP) students, now more commonly known as English Learner (EL) students or English Language Learners (ELLs), can meaningfully participate in educational programs and services, and to communicate information to LEP parents in a language they can understand.

The following materials include information for students and parents, OCR guidance and resources for education officials about their obligations to EL students and LEP parents, and added resources with related information.

#### How Do I Find...

- Student loans, forgiveness
- Higher Education Rulemaking
- College accreditation
- Every Student Succeeds Act (ESSA)
- FERPA
- FAFSA
- 1098, tax forms

More >

#### Information About...

- Transforming Teaching
- Family and Community Engagement
- Early Learning
- Constitution Day

#### Related Topics

- How to File a Complaint**
- Topics A-Z



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# Resources from OCR



## [Confronting Discrimination Based on National Origin and Immigration Status \(August 2021\)](#)

This is a brief, joint communication from the U.S. Departments of Justice and Education. It was developed for families and educators. It states clearly that public school districts may not deny access to an education to any child based on immigration status. It is a violation of federal law for districts to prohibit or discourage children from enrolling in public schools because the children or their parents or guardians are not U.S. citizens or do not have immigration documentation.

## [Dear Colleague Letter – Department of Justice & Department of Education, English Learner Students and Limited English Proficient Parents \(January 2015\)](#)

This joint DOJ and ED DCL provides an outline of the legal obligations of SEAs and school districts to EL students and their families under the civil rights laws.



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# Resources from OCR



## [Dear Colleague Letter – Department of Justice & Department of Education School Enrollment Procedures \(May 2014\)](#)

This DCL describes the obligations of States and school districts under Federal law to provide all children with equal access to public education at the elementary and secondary level.

## [Fact Sheet: Information on the Rights of All Children to Enroll in School \(May 2014\)](#)

This Fact Sheet contains information on the rights of all children to enroll in school.

## [Information on the Rights of All Children to Enroll in School: Questions and Answers for States, School Districts and Parents \(May 2014\)](#)

These Questions and Answers are intended to assist states and school districts in meeting their legal obligations to ensure that their enrollment policies and practices at the elementary and secondary school levels do not discriminate on the basis of race, color, or national origin, and do not bar or discourage students' enrollment in elementary and secondary school based on their or their parents' actual or perceived immigration status.



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# OESE Funding and Support



- Dear Colleague [Letter](#) Released January 14<sup>th</sup>
- Elementary and Secondary School Emergency Relief (ESSER) Fund
- Governor's Emergency Education Relief (GEER) Fund
- Elementary and Secondary Education Act of 1965 (ESEA)
  - Title I, Part A
  - Title III, Part A
  - Title IV, Part A
  - Title IV, Part B of the ESEA and the Individuals with Disabilities Education Act (IDEA)



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# ORR Funding and Support



- Requirement of DOS/PRM Afghanistan Placement Assistance
- Afghanistan Supplemental Appropriations Act
- Refugee School Impact and Youth Mentoring
- Resources:
  - [Cultural Orientation Resource Exchange \(CORE\)](#)
  - [Switchboard TA](#)



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# Keeping the Promise Website & Email



<https://www2.ed.gov/about/inits/ed/keeping-the-promise/index.html>  
[KeepingthePromise@ed.gov](mailto:KeepingthePromise@ed.gov)



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## Keeping the Promise

Education and Afghan Resettlement

“The U.S. Department of Education is proud to offer this collection of materials and tools to help educators and communities provide educational opportunity to our Afghan allies of every age,” said U.S. Secretary of Education Miguel Cardona. “It is so important that all learners across our nation—including our Afghan allies—have access to high-quality and culturally responsive academic resources, and I am encouraged that the Department is supporting this effort.”

— Secretary of Education, Miguel A. Cardona

**Welcome**

Welcome to the U.S. Department of Education’s repository of resources for communities as they seek to provide educational services to our Afghan guests. As part of Operation Allies Welcome, we recognize that there is an immediate and urgent need for providing high-quality, culturally responsive education to our Afghan guests – inclusive of primary, secondary, postsecondary, and adult education and English language learning. Recognizing that our Afghan allies and their families protected our troops, supported our diplomatic community, and served our country, we will now serve them with equitable, excellent education as we welcome them to our country.

To this end, we have curated a collection of educational resources, student and family engagement resources, fact sheets to ensure civil rights to education, policy documents, and general cultural and linguistic facts to help guide State Education Agencies (SEAs), Local Education Agencies (LEAs), Institutions of Higher Education (IHEs), and other community-based education providers. The U.S. Department of Education does not officially endorse these resources, but we are happy to [add new resources](#) that communities created or found particularly useful in serving our Afghan guests. Our Afghan allies served us; let us Keep our Promise by providing educational services and supports to them.

### How Do I Find...

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[More >](#)

### Information About...

- Transforming Teaching
- Family and Community Engagement
- Early Learning
- Constitution Day



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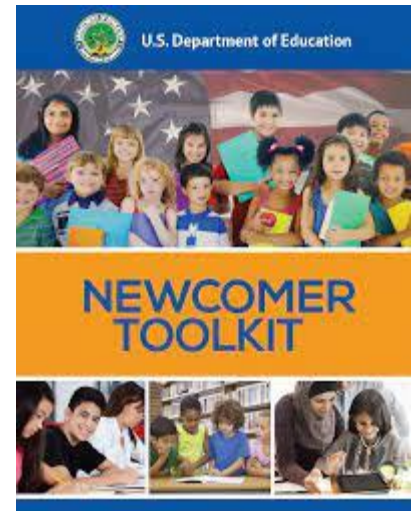
# Resources from OEEL



The Newcomer Toolkit 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.

<https://www2.ed.gov/about/offices/list/oela/newcomers-toolkit/ncomertoolkit.pdf>



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# Resources for Schools/Providers



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## Protecting Students With Disabilities

### Frequently Asked Questions About Section 504 and the Education of Children with Disabilities

[Introduction](#) | [Interrelationship of IDEA and Section 504](#) | [Protected Students](#) | [Evaluation](#) | [Placement](#) | [Procedural Safeguards](#) | [Terminology](#)

This document is a revised version of a document originally developed by the Chicago Office of the Office for Civil Rights (OCR) in the U.S. Department of Education (ED) to clarify the requirements of Section 504 of the Rehabilitation Act of 1973, as amended (Section 504) in the area of public elementary and secondary education. The primary purpose of these revisions is to incorporate information about the Americans with Disabilities Act Amendments Act of 2008 (Amendments Act), effective January 1, 2009, which amended the Americans with Disabilities Act of 1990 (ADA) and included a conforming amendment to the Rehabilitation Act of 1973 that affects the meaning of disability in Section 504. The Amendments Act broadens the interpretation of disability. The Amendments Act does not require ED to amend its Section 504 regulations. ED's Section 504 regulations as currently written are valid and OCR is enforcing

## [FAQ on Section 504](#)

## FAQs on Child Find under IDEA [Part B](#) & [Part C](#)



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# Additional Resources



## [Starting School in the United States: A Guide for Newcomer Students' Families](#)

This is a resource developed by the Regional Educational Laboratory (REL) Northwest. It provides answers to many questions newcomer families typically have about the U.S. school system. (July, 2020)

## [Welcoming, Registering, and Supporting Newcomer Students: A Toolkit for Educators of Immigrant and Refugee Students in Secondary Schools](#)

This is another resource developed by the REL Northwest. It is intended to help educators and other stakeholders identify and use research-based practices, policies, and procedures for welcoming, registering, and supporting newcomer immigrant and refugee students who are attending secondary schools (grades 6–12) in the United States. It includes many practical examples. (February, 2021)

The Department has two webpages where we host other Fact Sheets, FAQs, and a variety of other resources (including many of those referenced above). While some of the materials have been archived, many have not. The first page is: [Educational Resources for Immigrants, Refugees, Asylees and other New Americans](#). From this page, I encourage you to click on the “more...resources” links under each section to see additional information. The other page is: [Educational Services for Immigrant Children and Those Recently Arrived to the United States](#).



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# Question and Answer



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# Thank You



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