

**TOOLS FOR EDUCATORS**

# Equity for Immigrant Students

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## Data and Research on Immigrant Students

### CHILDREN OF IMMIGRANT PARENT(S)<sup>1</sup>

In 2017, about 18.2 million children (under age 18) lived with at least one immigrant parent. They accounted for 26 percent (one in four) of the 70 million children in the U.S.

**U.S. citizen children** born in the U.S. to at least one immigrant parent accounted for 88 percent (16 million, or nine out of ten) of all children with an immigrant parent.

### CHILDREN OF UNDOCUMENTED IMMIGRANT PARENT(S)<sup>2</sup>

5.1 million U.S. children under age 18 resided with at least one undocumented immigrant parent.

Approximately 80 percent (4.1 million) of these **children were born in the U.S. and are citizens**. About 16 percent (809,000) of the children with an undocumented parent were undocumented.

### INFORMATION ON IMMIGRANT ORIGINS & ENGLISH LEARNERS

In 2017, the immigrant share of the overall U.S. population was 14 percent, and recent newcomers are more likely to come from Asia, Central America, and Africa, and less likely to be from Mexico.<sup>3</sup>

In 2017, 44 percent of U.S. immigrants (19.7 million people) reported having Hispanic or Latino origins.<sup>4</sup> While declining in numbers, Mexicans are still the largest immigrant group in the country, accounting for 25 percent of the 44.5 million immigrants as of 2017.<sup>5</sup>

In 2014–15, there were over 4.8 million English Learners (ELs) in U.S. public schools. Over 75 percent of ELs in 2014–15 were Hispanic or Latino.<sup>6</sup> In 2014–15, over 60 percent of schools enrolled either a low proportion of ELs or no ELs at all. Only 15 percent of schools enrolled a

high proportion of ELs. However, 61 percent of all English Learners in the nation were enrolled in this 15 percent of schools.<sup>7</sup>

In a recent study of 2,767 rural areas, two-thirds of the areas experienced population loss between 1990 and 2016; during that time, the native-born adult population shrank by 12 percent, while the foreign-born adult population grew by 130 percent. Immigrants arriving in rural areas must often contend with a lack of needed educational supports for children and translation supports for parents.<sup>8</sup>

## Challenges for Many Immigrant/English Learner Students/Families

### STUDENT ABSENTEEISM

Student absenteeism (due to parent fear regarding immigration enforcement) and student stress/trauma (due to immigration enforcement) can negatively impact student success.

In a February 2018 publication of survey research of school personnel in 730 schools in many states across the country, educators and administrators noted the impact of immigration enforcement on students:<sup>9</sup>

- 68 percent of administrators across all regions reported immigration-related absenteeism to be a problem, with almost 11 percent considering it a very big problem.
- Across all regions, 84 percent of educators noted students expressing concerns about immigration enforcement issues at school. More than one-third (36.1 percent) indicated that this occurred a lot or extensively.
- Almost 90 percent of administrators indicated that they had observed behavioral or emotional problems in immigrant students, and one in four (25 percent) indicated that this was a very big problem.
- A Texas teacher wrote, “I’ve heard students saying they don’t want to come to school in case their parents get deported they want to stay together.”

A September 2018 research paper, discussing a study of U.S. Immigrations and Customs Enforcement (ICE) partnerships with local law enforcement agencies, showed that the ICE partnerships reduced Hispanic student enrollments by 7.3 percent.<sup>10</sup>

The *New Yorker* detailed the impact that one ICE raid in Tennessee in April 2018 had on a school community:<sup>11</sup>

*A hundred and sixty children in the area, all U.S. citizens, had a parent arrested in the raid. Schools in nearby Hamblen County—where most of the workers arrested at the plant lived,*

*and where the student body is twenty-five per cent Hispanic—reported five-hundred and thirty absences the day after the raid.*

### **BULLYING:**

Some research studies found that immigrants are more likely to be the victims of bullying in U.S. schools when compared to native-born children.<sup>12</sup> Note: Fear of immigration action may cause underreporting of crime (and perhaps bullying) by undocumented individuals.<sup>13</sup>

### **GRADUATION RATES:**

The national graduation rate in 2016-17 was 85 percent; however, the graduation rate for White students was 89 percent, while the rate for Hispanic students was 80 percent and the rate for English Learners (limited English proficient) was 66 percent.<sup>14</sup>

## **Immigrant/English Learner Student/Family Rights in Education**

Under the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution<sup>15</sup>, as well as Title VI of the Civil Rights Act, all children in the U.S.—regardless of their or their parents' national origin, language, citizenship or immigration status—have the right to attend public schools and to receive services that allow them to participate fully in school.<sup>16</sup> (To learn more, see our “Tools for Educators: Race Equity for Students” fact sheet.) Schools may not employ practices that have a chilling effect on immigrant students attending the school. Schools also have the obligation to communicate with parents or guardians who have limited English proficiency in a language they understand.<sup>17</sup>

### **CHILDREN’S AND PARENT/GUARDIAN’S RIGHTS DURING ENROLLMENT<sup>18</sup>**

While school districts may require proof of residency within the district for enrollment (e.g., a utility bill or lease), they may not ask for a student or parent/guardian’s immigration status at any point.

Schools cannot require parents/guardians to provide state-issued identification where doing so might bar a student whose parent/guardian is undocumented from enrolling.

A variety of documents may be used to prove the student’s age. Schools may not prevent or discourage a student from attending school because they do not have a birth certificate, or because the birth certificate shows they were born in a foreign country.

Schools may request a student’s or parent/guardian’s social security number, but must inform them that they are not required to provide the number and that refusal to provide it will not bar the student from enrolling.<sup>19</sup>

### **ENGLISH LEARNER (EL) STUDENTS' RIGHTS<sup>20</sup>**

Schools must assess students' English language proficiency using a valid test within a reasonable time, and notify the parent/guardian of the result. Parents/guardians have the choice to opt their child out of EL services but cannot be pressured to do so.

EL students have the right to receive educationally sound and effective language assistance education in programs with sufficient resources and highly-qualified teachers.

EL students must have meaningful access to all core, grade level curricular programming, specialized and advanced courses and programming, and extracurricular programs.

Schools generally may not segregate students on the basis of national origin or EL status.

EL students with disabilities must be properly identified and served, in addition to receiving EL services. (To learn more, see our "Tools for Educators: Equity for Students with Disabilities" fact sheet.)

### **LIMITED ENGLISH PROFICIENCY (LEP) PARENT/GUARDIAN'S RIGHTS<sup>21</sup>**

Schools must provide LEP parents/guardians any information they provide to English proficient parents in a language the LEP parent/guardian understands. This includes, but is not limited to, report cards, discipline policies, and information on special education and advanced programs.

The school must provide a free, qualified interpreter, proficient with relevant technical language at all meetings the parent/guardian attends and cannot rely on the student, other students, or bilingual staff not trained in interpretation to provide interpretation services.

### **IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) AND SCHOOLS<sup>22</sup>**

Under a 2011 ICE policy (called the "Sensitive Locations Memo"<sup>23</sup>), ICE should not be conducting immigration enforcement actions, including arrests, searches and interviews, at schools except in exigent circumstances (narrowly defined in the memo).

School resource officers should not be conducting ICE enforcement actions in the school.

Under the Family Educational Rights and Privacy Act (FERPA),<sup>24</sup> schools are prohibited, without written parental or adult-student consent, from providing information from a student's file to others for non-education-related purposes, including to federal immigration agents. If ICE agents present a school with a warrant that is administrative, not judicial, the school should contact legal counsel, and may refuse to provide records.<sup>25</sup>

## Questions to Consider

### 1. Enrollment in Schools/Programs

Have students and/or parents/guardians been asked to provide immigration status information, birth certificates, passports, social security numbers?

### 2. English Language Services for Students

Does your school have teachers trained to provide EL services? Are immigrant students able to participate in extracurricular or advanced programs?

### 3. Parent/Guardian Support

Are non-English speaking parents able to fully understand what is going on with their child at school? Has the translator used terminology that is comprehensible to the parent (e.g., jargon-free)? Has the school ever expected the child, another student, or a teacher who is not a trained translator to translate for a parent? Has your school discouraged immigrant parents from accessing EL services for a child?

### 4. Educator Training/Role

Are educators in the school made aware of the unique challenges/trauma that many immigrant students experience, and resulting unique needs of many immigrant students? What special advocacy might educators engage in, to help ensure those needs are met? What dual-language educator recruitment strategies has the district utilized? What else can school leaders do to support immigrant students?

## CONTACT US

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- <sup>2</sup> <https://www.migrationpolicy.org/research/profile-unauthorized-immigrant-population-united-states>
- <sup>3</sup> <https://www.migrationpolicy.org/article/immigrants-new-origins-countries-united-states>
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- <sup>5</sup> <https://www.migrationpolicy.org/article/mexican-immigrants-united-states>
- <sup>6</sup> <https://www2.ed.gov/datastory/el-characteristics/index.html>
- <sup>7</sup> <https://www2.ed.gov/datastory/el-characteristics/index.html>
- <sup>8</sup> <https://www.americanprogress.org/issues/immigration/reports/2018/09/02/455269/revival-and-opportunity/>
- <sup>9</sup> [https://www.wilsoncenter.org/sites/default/files/presentation\\_1\\_gandara\\_ee\\_immigration\\_enforcement\\_summaryv4.pdf](https://www.wilsoncenter.org/sites/default/files/presentation_1_gandara_ee_immigration_enforcement_summaryv4.pdf)
- <sup>10</sup> <https://cepa.stanford.edu/sites/default/files/wp18-18-v201809.pdf>
- <sup>11</sup> <https://www.newyorker.com/news/dispatch/an-ices-small-raid-has-turned-the-lives-of-hundreds-of-tennessee-kids-upside-down>
- <sup>12</sup> <https://www.sciencedirect.com/science/article/abs/pii/S1054139X15007041> and <https://sswr.confex.com/sswr/2018/webprogram/Paper31797.html>
- <sup>13</sup> <https://www.wbur.org/cognoscenti/2017/09/22/undocumented-immigrants-report-crimes-debra-j-robbin>
- <sup>14</sup> <https://nces.ed.gov/fastfacts/display.asp?id=805>
- <sup>15</sup> Plyler v. Doe, 457 U.S. 202 (1982), <https://www.oyez.org/cases/1981/80-1538>, see also <https://www.maldef.org/2018/12/plyler-case/>
- <sup>16</sup> See “Plyler Dear Colleague,” <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201405.pdf>.
- <sup>17</sup> “Information for Limited English Proficient (LEP) Parents and Guardians and for Schools and School Districts that Communicate with Them,” <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-lep-parents-201501.pdf>.
- <sup>18</sup> See “Fact Sheet: Information on the Rights of All Children to Enroll in School,” <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-201405.pdf>. See also “Information on the Rights of Unaccompanied Children to Enroll in School and Participate Meaningfully and Equally in Educational Programs,” <https://www2.ed.gov/about/overview/focus/rights-unaccompanied-children-enroll-school.pdf>.
- <sup>19</sup> <https://www.justice.gov/opcl/social-security-number-usage>
- <sup>20</sup> See “Ensuring English Learner Students Can Participate Meaningfully and Equally in Educational Programs,” <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-el-students-201501.pdf>.
- <sup>21</sup> See “English LEP Parent Fact Sheet,” <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-lep-parents-201501.pdf>.
- <sup>22</sup> See “Immigration and Customs Enforcement in Schools,” <https://www.copaa.org/page/ICESchool>, and <https://www.nilc.org/wp-content/uploads/2016/06/ICE-Raids-Educators-Guide-2016-06.pdf>
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