



Bridging Refugee Youth & Children's Services

Refugee Children in U.S. Schools: *A Toolkit for Teachers and School Personnel*



Tool 1: The Birthdates of Refugee Children and the Impact on Grade Placement

To access the entire Toolkit, visit: <http://www.brycs.org/publications/schools-toolkit.cfm>

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The Birthdates of Refugee Children and the Impact on Grade Placement: Frequently Asked Questions

For many years, schools have struggled with determining what to do with refugee students who arrive with potentially incorrect dates of birth on their documentation. In a country where most grade placements are age-based, schools are often not sure what to do with refugee students who may not know their actual date of birth. In researching this topic, BRYCS consulted with dozens of school districts and state Departments of Education to learn about best practices for dealing with this challenge. The answers to the following frequently asked questions are primarily based off of those recent conversations as well as BRYCS' responses to technical assistance requests from previous years.

Why do so many refugee children arrive in the U.S. with potentially incorrect dates of birth on their documentation?

- **Calendars:** Some cultures use a completely different calendar than what is used in the U.S. (e.g. Ethiopian). Other populations may not use calendars at all; for example, calendars were banned for a time in Afghanistan.
- **Determination of Birthdates:** Birthdates are determined differently throughout the world. In some cultures, the time in the womb is counted as a part of a child's age. In other cultures, only parts of the birthdate are deemed worthy of remembering; for example, the day of one's birth (e.g. Monday) or the year. Furthermore, some populations recall the weather, season or a particular event that occurred near the child's birth. Chaotic circumstances surrounding the time of birth of a child (e.g. war) may impact the family's memory as well.
- **Significance of Birthdates:** In some cultures, all birthdays are celebrated on a particular day (e.g. on New Year's Day in Viet Nam). Some cultures or families do not observe birthdays at all, due to religious belief, custom, or poverty.
- **Cultural Differences:** Cultural practices can impact child development and school readiness as well. For example, children in some cultures are breastfed until the age of three and may seem socially younger by American standards. In addition, some cultures use different methods for determining children's school readiness. For example, children in some Southeast Asian cultures are determined to be ready for school when they can wrap an arm over their head and reach their opposite ear.
- **Eating habits and malnutrition:** American children have access to more food, and more protein, than many poorer nations. Newcomer children who have spent time in refugee camps, or other impoverished situations, may look smaller than their U.S. classmates.
- **Birthdates Assigned by Officials:** Sometimes officials registering refugees may assign a standardized date such as January 1, or they may only be required to note the year. Occasionally, a child's birth date may have been recorded incorrectly due to a clerical error at some point in the refugee journey.
- **Birthdates Assigned by Family:** For refugee families who flee their homes without important documents or for whom birth documentation is unavailable, caregivers may guess at a child's age and date of birth. This is especially likely to occur with refugee children who are separated at some point from their parents and are cared for by another family. Alternatively, the child's birth date may have been changed to conceal some family history (such as the timing of a birth before marriage or indicating a different parentage), or to gain some advantage during migration.

My district/state does age-appropriate grade placement. Do I have to go by the age on the child's documentation even if it's wrong?

No, not necessarily. Many districts/states that mandate "age-appropriate" placement say nothing about what to do when a child's age is unknown. It is recommended that districts first assess a child's age and *then* make the age-appropriate grade placement. Furthermore, when dealing with refugee students with inaccurate ages, it is best to look at the child holistically and to consider factors beyond the child's age. Ultimately, it is recommended that school districts be as flexible as possible in these situations and work with the parents to determine the educational placement that is in the best interest of the child.

If a child's age seems potentially inaccurate, at what point should we assess that child's age?

Ideally a thorough assessment of a refugee child is done before an educational placement is made. Many districts have "Welcome" or "Placement" Centers where immigrant and refugee families go to register their children for school. Besides simply registering children for school, these centers typically assess the child's language and educational history, evaluate or recreate transcripts, and meet with the child's parents to ensure the child's unique needs are met. If a refugee child's age is in question, it is ideally addressed at this time.

What should I do if my district does not have a Welcome or Placement Center?

These decisions are usually best made with a team of professionals along with the parents. Due to the sensitivity of the issue, some districts visit the child's home to begin this conversation. Other districts use existing mechanisms (such as a "Student Study Team" or group that gets together to brainstorm intervention strategies for students) to discuss this issue. Often, the process of determining an accurate estimate of the child's age and making an educational placement takes more than one meeting.

Who should be involved in the decision to assess a child's age and determine an appropriate grade placement?

Whether your district has a Welcome or Placement Center, it is most effective if a team approach is used to make this decision. Such a team will likely include the parents, an interpreter, teachers, principal, counselor, social worker, psychologist, and nurse or other health specialists. In addition, it may be helpful to include a trusted community member and/or volunteer working with the family. In some districts, grade placement is ultimately based on the parents' request, whereas in other districts, it is ultimately the principal's decision. This varies throughout the country.

How do we assess a child's age? What factors should we consider?

Information gathered from a family meeting and a medical evaluation are typically the primary components of an assessment. If the child has already spent time in a U.S. school, the child's classroom behavior (social behavior, maturity level, how the student is adapting to the educational environment, etc.) are often considered as well. See the following two questions for more information.

What should we ask during the family meeting?

If the family meeting is at a Welcome or Placement Center, let the family know that you need to ask them some questions. If the child has already spent time in the classroom, school staff can respectfully state their concerns about the child's age. Keep the meeting respectful and avoid questioning in such a way that it feels like an "interrogation." Involve a trusted community leader if possible.

Ask the following types of questions:

- Questions that may be useful in helping the parents remember the child's date of birth, such as:¹

- Are there any other records that show the child's age (i.e. immunization or health records or family information recorded in a religious book)?
- Where was the family at the time of birth?
- What time of year was the birth (winter, summer, wet, dry)?
- About how long ago did the child learn to walk (approximately 1 year)?
- About how long ago was the child toilet trained or dry in the day (approximately 3 years)?
- What is the child's age in relationship to other children in the family?
- Are there other family or community members currently in the U.S. who were present at the child's birth or know of the circumstances of the child's birth?
- Questions about the child's prior school experience, including whether they have any transcripts or other records
- If the student is old enough to have their own opinion, ask the student about his or her age and why they believe they are that age
- If the team includes a developmental psychologist or other child development professional, have him/her assess the child's development (physical, social, cognitive, speech/language, etc.)

What if the family refuses to discuss the issue?

Some families may be scared to discuss the issue because they fear that any inconsistencies in information provided to the Department of Homeland Security will get them deported. It is true that there are penalties for committing refugee fraud; however, explain to the family that you understand there are a number of reasons, besides fraud, that the age on the child's documentation may be incorrect. In addition, remind parents that you are questioning the child's age for educational placement purposes only. Ultimately, while educational professionals may have valid reasons for wanting to change or reassess a student's age, the family may have their own reasons for wanting to maintain the child's stated age. The parents or caregivers may steadfastly believe the stated age is correct, or an assigned or estimated birthday may have become an accepted part of the family's history that they are reluctant to change. Older children may be reluctant to change their age if it has become a part of their identity. If the parents or caregivers are resistant to the assessment, do not force the issue.

How might medical information be useful in determining age?

Consider referring the family to get an evaluation from a doctor, especially if the school is unable to complete a developmental evaluation. An evaluation by a doctor may include a bone density test or X-ray or a dentist may evaluate the child's teeth. Since such tests have a considerable margin of error, some doctors recommend that these tests only be used when a child's estimated age is more than 18 months different from the age on the child's visa.²

Should we change the child's age in their student record?

Once a more accurate age is determined, some schools choose to permanently change the child's age in their data system. Other districts, however, choose to make a note and/or add documentation to the child's file so that the child does not need to be reevaluated upon switching schools or moving to a new district. Such documentation may include:

- A letter written by school staff who assessed the child and made the initial grade placement
- Copy of any assessments that were completed in conjunction with the child's initial placement
- A notarized statement written by the child's parents of the child's true age or a school form signed and notarized by parents that gives the district permission to make an educational placement based on the child's actual birth date

- Some [State Refugee Coordinators](#) provide letters for school districts that frequently deal with this issue (for example, [Texas](#))

Schools might consider consulting with their state Department of Education on this issue. Student data is typically shared with state Departments of Education, which is expected to match federal government student data. Your state Department of Education can advise as to whether changing students' data could have any unintended consequences.

Shouldn't the family get the child's age legally and permanently changed? Won't it affect other services for the child in the long run?

It is true that an inaccurate age may affect the child in other areas of his/her life. For example, health care, social service benefits or entitlements, community programs and services, voting, and driving are often determined by one's age. In addition, age determines selective service registration for males and when alcoholic beverages may be legally consumed.

For this reason, schools may provide refugee parents with the following information on how to get their child's age legally changed, so they can follow up if they choose. If U.S. Citizenship and Immigration Services (USCIS) has the wrong age for the child in their Central Index System (the central repository of information on all immigrants), the problem should be corrected as soon as possible. (It is not necessary or advisable that they wait until they apply for their Legal Permanent Residence.) The refugee child's parents can make an [INFOPASS](#) appointment online with USCIS to go to a local USCIS office. They can provide all of their documentation, explain the issue, and ask that the correct date of birth be reflected in the USCIS Central Index System. Depending on the complexity of the case, they may consider consulting with an immigration attorney.³

Are there any indirect consequences of changing a child's age?

There could be. It is also important to explain to families the potential indirect consequences of changing a child's age. For example, changing a child's age may:

- Shorten or lengthen that child's eligibility for certain school-based services, such as those terminating at age 18 or 21
- Impact the child's or family's eligibility for other age-related human services, such as state-sponsored children's health insurance, or the number of adults who can live in a public housing unit
- Raise a red flag for immigration authorities, who often place a high degree of importance on consistency of information. Inconsistencies between a child's school documents and their immigration documents could potentially be interpreted as fraud by immigration authorities, even if the discrepancy is benign or merely due to an absence of information. For this reason, families may want to consult an immigration professional before changing a child's age.

Still have questions? Need to consult on a case or help with locating resources? See our [Ask BRYCS page](#) for more information and call 1-888-572-6500 or email info@brycs.org.

¹ Benson, J. & Williams, W. (2008.) Age Determination in Refugee Children. Australian Family Physician, 37(10), 821-824.
<http://www.brycs.org/clearinghouse/clearinghouse-resource.cfm?docnum=4396>

² Ibid, Note 2.

³ Communication with the Office of Refugee Resettlement, August 13, 2009.

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Bridging Refugee Youth & Children's Services

Refugee Children in U.S. Schools: *A Toolkit for Teachers and School Personnel*



Tool 2: Schools and Refugee-Serving Agencies: How to Start or Strengthen Collaboration

To access the entire Toolkit, visit: <http://www.brycs.org/publications/schools-toolkit.cfm>

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Schools and Refugee-Serving Agencies: How to Start or Strengthen Collaboration



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What is collaboration?

The goal of community collaboration is to bring individuals and members of communities, agencies, and organizations together in an atmosphere of support to systematically solve existing and emerging problems that could not be solved by one group alone.¹ This tool will focus on community collaboration among schools, refugee resettlement agencies, and ethnic community based organizations. While refugees bring with them a host of strengths, schools may need external partners to solve challenges related to interpreter access, funding, parent involvement, programming for students with interrupted formal education, out of school time opportunities for refugee youth, and more.

Why talk about collaboration?

An organization may be able to solve some problems on its own, but real-life challenges usually require everyone's efforts. It is widely recognized that any one organization is not likely to achieve its goals without the assistance and support of other organizations.² As one author put it, "Each requires the others in order to succeed."³ Beyond joint problem-solving, key reasons for collaborating include sharing resources and information, filling programmatic gaps, facilitating sustainability, and reducing the duplication of services.

*"Each requires
the others
in order
to succeed."*

Who might participate in a collaborative effort to support refugee children and families?

The primary refugee-serving agencies schools might collaborate with are [refugee resettlement](#) and ethnic community-based organizations, which are sometimes called [Mutual Assistance Associations](#). These are refugee-led organizations that typically focus on refugees from a specific country or region of the world, such as Somalis or Southeast Asians. Such refugee-serving agencies can help bridge the gap between refugee families and the schools, which may lead to greater parent involvement and improved student performance. Refugee-serving agencies, which have established trusting relationships with refugee communities, may facilitate communication with families and whole communities. Once relationships are established with these key partners, other agencies to consider partnering with to support refugee children and families include:

| | |
|--|--|
| <ul style="list-style-type: none">❖ Other non-profits or community based organizations❖ Faith-based communities or organizations❖ Child and family services❖ Social service agencies❖ Healthcare❖ Law enforcement or juvenile justice | <ul style="list-style-type: none">❖ Youth organizations❖ Local government❖ Local businesses❖ Libraries❖ Universities and community colleges❖ Foundations❖ Service clubs |
|--|--|



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To think through possible partners for your collaborative effort, see the National Network for Collaboration's [Participation Matrix](#) (see "Standards of Practice," Appendix A). Large school districts with various departments serving refugee children (e.g. ELL or ESL Department, Welcome Center, etc.) or large numbers of schools may need to incorporate strategies from this tool in order to establish a solid collaboration within their district before focusing on external partners. Lastly, in a collaboration focused on refugee children, the importance of member diversity cannot be overstated; including refugees from the various refugee communities attending school is crucial.

Are all types of collaborations the same?

No, not all collaborative efforts have the same purpose of work and therefore require different structures and processes for conducting business. Although researchers have used different labels for various levels of collaboration, they typically describe increasing levels of collaboration as moving from the simplest, sharing of information, to complex relations that involve sharing financial resources, data, and integrated decision making.⁴ The National Network for Collaboration's model⁵ outlines five levels of "community linkages" and each level's purpose, structure, and process. (Note: Their model only refers to the fifth level as "collaboration.") The goal is not for all groups to reach the highest level; in some cases, a lower level of linkage may best serve the group's needs.

| <i>Community Linkages - Choices and Decisions</i> | | | |
|--|---|---|--|
| Levels | Purpose | Structure | Process |
| Networking | <ul style="list-style-type: none"> • Dialog and common understanding • Clearinghouse for information • Create base of support | <ul style="list-style-type: none"> • Loose/flexible link • Roles loosely defined • Community action is primary link among members | <ul style="list-style-type: none"> • Low key leadership • Minimal decision making <ul style="list-style-type: none"> • Little conflict • Informal communication |
| Cooperation or Alliance | <ul style="list-style-type: none"> • Match needs and provide coordination • Limit duplication of services • Ensure tasks are done | <ul style="list-style-type: none"> • Central body of people as communication hub • Semi-formal links • Roles somewhat defined • Links are advisory • Group leverages/raises money | <ul style="list-style-type: none"> • Facilitative leaders • Complex decision making <ul style="list-style-type: none"> • Some conflict • Formal communications within the central group |
| Coordination or Partnership | <ul style="list-style-type: none"> • Share resources to address common issues • Merge resource base to create something new | <ul style="list-style-type: none"> • Central body of people consists of decision makers <ul style="list-style-type: none"> • Roles defined • Links formalized • Group develops new resources and joint budget | <ul style="list-style-type: none"> • Autonomous leadership but focus in on issue • Group decision making in central and subgroups • Communication is frequent and clear |
| Coalition | <ul style="list-style-type: none"> • Share ideas and be willing to pull resources from existing systems • Develop commitment for a minimum of three years | <ul style="list-style-type: none"> • All members involved in decision making <ul style="list-style-type: none"> • Roles and time defined • Links formal with written agreement • Group develops new resources and joint budget | <ul style="list-style-type: none"> • Shared leadership • Decision making formal with all members <ul style="list-style-type: none"> • Communication is common and prioritized |
| Collaboration | <ul style="list-style-type: none"> • Accomplish shared vision and impact benchmarks • Build interdependent system to address issues and opportunities | <ul style="list-style-type: none"> • Consensus used in shared decision making • Roles, time and evaluation formalized • Links are formal and written in work assignments | <ul style="list-style-type: none"> • Leadership high, trust level high, productivity high • Ideas and decisions equally shared • Highly developed communication |

I think I'm in the "Networking" stage and would like to explore the possibility of establishing one of the more advanced linkages, but I'm kind of stuck. I'm having a hard time getting "in" to the school (or refugee-serving agency). What can I do?

The following tips were provided by Refugee School Impact Grantees:



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- ❖ Learn to speak the partner agency or school's language (e.g. acronyms, vocabulary associated with the agency's field).
- ❖ Attend to the agency or school's culture. Recognize that schools within the same district may have different "cultures."
- ❖ Volunteer to assist or participate in your partner agency's events (e.g. field trips, etc.).
- ❖ Be patient in identifying the appropriate person to speak with and setting up initial meetings. Be persistent, while also recognizing everyone's busy schedules.
- ❖ Get on the agenda of the partner agency's staff meeting or in the case of schools, their professional development docket. Keep your initial presentation brief and talk about what your agency has to offer and how you can help. You can discuss what you may need from them in subsequent meetings.
- ❖ Spend time truly listening and learning about the partner agency or school's experiences with refugee children.
- ❖ For agencies collaborating with the schools, get plenty of "face time" so everyone becomes familiar with your agency and services.
- ❖ Start initial conversations with information about your agency or school and how you can help. Bring something to the table!
- ❖ Locate "allies" who recognize the needs of refugee children and support the idea of establishing an agency relationship.
- ❖ Get to know as many people as possible at your partner agency's office or school.

Are there any unique collaborative structures used by Refugee School Impact Grantees or others working with refugee children in the schools?

The following collaborative structures used by Refugee School Impact Grantees (RSIG) can be categorized under the above model's five levels of collaboration:

- ❖ **Networking** – RSIG collaborative initiatives at this level report communicating via email, phone, and conducting face-to-face meetings. Most cross-training of staff, if organized by individuals as opposed to a central body, falls under this category.
- ❖ **Cooperation/Alliance** – RSIG collaborative initiatives at this level report using conference calls, along with the above-mentioned methods of communication.
- ❖ **Coordination/Partnership** – Many RSIG programs have home/school liaisons, who are often former refugees employed by a refugee resettlement agency or ethnic community based organization. Many of these arrangements can be characterized as this level of collaboration. In addition, this level includes groups with established policies and procedures used to clarify roles.
- ❖ **Coalition** – This is the first level requiring formal written agreements. RSIG sites report using Memorandums of Understanding (MOUs) and "linkages" (less formal than MOUs) for this. Some of the coalitions (and task forces, steering committees, etc.) run by RSIG sites fall under this level of collaboration. Others, however, may be classified as "coalitions" in name only while realistically operating at a different level.
- ❖ **Collaboration** – RSIG collaborative initiatives at this level often co-apply for grants, subcontract with partner agencies, and/or have school-based services.



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What steps should we take to establish a new collaboration or maintain an existing one?

The National Network for Collaboration's "[Collaboration Framework](#)" can set the groundwork for a new collaboration or can be a tool for communication of an existing collaboration. The framework suggests four initial steps:

1. Using the "Community Linkages" chart above, begin a conversation (or do the [Find Your Group](#) activity from the "Evaluation" section) about the type of collaborative relationship that currently exists or that would be appropriate to develop to improve the well-being of refugee children and families.
2. As a group, use the network's [tools](#) ("Progress Checklist" or the "Spider Web" from the subject index) to assess the factors that influence the collaborative process. These tools will help the group develop an understanding of where they are today and where they would like to be in three years.
3. Identify the vision (an image of the desired future), mission (purpose of the collaboration), and values (beliefs individuals and the group hold). These three items make up the foundation, or core, of the group effort.
4. Define the outcomes, or desired community conditions, resulting from the collaboration. Develop a common understanding of project results or outcomes as well as a common understanding of activities which are the means to achieving those results. Use existing [tools and resources](#) for establishing outcomes.

What are some of the barriers to collaborating and how can we overcome them?



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Collaborative relationships can be challenging due to external factors (political climate, history of working together, lack of resources that leads to partners competing for funding, etc.) along with interpersonal dynamics and human nature.⁶ Furthermore, few funders require collaboration which makes it challenging for busy professionals with competing demands.

For refugees from ethnic community based organizations who are interested in partnering with the schools, there may be additional barriers such as fear of involvement, limited English proficiency, and limited knowledge of how "the system" works.⁷

In light of these challenges, the following tips for overcoming barriers were provided by Refugee School Impact Grantees:

1. From the beginning, commit to agreed-upon **outcomes** as well as roles, policies, and procedures.
2. Do not **over commit!** Be realistic about your time and other commitments. Committing to something you cannot follow through on may ultimately damage inter-agency relationships.
3. Make sure there is **adequate support** and "buy in" from your own organization before partnering with another agency.
4. Try to establish a **culture of transparency, honesty, and trust** from the beginning. For partner agencies that could potentially compete for funding, it is helpful when state refugee and education agencies help facilitate a tone of non-competition.
5. Discuss how to handle **staff turnover** before it occurs and build in structures to allow for collaboration to extend beyond the individuals who initiate the relationship.



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"Keep your ultimate goal – helping refugee children – in mind at all times."

-Shazia Waters
PA Department of Education

6. Busy professionals should be able to recognize and define the **benefits** of being a part of the group.
7. Remember that students' academic performance improves when their basic needs are met and their families and communities are strengthened. For stakeholders concerned with academic performance, **collaborations** can focus on **school performance** as the primary outcome while recognizing the various factors that contribute to refugee students' success.
8. Recognize that **larger is not always better** and that this depends on the type of collaborative structure. For example, studies show that coalitions are most effective when they are small and their members are limited.⁸
9. Keep your **ultimate goal – helping refugee children – in mind at all times** and do not get caught up in minor disagreements with partner agencies. Focus on each other's strengths and how you can help each other to create a win-win situation.

¹ National Network for Collaboration. (1995). <http://www.brycs.org/clearinghouse/clearinghouse-resource.cfm?docnum=4398>

² Jones, Johnny M., Crook, Wendy P., & Webb, Jennifer Reid. (2007). Collaboration for the Provision of Services: A Review of the Literature. *Journal of Community Practice*, 15 (4), 41-71

³ Lawson, Hal A. & Sailor, Wayne. (2000). Integrating Services, Collaborating, and Developing Connections with Schools. *Focus on Exceptional Children*, 33(2), 1-22.

⁴ Cross, Jennifer E., Dickmann, Elyn., Newman-Gonchar, Rebecca, & Michael-Fagan, Jesse. (2009). Using Mixed-Method Design and Network Analysis to Measure Development of Interagency Collaboration. *American Journal of Evaluation*, 30(3), 310-329.

⁵ Bergstrom, A., Clark, R., Hogua, T., Iyechad, T., Miller, J., Mullen, S., Perkins, D., Rowe, E., Russell, J., Slinski, M., Snider, B.A., and Thurston, F. (1995). *Collaboration framework: Addressing community capacity*. Columbus, OH: National Network for Collaboration.

⁶ Ibid, Note 2.

⁷ Binder-Aviles, H. & Vu, Y. *Increasing Refugee Civic Participation: Starting with the Schools*. Web-Based Conference Call Training for Refugee Service Providers. September 23, 2008. <http://www.brycs.org/clearinghouse/clearinghouse-resource.cfm?docnum=2784>

⁸ Kadushin, C., Lindholm, M., Ryan, D., Brodsky, A., & Saxe, L. (2005). Why it is So Difficult to Form Effective Community Coalitions. *City & Community*, 4, 255-275.



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Tool 3: Refugee Child Welfare: Guidance for Schools

To access the entire Toolkit, visit: <http://www.brycs.org/publications/schools-toolkit.cfm>

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Refugee Child Welfare: Guidance for Schools

Teachers and other school staff are on the front lines of working with refugee children and their families, and at times deal with child welfare and family issues. In all states, teachers and school staff are "mandated reporters," meaning they are required to report suspected child maltreatment (i.e. physical abuse, sexual abuse, emotional abuse and neglect) to child welfare authorities. Although this mandated reporter responsibility should make children safer, it may also make refugee families fearful of teachers.



Furthermore, some apparent signs of neglect or abuse may be the result of traditional cultural practices, learned behaviors from the refugee experience, or the need for education about U.S. practices. BRYCS created this resource to help teachers distinguish resettlement challenges and cultural differences from child maltreatment, and to consider resources for refugee families facing such challenges.

Broadly speaking, child welfare authorities are charged with protecting and promoting the "best interests of the child." More specifically, this concept includes the safety, permanence, and well-being of children:

- **Safety:** Is the child safe from harm in his or her current home?
- **Permanence:** Does the child have a home and long-term, meaningful connections to caregivers?
- **Well-being:** Are the child's physical, educational, social and emotional needs taken care of?

The local government child welfare agency responsible for investigating reports of child abuse and neglect is typically called child protective service (CPS). Definitions of child abuse and neglect are established locally and vary from state to state. As a mandated reporter, you should familiarize yourselves with your state's laws. A good way to do this is to invite a CPS social worker to your school to give a presentation at a faculty meeting.

Under federal law, child abuse and neglect encompasses the following:¹

- **Physical Abuse:** Physical acts by parents or caregivers that cause, or could have caused, physical injury to the child.
- **Neglect:** Failure of parents or other caregiver, for reasons not solely due to poverty, to provide the child with needed, age-appropriate care, including food, clothing, shelter, protection from harm, supervision appropriate to the child's development, hygiene, education, and medical care.
- **Sexual Abuse:** Sexual activity by a parent or other caregiver, with a child, including but not limited to any kind of sexual contact through persuasion, physical force, or other coercive means; exploitation through sexual activity that is allowed, encouraged, or coerced; and child prostitution or pornography.
- **Emotional Maltreatment:** Parental or other caregiver acts or omissions, such as rejecting, terrorizing, berating, ignoring, or isolating a child, that cause or are likely to cause the child serious impairment of his or her physical, social, mental, or emotional capacities.

Refugee child welfare is a delicate and complicated issue in which educators should consider both children's well-being and cultural differences. This tool provides some issues to consider when evaluating the welfare of refugee children. Ultimately teachers and school staff should follow state and local laws and policies, as well as established school procedures.

Potential Areas of Concern

While refugee families may experience the same types of child welfare issues as American-born families or those who have lived in the U.S. for a significant period of time, refugee parents are more likely to face child-rearing issues in areas such as the following.

- **Lack of knowledge about typical U.S. parenting norms and behaviors:** Parenting behaviors may vary by culture, geographic region, religion, educational level, socio-economic status, etc. Refugee families may have different expectations of discipline methods, supervision, the amount of work children do around the home, and more.
- **Limited community supports and limited knowledge of local resources:** Refugee families may not know where to turn when they are in need, particularly if they lack family or friends who have been in the U.S. for a significant period of time. They may need help with finding a job or English language classes, locating social service resources, child care, transportation, and more.
- **Balancing resettlement challenges with parenting responsibilities:** Resettlement in a new country involves an overwhelming barrage of new information and experiences, particularly for refugees from less developed countries. Refugee parents may struggle with balancing their work schedules with children's school schedules, learning enough English to interact with school staff, coping with sadness due to family members who are missing or left behind, changing circumstances, traumatic memories, and more.
- **Distant or renewed family relationships:** Some refugees reunify with family members who have already been in the U.S. for some time. It is not uncommon for children to be reunited with parents or siblings whom they have not seen in years. Such children may have a greater sense of independence than their family members expect, and parents may infantilize children by treating them as if they are still the age at which the family last lived together; children may miss the caregivers they've left behind, and new step-parents or half-siblings may have trouble adjusting to one another.
- **Intergenerational tension:** Refugee children who are exposed to English language and U.S. cultural behaviors in the classroom often acculturate faster than their parents, which can lead to a reversal in family roles. Due to their more rapid acquisition of language and culture, refugee children and youth may develop more power and authority than their parents, which can upset the dynamics of the family.

All of the factors listed above can affect the ability of refugee parents to care for their children's needs. School social workers may be an important resource for helping refugee families with some of these issues.



Intervention

Knowing when to intervene can be difficult. If you suspect a child is being abused and/or neglected you must intervene. As a mandated reporter you are legally required to call your local child protective services office. Making a phone call does not necessarily mean that the child will be removed from his or her family. Child protective services social workers are trained to investigate the entire situation and will not make snap decisions or judgments but will base their decisions on whether or not the child can be safe if he or she remains in the home. Most CPS social workers come into the home with the perspective of keeping the family together if the child's safety can be assured, and working with the family to promote child well-being.

School personnel are likely to encounter refugee students who are not in immediate danger but in a fragile situation related to the areas of potential concern outlined above. Schools should particularly keep an eye out for refugee students who:

- Lack stable housing and move by themselves from one relative or friend's home to another.
- Have parents or caregivers who are unable or unwilling to care for them.
- Have distant or weak relationships with their caregivers.

In response to concerns such as those listed above, school personnel may consider taking the following steps:

- Learn about other strategies for working with refugee families, such as those described in this [previous BRYCS article](#).
- Consult with school social workers or a cultural liaison in your school district.
- Reach out to local child welfare or community agencies to access in-home family support services. Connecting and building relationships with your local child welfare agency is vital to understanding their process and knowing what programs and services they offer. For example, many child welfare agencies provide short-term intensive family preservation programs or longer-term support services for families.
- Call BRYCS at (888) 572-6500. BRYCS social workers are available to discuss refugee specific situations that school staff may encounter.

Prevention

Teachers and other school staff can take steps to strengthen refugee families and help prevent some of the risks described above.

- Develop a refugee task force or coalition to address specific concerns for newcomer families.
- Invite someone with child welfare expertise or local family strengthening initiatives to discuss community services and supports for refugee families.
- Invite staff from refugee resettlement and/or ethnic community-based organizations to discuss local resources and services for newcomer families.
- [Involve refugee parents in their children's education](#) as much as possible. For example, the [Dallas](#) schools offer refugee parent support services and refugee parenting classes as well as counseling for students and families as needed. Other models exist for facilitating this engagement, such as [community schools](#) and full-service schools. For instance, the [Highline Public Schools](#) in Washington partner with four community-based organizations, which help engage refugee families.
- Check out the accompanying List of Highlighted Resources on [Addressing Refugee Child Welfare Concerns in the Schools](#).

Teachers and other school staff play an important role in the lives of refugee students and their families. By knowing basic information about child welfare and how school districts can help support refugee families, teachers and school staff can help to promote the safety, permanence, and well-being of refugee students.

¹Child Welfare League of America: <http://www.brycs.org/clearinghouse/clearinghouse-resource.cfm?docnum=4399>



Bridging Refugee Youth & Children's Services

Refugee Children in U.S. Schools: *A Toolkit for Teachers and School Personnel*



Tool 4: Refugee and Immigrant Youth and Bullying: Frequently Asked Questions

To access the entire Toolkit, visit: <http://www.brycs.org/publications/schools-toolkit.cfm>

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Refugee and Immigrant Youth and Bullying in School: Frequently Asked Questions

1. What is bullying? And immigrant bullying?

Bullying is typically described as a unique form of aggressive behavior that is intentional, harmful, repetitive in nature, and in which there is an imbalance of power (either psychological or physical) between the aggressor and victim.¹ Bullying can take many forms, including physical, verbal, and social (sometimes called "relational bullying" and can include exclusion, gossip, etc.). The way cultures define "bullying" can vary. While it always involves the abuse of power and harm to another individual, it takes different forms in societies based on culture.²

Some experts have specifically attempted to define "immigrant bullying," which is "bullying that targets another's immigrant status or family history of immigration in the form of taunts and slurs, derogatory references to the immigration process, physical aggression, social manipulation, or exclusion because of immigration status."³

2. What do we know about the role of race, ethnicity, religion, or other identity factors in bullying?

Surprisingly, we know very little from the bullying literature. Despite the fact that there are increasing numbers of refugee and immigrant students in today's classrooms, there has been little academic research on bullying in multicultural contexts and no definitive conclusions can be drawn about factors such as race, ethnicity, and religion, let alone how these factors interact.⁴

Yet, there is much overlap between bullying and **bias incidents, harassment, and hate crimes** in schools, which typically involve race, ethnicity, or other identity factors. (A bias incident is an act or behavior motivated by bias or prejudice against someone's identity.) Bullying prevention practitioners and researchers have noted that most school violence escalates from incidents of teasing and bullying.⁵ Research has shown that bias and harassment in schools based on factors such as race and religion is a pervasive problem. Students of color are often targeted more than White students and students who are Jewish or Muslim are often targeted more than students of other religions.⁶ Since many refugees/immigrants coming to the U.S. are persons of color and non-Christian, they may be more vulnerable to bullying, bias, and harassment.

"It is imperative that anti-victimization measures recognize race and ethnicity as possible basis for harassment and that immigrant youth are not excluded from school-based interventions." (Abada, et al, 2008, p. 565)

3. What do we know about refugee/immigrant students and bullying?

While some studies have looked at whether refugee/immigrant students are more likely to be targets of bullying than native-born students, overall, the research is limited and has revealed inconsistent results.⁷ Anecdotally, those of us who work with refugee and immigrant children on regular basis know that unfortunately, bullying is a common problem for many of these children.⁸ As mentioned above, refugee/immigrant students may be more vulnerable to bullying because many are persons of color and non-Christian.⁹



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Some studies have also looked at refugee/immigrant adolescents as perpetrators of bullying. Some students, including refugee/immigrant students, bully other students because of a desire for affiliation, or to belong.¹⁰ This is an important area to research for all students, but particularly for refugee/immigrant students, as it relates to larger conversations on immigrant integration.

4. What additional, unique factors from refugee/immigrant youths' past contribute to bullying?

Many refugee children spend years in refugee camps where they develop strong survival skills, including the ability to fight back when attacked. It can take time to teach refugee youth new skills for responding appropriately to threats, or perceived threats, in their new environment. A refugee resettlement program coordinator who works in an urban school district pointed out that sometimes refugee youth *think* they are being attacked and respond accordingly, even in situations where American-born students are just "playing games" or interacting as they typically would with each other.¹¹

Service providers need to also look at the attitudes that foreign-born youth bring to the U.S. Many foreign-born youth have deeply-rooted opinions of particular groups that may differ significantly from commonly held stereotypes in the U.S. It is important for teachers to learn as much as they can about underlining ethnic, religious, or other conflicts that may be affecting how bullying plays out in their classrooms.



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5. Do the demographics of the school or other contextual factors make a difference?

Yes. Refugee/immigrant students are in **diverse schools** all across the U.S. — they may attend schools that are mostly made up of students of color, White students, or equal numbers of students from various backgrounds. Some research has shown that greater ethnic diversity in schools reduces students' feelings of vulnerability and victimization because there is more of a balance of power among different ethnic groups.¹² Likewise, if immigrant youth make up the majority of a student population, this could influence their experience.¹³

This relates to what experts call the **social-ecological framework**. Twenty years ago, most schools focused on identifying and punishing bullies, but today, many anti-bullying programs operate from this framework that recognizes not only the importance of intervening at the individual and peer levels, but also the family, school,

"Hostile behavior and bullying in school settings is a common reality for Muslim students, evidenced by incidents of discrimination that have occurred nationwide in the classroom, in the cafeteria, during extra-curricular activities, and on the school bus..." (Abo-Zena, et al, 2009, p. 5)

and community levels. This approach recognizes that bullying does not happen to individuals in isolation and that no one individual creates or maintains a bullying situation. Schools now talk about the importance of "**school climate**," which has to do with how safe students feel as well as the social norms with regard to bullying. Furthermore, many schools have created universal programs that recognize that a large number of students are bullied and virtually all youth are exposed to bullying as **bystanders** at some point. It is now expected that bullying prevention and intervention program teach children who witness bullying how to respond.¹⁴

This model is particularly important when discussing refugee/immigrant youth because it acknowledges the impact of the **environment** students are in. For example, it is crucial to look at the attitudes of the community and larger society towards refugees and immigrants. Schools do not

operate in a vacuum, but instead mirror the larger society. Racism, **anti-immigrant sentiment**, and religious or political tensions from the larger society are all reflected in children's bullying. For example, negative messages about Muslims have been particularly prominent since 9/11.¹⁵ Overall, for these reasons, it is crucial for bullying to be discussed in larger conversations about **immigrant integration**.

6. Are certain groups of refugees/immigrants more likely to be bullied than others? Why?

As explained above, the school's climate and demographics (e.g. which group is the majority, etc.) greatly affects which groups of students are bullied, particularly since research shows that children and youth who are

different from the mainstream or majority groups are often the targets of bullying. Furthermore, one must recognize that the majority group, or the group with power, may change between settings within a single school.¹⁶

In particular, children of certain refugee/immigrant groups may be at greater risk for victimization due to cultural similarities or differences from the dominant group, their level of proficiency in the dominant language and other factors.¹⁷ Those who work with refugee/immigrant children in the schools often mention the role that cultural orientation plays in bullying. For example, some refugee/immigrant students are bullied because of a lack of understanding of cultural norms related to hygiene, appropriate dress for boys vs. girls, how to make friends, boundaries and personal space, etc.

7. What role does acculturation or immigrant generational status play in bullying?

Many people who have worked with refugee or immigrant children in the schools have witnessed newer arrivals being made fun of by students from the same country of origin that have been in the U.S. longer. For example,



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sometimes more acculturated students call newer arrivals "FOB," which stands for "Fresh Off the Boat." Yet again, few studies in the bullying literature have taken a look at this phenomenon and the studies that do exist have conflicting findings.¹⁸ One study shows that students who are more acculturated are more targeted by their peers,¹⁹ another study found that first generation youth (less acculturated) are more targeted,²⁰ and a third study found that acculturation level did not affect students' victimization rates at all.²¹

Service providers report that many refugee/immigrant youth try to acculturate as quickly as possible in order to "fit in" with their peers and to avoid being bullied. It is important for parents to recognize this because many youth do not mean to reject their native culture, but find it important to dress or act "American" for these reasons.

8. What about cyber bullying?

Recently, more attention has been paid to "cyber bullying," which happens when teens use the Internet, cell phones, or other devices to send or post text or images intended to hurt or embarrass another person.²² Refugee/immigrant students may be more susceptible to cyber bullying because of a lack of experience with the Internet or a lack of understanding of its dangers. In addition, foreign-born parents may be less familiar with the Internet and the importance of monitoring their children's use of it.

9. What are some of the effects of bullying and are they any different for refugee/immigrant children?

Overall, students who are involved in bullying (as the bully, the victim, or the witness) are at risk for a host of difficulties. Most notably, children who are victimized are at risk for psychological difficulties (depression, anxiety, social withdrawal, and low self-esteem), social relationship problems, and more. Victimized children are also at risk for academic difficulties, substance use, stress-related illnesses, and aggression.²³

There is not enough evidence to definitively say whether refugee/immigrant children are affected any differently by bullying, but one study found that immigrant teenagers were more sensitive than the native born to the effects of harassment and victimization.²⁴ Anecdotally, refugee service providers report that bullying can make newcomer students extremely frightened, erode their confidence, and



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impact their transition to the U.S.²⁵ Others report that refugee students may avoid or drop out of school due to bullying, threats, and harassment.²⁶

These students (and their parents) may not discuss the bullying with teachers or other authority figures due to language barriers, a fear of authority, or a sense of shame. Furthermore, students/parents sometimes feel powerless to change situations after having lived for years in refugee camps.

Sadly, many refugee youth are bullied because of the same reasons they fled their country (e.g. nationality, race, religion, etc.). Though bullying may not take as severe a form as persecution, it certainly may bring back unpleasant or even traumatic memories for refugee youth. Furthermore, for many refugee youth, the target is not often just that particular child, but the entire group(s) to which the child belongs.²⁷

10. Are there ways to increase empathic understanding in American-born youth towards foreign-born youth?



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The more empathy students have for each other, the less likely they are to bully or abuse each other. In addition, the more students identify with and understand each other, the more likely they are to reach out to help each other.²⁸ There are many instances where the bullying of refugee/immigrant students is reduced simply by teaching American-born students about their foreign-born peers (e.g. Why are they here? Why do they dress differently? etc.) and giving them an opportunity to ask questions and openly discuss their concerns. BRYCS has collected dozens of resources that can be used for these types of lessons and conversations. Check out BRYCS' lists of highlighted resources on [Immigrant/Refugee Awareness Instructional Materials](#) and [Children's Books about the Refugee/Immigrant Experience](#).

11. What is restorative justice and how is it being used with refugee youth?

Another approach that is significantly different from what was done 20 years ago is based on the concept of “**restorative justice**,” which emphasizes repairing the harm that was caused, holding offenders accountable, bringing together the person who was harmed with the person who did the harm and the community, and preventing similar actions in the future. This is very different from the “zero tolerance” policies of the past where the bully is suspended and then returns to school without the underlying causes of the conflict ever being addressed. The restorative justice approach recognizes that while bullying interventions are often centered on giving the person who bullies consequences, consequences do not always stop the bullying, and in some cases punishment may make the bullying worse for the target.

This approach was first used in schools in Australia in the 1990's and is now being used in some locations in the U.S.²⁹ The Center for Multicultural Mediation and Restorative Justice in Minneapolis, Minnesota has been using the restorative justice model with the many East African refugees and immigrants in Minnesota. Among other things, they work with the Minneapolis Public Schools' Safe and Drug Free Schools Program to facilitate “peacekeeping circles” that allow diverse youth to express their thoughts and feelings. These have been primarily prevention oriented and are used as a means for building interpersonal relationships, particularly among East African and African American youth.



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It is important to note that using restorative practices in bullying situations requires training, not only in restorative justice, but also in bullying dynamics and trauma. Bullying and immigrant experiences are both

complex, so any intervention should be carefully chosen and evaluated for its impact on the target, the person who did the bullying, and the bystanders.

12. What are some cultural considerations when addressing bullying with refugee/immigrant students?³⁰

- **Group vs. Individual Emphasis:** Individualistic cultures will tend to have more one-on-one bullying or one group vs. another less powerful group. Bullying in group-oriented cultures is more likely to emphasize ostracism from the larger group and solutions are more focused on how that person can better fit into the group. Where a family or culture falls on this individual-group spectrum will also affect how many people they prefer to bring to the table to discuss concerns about bullying in general, or about a particular child.
- **Small vs. Large Power Differences:** Depending on the culture, the difference between those with formal power versus those without can be small or large. For schools with large power differences, decisions about bullying prevention programs are likely to be made by a few key people in power. Likewise, in meetings about particular children, the group will likely hear more from those with authority.
- **Masculine vs. Feminine Approach:** Typical ideas about what it means to be "feminine" or "masculine" affect cultures' views about who deserves empathy. Since teaching empathy is an important component of many bullying prevention programs, service providers need to take this into consideration. Who is seen as deserving of concern and how much concern should those people receive?
- **Uncertainty Avoidance vs. Ambiguity Acceptance:** This has to do with a culture's preference to either eliminate as much uncertainty in life as possible or embrace it as an exciting part of life. This concept will affect bullying prevention and other types of programs from a program planning perspective. How strictly should rules, policies, and procedures be followed?
- **Confrontation vs. Harmony:** Some cultures value avoiding confrontation and maintaining harmony. This may affect students', parents', or community leaders' recognition of a bullying issue and/or desire to directly address it.



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13. Is it suggested that we adapt existing models or programs to meet the needs of refugee/immigrant students in our schools?

Yes. As mentioned above, there has been little research on bullying with refugee/immigrant students in general, and there is no scientific evidence on the approaches that work best for these populations. Yet, doing something is better than doing nothing! Service providers can start with evidence-based bullying prevention programs and make adaptations to best meet the needs of refugee/immigrant students and their families. Some suggested considerations for schools with large numbers of refugee/immigrant students are outlined below.

| Best Practice³¹ | Brief Description of Best Practice | Considerations for Schools with Refugee/Immigrant Students |
|---|---|--|
| Focus on the social environment of the school. | Change the climate of the school and the social norms related to bullying. All staff must be involved. | Look at the school and community's attitude toward refugees and immigrants. Recognize the impact of anti-immigrant sentiment, racism, and religious/political tensions. |
| Assess bullying at your school. | Administer an anonymous questionnaire to students about bullying to learn how much it is happening, what types, when, where, etc. | Translate the questionnaire and/or find other ways, such as focus groups, ³² for students with limited English or literacy skills to provide input. |
| Garner staff and parent support for bullying prevention. | Buy-in from the majority of staff and parents is needed. | Identify barriers for refugee and immigrant parent participation and develop a plan to address those. ³³ Make sure school leadership is involved. |
| Form a group to coordinate the school's bullying prevention activities. | This group should include an administrator, teacher from each grade, school counselor, parent, etc. | Include ELL/ESL staff as well as representatives from community agencies (refugee resettlement, ethnic community based, etc.), and community leaders. Their buy-in is important! |
| Train your staff in bullying prevention. | All staff should be trained on the nature of bullying and its effects, how to respond, how to prevent it, etc. | Include information on cultural competence and any additional considerations for dealing with bullying of refugees or immigrants. |
| Establish and enforce school rules and policies related to bullying. | Make clear that students are expected not to bully, but also to not be passive bystanders, etc. | Most students are bystanders. Many youth, including refugees and immigrants, appreciate being given an opportunity for leadership or to help create change. |
| Increase adult supervision in "hot spots" where bullying occurs. | Bullying tends to thrive in locations where adults are not present so attention must be paid to these areas. | Refugee and immigrant students are particularly vulnerable when adults are not around, especially because of language barriers. Include areas outside of school, if possible, such as the bus. |
| Intervene consistently and appropriately in bullying situations. | Staff should hold follow-up meetings with students and involve parents. | Take steps to reduce any barriers to parent involvement for refugee/immigrant parents. |
| Focus some class time on bullying prevention. | It is suggested teachers set aside 20-30 minutes a week (or every other) to discuss peer relations with students. | Newcomer students should be invited to share, but never forced to be "cultural spokespersons" for their communities. |
| Continue these efforts over time. | There should not be an "end date" for these activities. | The populations in our schools are ever-changing, so the conversation must be on-going, too. |

14. Are anti-bullying programs known to be effective?

Studies of school-based anti-bullying programs have yielded mixed results. Overall, some studies have shown school-based anti-bullying programs to be effective in reducing bullying,³⁴ but it is important to recognize that success in one school is no guarantee of success in another because each school's "social ecology" or context is different.³⁵

15. Are there any particular anti-bullying programs being used specifically for refugee/immigrant children or other "Promising Practices"?

The Colorado Trust funded a large bullying prevention initiative from 2005-2008, which included a number of community-based grantees that worked with refugee and immigrant communities. One of those was the African Community Center in Denver, which developed an anti-bullying project called Refugee Education for Awareness, Change, and Hope program (REACH). Through this project, they produced a curriculum and video called [Creating a Refuge from Bullying](#).

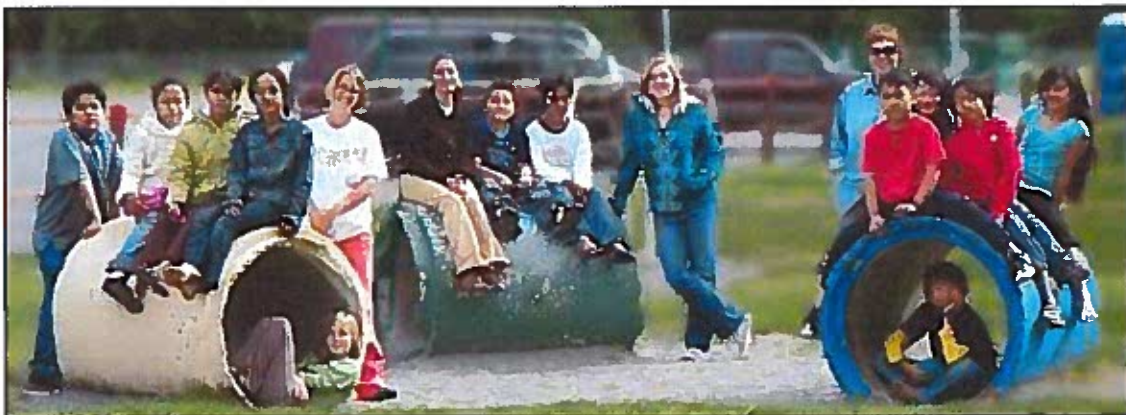
The [Center for Preventing Hate](#) has also been doing work in this area. Through their "Unity Project," they work closely with schools to assess the particular issues of bias and harassment that are most prevalent and collaborate with school personnel to offer educational workshops and dialogue programs. A major aspect of their approach is training student leaders and working with student bystanders. They have worked with a number of school districts in Maine and New Hampshire that were heavily impacted by large numbers of refugees who settled in the area in a short amount of time.

The McKay School Safety Program is a program being used for bilingual Hispanic children in the fourth grade. The program incorporates six themes, including bullying. The program was evaluated and overall found to be effective in improving knowledge of school safety topics, but the researchers emphasize that school districts have different cultural and linguistic needs and that a "one program fits all" approach should not be used.³⁶

The [International Rescue Committee \(IRC\)](#) in Baltimore is using classroom dialogues to facilitate conversations between refugee and American-born youth on bullying as well as "Forum Theater" role plays, based on the "Theatre of the Oppressed" methodology, to help students explore non-violent ways of gaining respect. Using the "forum theater" approach, students act out bullying scenes from real life as they actually occurred and then again, utilizing alternative endings suggested by peers.

16. What are some practical resources we can use related to bullying prevention?

See BRYCS' lists of highlighted resources on [Bullying](#) and [Addressing Ethnic Conflicts](#) for such resources.



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- ¹ This is the definition used by one of the most influential researchers in the field of bullying, Dan Olweus, from Norway. It should also be noted that many researchers use the term "peer victimization" to refer to bullying or bullying-like behavior.
- ² Hazler, R. J., & Carney, J. V. (2010). Cultural Variations in Characteristics of Effective Bullying Programs. In S.R. Jimerson, S. M. Swearer, & D. L. Espelage (Eds), *Handbook of Bullying in Schools: An International Perspective*. New York: Taylor & Francis. <http://www.brycs.org/clearinghouse/clearinghouse-resource.cfm?docnum=4039>
- ³ Scherr, T. G. & Larson, J. (2010). Bullying Dynamics Associated with Race, Ethnicity, and Immigration Status. In S.R. Jimerson, S. M. Swearer, & D. L. Espelage (Eds), *Handbook of Bullying in Schools: An International Perspective*. New York: Taylor & Francis. One should also note that "immigration status" here does not refer to whether one is documented or undocumented. It is referring to whether a student is an immigrant or not. <http://www.brycs.org/clearinghouse/clearinghouse-resource.cfm?docnum=4040>
- ⁴ Many studies say this. See the references in Note 3 (Scherr & Larson), Note 23 (Swearer et al), Note 11 (Graham), and Note 6 (Fandrem et al).
- ⁵ Wessler, S.L. & Preble, W. (2003). *Respectful School: How Educators and Students Can Conquer Hate and Harassment*. Alexandria, VA: Association for Supervision and Curriculum Development.
- ⁶ Wessler, S.L. & De Andrade, L.L. (2006). Slurs, Stereotypes, and Student Interventions: Examining the Dynamics, Impact, and Prevention of Harassment in Middle and High School. *Journal of Social Issues*, 62(3), 511-532.
- ⁷ Fandrem, H., Strohmeier, D., & Roland, E. (2009). Bullying and victimization among native and immigrant adolescents in Norway. *Journal of Early Adolescence*, 29(6), 898-923. <http://www.brycs.org/clearinghouse/clearinghouse-resource.cfm?docnum=4041>
- ⁸ BRYCS has provided technical assistance to those working with refugee children in the U.S. for 10 years and has consulted on countless situations of refugee bullying over the years.
- ⁹ Ibid, Note 5.
- ¹⁰ Ibid, Notes 3 & 7.
- ¹¹ Communication with Matthew Schultz on August 18, 2010. International Rescue Committee, Baltimore.
- ¹² Graham, S. (2006). Peer victimization in school: exploring the ethnic context. *Current Directions in Psychological Science*, 15, 317-321. <http://www.brycs.org/clearinghouse/clearinghouse-resource.cfm?docnum=4046>
- ¹³ McKenney, K.S., Pepler, D., Craig, W., & Connolly, J. (2006). Peer victimization and psychosocial adjustment: the experiences of Canadian immigrant youth. *Electronic Journal of Research in Educational Psychology*, 9(4), 239-264. <http://www.brycs.org/clearinghouse/clearinghouse-resource.cfm?docnum=4047>
- ¹⁴ Swearer, S.M., Espelage, D.L., Vaillancourt, T., & Hymel, S. (2010). What can be done about school bullying? Linking research to educational practice. *Educational Researcher*, 39(1), 38-47. <http://www.brycs.org/clearinghouse/clearinghouse-resource.cfm?docnum=4043>
- ¹⁵ Imam, S.A. (2010). Separation of What and State: The Life Experiences of Muslims with Public Schools in the Midwest. In O. Sensoy & C.D. Stonebanks (Eds), *Muslim Voices in School*. Netherlands: Sense Publishers.
- ¹⁶ Ibid, Note 3.
- ¹⁷ Ibid, Note 3.
- ¹⁸ Personal communication with Dr. Rebecca A. Robles-Piña, June 24, 2010.
- ¹⁹ Peguero, A. (2009). Victimization of the children of immigrants: Latino and Asian American student victimization. *Youth in Society*, 41(2), 186-208. <http://www.brycs.org/clearinghouse/clearinghouse-resource.cfm?docnum=4044>
- ²⁰ Ibid, Note 13.
- ²¹ Bauman, S. & Summers, J.J. (2009). Peer victimization and depressive symptoms in Mexican American middle school students: including acculturation as variable of interest. *Hispanic Journal of Behavioral Science*, 31(4), 515-535. <http://www.brycs.org/clearinghouse/clearinghouse-resource.cfm?docnum=4048>
- ²² National Crime Prevention Council, <http://www.ncpc.org/>
- ²³ Ibid, Note 14.
- ²⁴ Abada, T., Hou, F., & Ram, B. (2008). The effects of harassment and victimization on self-rated health and mental health among Canadian adolescents. *Social Science & Medicine*, 67, 557-567. <http://www.brycs.org/clearinghouse/clearinghouse-resource.cfm?docnum=4045>
- ²⁵ Communication with Abdi Ali, Center for Multicultural Mediation and Restorative Justice, August 17, 2010.
- ²⁶ Communication with Lauren Swain, August 7, 2010.
- ²⁷ Ibid, Note 3.
- ²⁸ Ibid, Note 2.
- ²⁹ Stinchcomb, J.B., Bazemore, G., & Riestenberg, N. (2006). Beyond zero tolerance: restoring justice in secondary schools. *Youth Violence and Juvenile Justice*, 4(2), 123-147. <http://www.brycs.org/clearinghouse/clearinghouse-resource.cfm?docnum=4049>
- ³⁰ Ibid, Note 2.
- ³¹ U.S. Department of Health and Human Services. Stop Bullying Now! *Best Practices in Bullying Prevention and Intervention*. <http://www.brycs.org/clearinghouse/clearinghouse-resource.cfm?docnum=4030>
- ³² Ibid, Note 5.
- ³³ See *Involving Refugee Parents in their Children's Education* for suggestions. <http://www.brycs.org/clearinghouse/clearinghouse-resource.cfm?docnum=2469>
- ³⁴ Farrington, D. P. & Ttofi, M.M. (2009). School-Based Programs to Reduce Bullying and Victimization. *Campbell Systematic Reviews*, 6. <http://www.brycs.org/clearinghouse/clearinghouse-resource.cfm?docnum=4038>
- ³⁵ Ibid, Note 14.
- ³⁶ Robles-Piña, R.A., Norman, P., & Campbell-Bishop, C. (2010). McKay School Safety Program (MSSP): A Bilingual Bicultural Approach. In S.R. Jimerson, S. M. Swearer, & D. L. Espelage (Eds), *Handbook of Bullying in Schools: An International Perspective*. New York: Taylor & Francis. <http://www.brycs.org/clearinghouse/clearinghouse-resource.cfm?docnum=4050>

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Bridging Refugee Youth & Children's Services

Refugee Children in U.S. Schools: *A Toolkit for Teachers and School Personnel*



Tool 5: Federal Requirements to Provide Interpretation/ Translation in the Schools

To access the entire Toolkit, visit: <http://www.brycs.org/publications/schools-toolkit.cfm>

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A refugee child from Burma was struggling in school. Her teacher looked forward to parent-teacher conferences because she wished to speak with the child's parents. Invitations and reminders were sent out to all the parents, but only in English. The parents did not understand the letters and therefore missed the meeting. The teacher managed to arrange another meeting with them, but when they showed up, there was no interpreter and no way for them to communicate with her. They fumbled through the meeting the best they could with gestures and simple English, but the parents left frustrated and having understood very little of what was said to them.

Interpretation/Translation

Interpretation refers to the process of orally rendering communication from one language into another, while translation refers to the same process in written language. Therefore, in the example above, a translator was needed to translate the parent-teacher conference invitation, but an interpreter was needed for the actual conference. Challenging interpretation/translation situations like the one described above happen throughout the U.S. every single day; however, these may be violations of federal law. The following pages describe federal requirements related to interpretation/translation in the school setting.

National Origin Discrimination

Before specifically discussing interpretation and translation, it is important to have a basic understanding of federal laws and regulations related to national origin discrimination such as:

- **Title VI of the Civil Rights Act of 1964**: This prohibits discrimination on the basis of race, color, or national origin in programs and activities that receive federal financial assistance.
- **Executive Order 13166, Improving Access for Persons with Limited English Proficiency (2000)**: This order does not create new obligations, but rather clarifies existing Title VI responsibilities. It discusses what constitutes "reasonable steps" to ensure that clients in federally funded programs have meaningful access to the information and services provided and looks at four factors:
 1. The number or proportion of LEP persons to be served
 2. The frequency with which LEP individuals come in contact with the program
 3. The nature and importance of the program, activity, or service to people's lives
 4. The resources available to the grantee/recipient and costs
- More information about these can be found on the Federal Interagency Working Group on Limited English Proficiency's [Web site](http://www.brycs.org).

Non-Discriminatory and Comparable Access to Education

The following policy memos and case law have to do with national origin discrimination in the school context. They provide national origin- and language-minority students with **non-discriminatory and comparable access** to education:

- [1970 Memorandum](#): This federal memorandum on "Identification of Discrimination and Denial of Services on the Basis of National Origin" clarified the Title VI requirements of school districts to provide equal educational opportunities to all children, regardless of national origin and language.
- [Lau v. Nichols \(1974\)](#): The U.S. Supreme Court upheld the requirements articulated in the 1970 Memorandum as a valid interpretation of the requirements of Title VI.
- Two additional policy memos related to discrimination on the basis of national origin in an educational setting were issued in [1985](#) and [1991](#). These provided more clarity on school districts' requirements in servicing ELL students and providing language assistance.

Specific References to Interpretation/Translation

It is important to note that the school-related federal laws and regulations mentioned above do *not* explicitly use the words "interpretation" and "translation" but rather indirectly address these topics within the context of providing students with non-discriminatory and comparable access to education. The [1970 Memorandum](#) provides the most specific guidance on interpretation, but still does not specifically use that word. It states:

"School districts have the responsibility to adequately notify national origin-minority group parents of school activities which are called to the attention of other parents. Such notice in order to be adequate may have to be provided in a language other than English."

This is reiterated in [The Provision of an Equal Education Opportunity to Limited-English Proficient Students](#), under the Department of Education Office for Civil Rights' (DOE/OCR) list of "Title VI Compliance Issues." DOE/OCR addresses complaints related to the issue of meaningful communication with LEP parents in a manner consistent with [Executive Order 13166, Improving Access for Persons with Limited English Proficiency \(2000\)](#).¹

The [Elementary and Secondary Education Act](#) (i.e. "No Child Left Behind")² also does not specifically use the words "interpretation" and "translation," but rather outlines the following information that must be provided "to the extent practicable, in a language parents can understand":

- Title I: Improving the Academic Achievement of the Disadvantaged³
 - Information regarding achievement on academic assessments.
 - Annual state and local educational agency report cards.
 - Parents' Right-to-Know (professional qualifications of their child's teachers, notice that the child has been taught by a teacher who is not "highly qualified," etc.).⁴
 - Information in the school's Title I plan.⁵
 - If the child's school is identified for "school improvement,"⁶ information on what this means, the reasons for the identification, what the school district and state are doing to address the problems identified, how parents can become involved to help, and an explanation of the parents' right to transfer their child to another school.⁷
 - Information on the availability of supplemental educational services, identified approved providers, and a brief description of the services. For students receiving supplemental educational services, information on their progress.⁸
 - Information related to school and parent programs, meetings, and other activities and notification of the district's parental involvement policy.

- o Meaningful consultation with parents of Title I participating children on the planning and implementation of parental involvement programs, activities, and procedures.⁹
- **Title III: Language Instruction for Limited English Proficient (LEP) and Immigrant Students**
 - o The reasons the child has been identified as LEP and is in need of a language instruction educational program, the child's level of English proficiency and academic achievement, information about the various program options (methods of instruction used, how the programs differ, how the programs will help their child learn English, etc.), and information about a parent's right to decline to enroll their child in such a program.¹⁰

The [Individuals with Disabilities Education Act \(IDEA\)](#) contains a number of references to interpretation and translation. IDEA makes it clear that communicating with non-English speaking parents about special education demands the highest standards in regards to interpretation and translation. IDEA states:

- Assessments and other evaluation materials used to assess a child must be provided and administered in the child's **native language**, unless it is clearly not feasible to do so.¹¹
- All parents of a child with a disability are to be provided with written notice before the school proposes to initiate or change the identification, evaluation, or educational placement of the child. This written notice must be provided in the **native language** of the parent, unless it is clearly not feasible to do so. If the native language is not a written language, the school must ensure that the notice is translated orally.¹²
- In general, parents are strongly encouraged to attend Individualized Education Program (IEP) team meetings. The school must take whatever action is necessary to ensure that the parent understands the proceedings of the IEP Team meeting, including **arranging for an interpreter** if needed.¹³
- When consent is sought (for accepting special education services, etc.), the parent must be fully informed of all information relevant to the activity for which consent is sought, in his or her **native language**, or other mode of communication.¹⁴
- The State Educational Agency must inform parents about their right to confidentiality of personally identifiable information. This notice must be given in the **native languages** of the various population groups in the State.¹⁵

What to Do If Federal Requirements Are Not Met

If you have a concern regarding interpretation/translation or are aware that national origin- or language-minority students are not being provided with non-discriminatory and comparable access to education, consider taking the following steps:

- Request a meeting with **school administrators** and/or your local **school board**. Refugee resettlement and/or community based organization staff might consider offering the school district assistance in locating interpreters, but be clear on roles and responsibilities. It is the school district's ultimate responsibility to provide and pay for interpreters as needed, in order to provide non-discriminatory and comparable access to education.
- Bring the issue to the attention of your **State Department of Education**, along with your [State Refugee Coordinator](#). Many State Refugee Coordinators are in contact with someone at their state Department of Education and can share this contact information. Bridging Refugee Youth & Children's Services (BRYCS) can also help facilitate such connections.
- **File a complaint** with the Department of Education's Office for Civil Rights or the Department of Justice's Civil Rights Division. (These offices work independently of each other.)
 - o The federal Department of Education's [Office for Civil Rights \(OCR\)](#) has 12 regional offices, which respond to complaints. DOE/OCR's role is to be a neutral fact-finder and to promptly

resolve complaints. The complaint can be filed by anyone who believes that an education institution that receives Federal financial assistance has discriminated against someone; however, complaints may be stronger if they come directly from the parent(s) involved. It is important to note that retribution is illegal. OCR's Web site includes examples of recent resolutions, including the Boston Public Schools.

- o The Department of Justice's [Civil Rights Division](#) enforces civil rights laws in a wide variety of contexts, including education. Their Web site includes information on how to file a complaint and examples of cases and settlement agreements. The School District of Philadelphia recently settled with the Department of Justice on a well publicized case of harassment and violence towards Asian students.¹⁶ One section of the settlement covers interpretation and requires the school district to provide interpreters to English language learners who complain of harassment and to their parents when they meet with school staff.
- School districts may also consider requesting **technical assistance** for help with issues related to national origin discrimination, such as interpretation and translation. Schools may request technical assistance from the [Office for Civil Rights](#) or from one of the nation's [Equity Assistance Centers](#), which is a network of agencies that provide assistance in the areas of race, gender, and national origin equity to public schools to promote equal educational opportunities.

Promising Practices and Additional Resources

School districts looking for examples of how to provide interpretation and translation services to national origin- and language-minority students may want to read about the [St. Paul Public Schools](#) in Minnesota and the [Rochester City School District](#) in New York. The St. Paul Public Schools have a centralized department that handles interpretation and translation requests and the Rochester City School District contracts with a local refugee resettlement agency to provide these services.

BRYCS has developed a number of resources in the area of interpretation/translation. Check out [Suggestions for Interviewing Refugee and Immigrant Children and Families](#), the related [webinar](#), and the list of highlighted resources on [Interpretation: Serving Refugee and Immigrant Children](#). For school-related resources in addition to this tool, see the list of highlighted resources on [Interpretation/Translation in the Schools](#).



BRYCS Photo/CC Tennessee

¹Presentation on "Ensuring Equal Educational Opportunities for English Language Learners" by U.S. Department of Education, Office for Civil Rights. Chicago, IL. October 7, 2010.

² The most recent version of the Elementary and Secondary Education Act (ESEA) was the No Child Left Behind Act of 2001. In March 2010, the Obama Administration published its blueprint for revising ESEA, but it is unknown when Congress will take up reauthorization. <http://www2.ed.gov/policy/elsec/leg/blueprint/index.html>

³ This is a program to help meet the educational needs of children in our Nation's highest-poverty schools. Many refugee students attend Title I-funded schools in low-income neighborhoods. If you are not sure if a particular school is designated as Title I, ask the school's principal.

⁴ The first three items in this list are required by ESEA, Title I, Part A, Section 1111.

⁵ ESEA, Title I, Section 1114. Any school that desired Title I funding must develop a comprehensive plan for reforming the instructional program in the school.

⁶ After a school fails to make adequate yearly progress (AYP) for two years, they are identified for "school improvement" and students have the option of transferring to another public school. Such schools must develop a "school plan" for how they will improve.

⁷ ESEA, Title I, Section 1116.

⁸ ESEA, Title I, Section 1116. Supplemental educational services must be made available for students in schools identified for "school improvement."

⁹ The last two bullets of the Title I section are from ESEA, Title I, Section 1118.

¹⁰ ESEA, Title III, Part C, Section 3302. (This information is also required by ESEA, Title I, Part A, Section 1112.)

¹¹ IDEA. 34 C.F.R. § 300.304(c)(1)(ii).

¹² IDEA. 34 C.F.R. § 300.503(c).

¹³ IDEA. 34 C.F.R. § 300.322(e). IEP team meetings are held to discuss the child's disability, educational placement, and goals for the year.

¹⁴ IDEA. 34 C.F.R. § 300.9.

¹⁵ IDEA. 34 C.F.R. § 300.612.

¹⁶ Asian Students Praised for Role in 2 Philly School Settlements. *The Philadelphia Inquirer*. December 21, 2010. http://articles.philly.com/2010-12-21/news/25292596_1_asian-students-settlements-anti-asian



Bridging Refugee Youth & Children's Services

Refugee Children in U.S. Schools: *A Toolkit for Teachers and School Personnel*



Tool 6: Enrolling Refugee Children in U.S. Schools

BRYCS is a project of USCCB/MRS and is supported by the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Refugee Resettlement.

Enrolling Refugee Children in U.S. Schools

"He doesn't have a birth certificate."

"You have only lived in the U.S. for a couple of months."

"She is not the child's legal guardian."

"They don't have any previous educational documents."

For migrant families and children, one of the greatest challenges in the U.S. can be enrolling children into the local public school system. They may have trouble gathering the requested documentation, may be discouraged from enrolling due to language barriers or their age, or may be denied enrollment if their caregiver is not a parent or legal guardian. Fortunately, there are some protections for migrant children attempting to enroll in school.

All children are entitled to enroll in public schools regardless of their national origin, citizenship, or immigration status. A [Dear Colleague Letter](#) from the US Department of Education regarding school enrollment (May 8, 2014) lays out the following:

- School districts cannot ask a student or family about their immigration status, as it is unnecessary to establish residency in a school district.
- School districts may require proof of residency in the district, such as utility bills, lease agreements, or an affidavit, but cannot require documents that would unlawfully bar or discourage an undocumented student or a student with undocumented parents.
- School districts may not bar a student from enrolling if they lack a birth certificate.
- Providing a social security number is voluntary.
- Homeless children do not have to provide proof of residency; school districts must immediately enroll the child even if she or he doesn't have the documents usually required.



Courtesy of Catholic Charities of Tennessee

In some cases, migrant children may be living with caregivers other than their parents. Seventeen states have consent laws which allow relative caregivers to enroll children in school. Other states do not have these laws but allow enrollment by caregivers. However, some school districts may ask for proof of guardianship or legal custody, which can have the effect of blocking a child from enrolling in school. In these situations, caregivers may work with schools to determine whether the school would accept an affidavit or other assurance of the relationship between child and caregiver. For children released from federal immigration custody, the Office of Refugee Resettlement, Division of Children's Services (ORR/DCS) provides a Verification of Release form which includes language from the U.S. Department of Education regarding the child's right to enroll in a public school. In some locations, the Verification of Release and ORR/DCS's Sponsor Care Agreement may be acceptable substitutes for formal guardianship paperwork. Children and their caregivers can also be referred to their country's nearest consular office to request assistance in obtaining documentation from their country of origin to validate identity or relationship.

In some instances, older children face an additional hurdle. Some school districts may refuse to enroll older teens or push them to adult education or GED programs. Often school districts, and sometimes even caregivers or the youth themselves, may believe that older children with limited English or prior schooling may not be able to catch up. These youths can receive, however, academic as well as non-



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academic benefits from being enrolled in full-time schooling: more structured and supervised hours in the classroom, tutoring help, free or reduced lunch, socialization with peers, mentoring, etc. State laws vary regarding the ages of children guaranteed schooling. The Education Commission of the States provides a [state by state breakdown](#) on age requirements as outlined in state codes. Older teens may benefit from being connected with advocates to overcome some of the barriers to school enrollment for those who are eligible based on age.

For students who arrive with incomplete or missing transcripts, policies vary greatly among states and even school districts with respect to awarding credits. Some school districts have developed forms to help "rebuild" the transcripts of foreign-born students who come without transcripts, while others will not award credits based on a student's report of previous classes. It is best for individuals to consult with their state Department of Education if their school district does not have a policy already in place.

Below are two useful legal tools when assisting migrant families to enroll their child(ren) into a public school.

Plyler v. Doe (1982)

- Holds that States may not deny access to a basic public education to any child residing in the State, whether they are present in the in US legally or otherwise.

McKinney-Vento Act

Ensures educational rights and protections for children and youth experiencing homelessness, and applied to all school aged children and youth.

- The term "homeless children and youth" is defined as individuals who lack a fixed, regular, and adequate nighttime residence and can include
 - children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
 - children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings...
 - children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
 - migratory children who qualify as homeless for because the children are living in circumstances described above.
- Defines an "unaccompanied youth" as a student who is not in the physical custody of a parent or guardian.
- **Some migrant children, such as those released from federal custody to a relative, may qualify for recognition under this act if they are living "doubled up" with relatives or friends. These children may benefit from recognition of their rights under this act.**



BRYCS Photo, Claudia Gilmore

The McKinney-Vento Act states that those who have been identified as "homeless children and youth" have a right to the following:

- Immediate enrollment, even if they don't have all of their paperwork - for example, medical/health records, proof of residency, former school records, immunization records, birth certificates, proof of guardianship. The student can be enrolled in school while these records are being obtained.
- If a student needs to obtain immunizations or medical records, a homeless liaison should assist the student with obtaining them, and while immunizations or records are being obtained, the student should be enrolled in school.
- Access to all of the school's programs and services on the same basis as all other students, including special education, school nutrition programs, extracurricular activities, etc.

Tips:

1. While legal protections exist to ensure all children, regardless of immigration status, receive an education, often migrant children and their parent/guardian need someone advocating on their behalf to ensure they are able to enroll in their local public school.
2. Contact the homeless liaison in your school district, if you are having trouble enrolling a child or youth who falls under the McKinney-Vento definition of a "homeless child or youth" or an "unaccompanied youth." Every school district should have a homeless liaison who should be available to assist.
3. The McKinney-Vento law applies to all school-aged children and youth, and does not specify an age range; therefore, if a school allows all children between the ages of 5 and 21 the right to attend school, a child identified as a "homeless child or youth" or an "unaccompanied youth" have the right to attend school up until the age stated in the law.
4. Encourage and advocate for parents, guardians, and sponsors to request and have school meetings in their preferred language.



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- BRYCS. Guardianship Toolkit. <http://www.brycs.org/guardianship/>
 - BRYCS. Highlighted Resources on Foreign Transcript Evaluation. <http://brycs.org/clearinghouse/Highlighted-Resources-Foreign-Transcript-Evaluation.cfm>
 - Education Commission of the States. School Attendance Age Limits. (April 2013). <http://www.ecs.org/clearinghouse/01/07/04/10704.pdf>
 - Grandfamilies.org. Education - Summary and Analysis. [Includes a listing of states with educational consent laws] <http://www2.grandfamilies.org/Education/EducationSummaryAnalysis.aspx>
 - Intercultural Development Research Association. Immigrant Students' Rights to Attend Public Schools. http://www.idra.org/images/stories/eBook_Immigrant_Students_Rights_to_Attend_Public_Schools.pdf
 - National Center for Homeless Education. Enrolling Children and Youth Experiencing Homelessness (Summer 2014). <http://center.serve.org/nche/downloads/briefs/enrollment.pdf>
 - U.S. Department of Education. Dear Colleague Letter: Guidance for School Districts to Ensure Equal Access for All Children to Public Schools Regardless of Immigration Status. (May 8, 2014). <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201405.pdf>
 - Information on the Rights of All Children to Enroll in School: Questions and Answers for States, School Districts and Parents <http://www2.ed.gov/about/offices/list/ocr/docs/qa-201405.pdf>
 - Fact Sheet: Information on the Rights of All Children to Enroll in School <http://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-201405.pdf>
 - U.S. Department of Education. Resource Guide: Supporting Undocumented Youth. A Guide for Success in Secondary and Postsecondary Settings. (October 2015). <http://www2.ed.gov/about/overview/focus/supporting-undocumented-youth.pdf>