

Supporting Immigrant Students in Federal K-12 Education Policies and Programs

Recommendations for the Task Force on New Americans

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In late 2022, the Task Force on New Americans (TFNA) was launched pursuant to President Joe Biden's Executive Order 14012.¹ Led by the White House's Domestic Policy Council (DPC), the task force's mission is to strengthen and coordinate federal, state, and local efforts to support the integration and inclusion of immigrants and refugees. The Migration Policy Institute's National Center on Immigrant Integration Policy (NCIIP) has long argued for the need to create an office within the White House to analyze immigrant integration challenges and opportunities, and identify ways the federal government can address them. The creation of the TFNA is a welcome development in this regard, and its efforts will hopefully model new and effective ways the federal government can build its capacities to understand and address integration issues that flow from the country's immigration policies.

Drawing from NCIIP's extensive record of research, policy analysis, and technical assistance for government entities, this document describes pressing issues related to the education of immigrant children and offers recommendations for how the task force can organize its work to address them. It is part of a broader set of recommendations for the TFNA that also covers topics such as early childhood and language access and can be found at www.migrationpolicy.org/research/task-force-new-americans.

Two realities drive federal policy supporting these students in the K-12 education system. First is the reality that most young immigrant children enter school with limited English proficiency. Indeed, the term English Learner (EL) is often a proxy for immigrant students in research, policy, and everyday practice. A second reality is that schools are a de facto integration center for immigrant families, ideally introducing them to U.S. culture and norms and bringing them into contact with integration resources such as adult education.

While U.S. schools function mainly under local and state jurisdiction, key protections for immigrant children are enshrined at the federal level² and, unfortunately, not always supported by local and state efforts. The

1 White House, "Executive Order on Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans" (executive order, February 2, 2021).

2 Julie Sugarman, *Legal Protections for K-12 English Learner and Immigrant-Background Students* (Washington, DC: Migration Policy Institute, 2019).

following recommendations for the task force would help strengthen schools' ability to equitably and effectively serve immigrant children and their families:

▶ **Fund federal programs to meet urgent needs.**

- The president's next budget should reflect the growing population of ELs and immigrant students by funding grants authorized through Title III of the *Every Student Succeeds Act* (ESSA) at \$2 billion. This reflects the need to make up for years of flat funding as well as to support pandemic recovery measures, such as extended learning time, that have been partially—and temporarily—covered under emergency recovery funds.
- Schools should also be using federal programs outside Title III to support the specific needs of ELs and immigrant students. The Department of Education should issue guidance to states and local education agencies to prioritize use of ESSA Title I funds for English language development and ensure that Title I services are provided to ELs and their families on an equitable basis and are appropriate for and targeted to their needs.
- The Department of Education should uplift the needs of ELs—including needs related to immigrant integration other than language learning—as competitive priorities, especially in grants related to teacher training. It should also ensure that new grants to expand digital access and digital learning meet the specific needs of immigrant families. As new research emerges, the department can disseminate best practices and resources from these federal efforts.

▶ **Target investments in whole-child supports and family engagement to immigrant student needs.**

- Schools are increasingly implementing whole-child supports, including the community school model that brings together a variety of health and social service resources. Federal guidance for programs that fund such efforts and priorities for competitive grants should reflect the specific needs of immigrant families. These needs may include recovery from trauma that some experience due to war, violence, or during the immigration journey, and the challenges of reunification for families that have lived in different countries for years.
- Additionally, the federal government must continue to monitor compliance with language access requirements for parents and families set out in civil rights law. As was highlighted when schools struggled to communicate with families during the COVID-19 pandemic, for parents to be partners in their children's education, they need information in a language and format that is accessible to them.
- The TFNA is well placed to investigate the coordination of support provided by the Office of Refugee Resettlement (ORR) and schools, and to provide guidance and best practices on coordinating refugee and asylee services and school services. Specifically, school personnel are eager to better understand what services ORR provides during and after custody to the students who are placed in their communities, so that services can be coordinated rather than duplicated.

- Federal efforts to invest in family engagement programs must ensure that they address the unique needs of ELs' families. Programs should emphasize a wide range of services such as helping immigrant families increase their digital literacy as well as gain systems knowledge to help them navigate the myriad services available to them and their children.

▶ **Expand support for bilingualism and biliteracy.**

- Advocates have in recent years made a compelling case to strengthen the Office of English Language Acquisition (OELA) by returning to that office the administration of Title III state grants and technical assistance and giving it the broader mission to serve all multilingual learners, not just those identified as ELs. As this process moves forward, the reconstituted OELA should be resourced to support the broad range of needs felt by students and families under this umbrella, including cultural orientation and helping families understand their rights and responsibilities.
- The most direct way for the Department of Education to support bilingualism and biliteracy would be to develop competitive grants to create and expand dual language programs from pre-kindergarten through grade 12. While these programs hold great promise for improving multilingual learners' achievement, the administration can also continue to support programs that serve speakers of less commonly spoken languages (for example, through programs supporting teaching and learning of languages critical to national interests).
- The federal accountability system requires states to consider the use of native language assessments,³ but few states have a robust set of such assessments in multiple languages and academic subjects. The Department of Education should make development of native language assessments a priority in Competitive Grants for State Assessments. In addition, OELA should make efforts to understand how native language assessments can be included in accountability systems by convening a group of experts to raise up issues and solutions.

▶ **Address the unique needs of newcomer students.**

- Pending reauthorization of ESSA, the department should consider alternative supplemental funding to support the steady arrival of new immigrant students. The nature of immigration to the United States ensures the presence of newcomer students in every grade every year. These students require more intensive and often different attention than other ELs. Unfortunately, the timing and calculation of Title III immigrant funding is neither timely enough to truly support what are often sudden increases in the population nor consistent enough to support long-term services and planning for newcomer needs.
- OELA should provide guidance and best practice examples for serving immigrant students who enter U.S. schools at the high school level, as these students face the extra challenges of meeting graduation requirements while learning a new language, and often while engaging in full- or part-time employment.

³ Julie Sugarman and Leslie Villegas, *Native Language Assessments for K-12 English Learners: Policy Considerations and State Practices* (Washington, DC: Migration Policy Institute, 2020).

► **Improve inclusion of immigrant students in data and knowledge management systems.**

- Information about EL and immigrant students is not easily accessed by parents, educators, or policymakers. As the Equitable Data Working Group convened by the Biden administration reported, the ability to ensure equity in educational opportunity relies on the use of data to identify and remove barriers.⁴ As that committee’s recommendations focused on the use of disaggregated data, the Department of Education should monitor state report cards and data dashboards for compliance with requirements to publish information on EL students. To improve the utility of EL data, the department should also provide guidance on how to contextualize data on dashboards.⁵ For example, graduation rates for EL students can provide different kinds of information depending on whether they reflect the rates for students who were ELs any time in high school or only those labeled ELs in their last year of enrollment.
- Practitioners and advocates are increasingly interested in analyzing data for recent immigrant students separately from all ELs. OELA can provide leadership in this arena by encouraging states to publish the count of recent immigrant students, a data point they collect for Title III federal reporting, and convening an expert panel to make recommendations on how to improve and expand efforts to collect, report, and use data on subsets of students, including recent immigrants and students with limited or interrupted formal education.
- States also collect information on ELs for biennial reporting to the federal government that is not required to be reported on state report cards or data dashboards. The Department of Education should encourage states to include information such as the progress of ELs with disabilities and the number of long-term ELs along with other public data reporting.
- School-age children with at least one parent born in Mexico account for 40 percent of all immigrant-background children, and 92 percent of these children are U.S. born and thus citizens.⁶ These families often migrate back and forth between the two countries. OELA should sponsor research addressing strategies to support the effective reintegration of these children into schools in both countries.
- Every year, states and other agencies expend duplicative energy gathering information about education in other countries to help U.S. teachers support their newcomer students. The Department of Education should collaborate with counterparts in other countries to centralize this work and help U.S. schools understand other education systems, including such broad factors as curriculum, assessment, and teacher training as well as specific practices such as evaluating transcripts.

4 The White House, “The Release of the Equitable Data Working Group Report” (press release, April 22, 2022).

5 Julie Sugarman, *Which English Learners Count When? Understanding State EL Subgroup Definitions in ESSA Reporting* (Washington, DC: Migration Policy Institute, 2020).

6 Julie Sugarman, “From Plyler to Sanctuary: U.S. Policy on Public School Access and Implications for Educators of Transnational Students,” in *The Students We Share: Preparing US and Mexican Educators for Our Transnational Future*, eds. Patricia Gándara and Bryant Jensen (Albany, NY: SUNY Press, 2021), 223–48.

Related Resources

The Migration Policy Institute's *Legal Protections for K-12 English Learner and Immigrant-Background Students*. This issue brief lays out seven key ways the U.S. government protects the educational rights of EL and immigrant-background students, including those with Limited English Proficient and unauthorized-immigrant family members. It also explains the legal framework behind these rules, who enforces them, and how they can be seen in action in schools across the country.

The U.S. Department of Education's *Educational Resources for Immigrants, Refugees, Asylees and other New Americans*. This collection includes fact sheets, legal guidance, and information for families as well as links to department resources for ELs, the Migrant Education Program, and the Office of Civil Rights.

The Migration Policy Institute's *Funding English Learner Education: Making the Most of Policy and Budget Levers*. This issue brief provides an overview of policy and budget mechanisms relevant to EL education and how they can be applied to increase the adequacy and equity of funding for EL and immigrant students.

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For more information on NCIIP's work, visit the MPI website at www.migrationpolicy.org/integration or contact MPI at info@migrationpolicy.org.

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