DISCUSSION

Office of the Superintendent of Schools
MONTGOMERY COUNTY PUBLIC SCHOOLS
Rockville, Maryland

June 14, 2016

MEMORANDUM

To: Members of the Board of Education

From: Larry A. Bowers, Interim Superintendent of Schools

Subject: Redesign of Multidisciplinary Educational Training and Support and Students Engaged in Pathways to Achievement Programs

The purpose of this memorandum is to update the Board on proposed changes to services for students with limited or interrupted formal education, specifically the Multidisciplinary Educational Training and Support (METS) and Students Engaged in Pathways to Achievement (SEPA) programs. This effort is aligned with the Montgomery County Public Schools (MCPS) Strategic Planning Framework, *Building Our Future Together: Students, Staff, and Community*, specifically, Core Strategy I: Academic Rigor and Culturally Proficiency Instruction, Core Strategy II: Equitable Funding and Support, and Core Strategy IV: Community Engagement.

During the last five years, MCPS has received an influx of students with limited or interrupted formal education who are functioning at least two years or more below grade level in literacy and/or mathematics. Many of these new students, some being unaccompanied youth, have enrolled at the high school level (Attachment A). In addition, some of these students entered school with insufficient time to meet all of the graduation requirements outlined by the state of Maryland. According to the American Immigration Council (2014), there are several reasons why unaccompanied youth have been migrating to the United States. Many of these youth are fleeing violence, experiencing poverty, and searching for opportunities to learn English and seek employment. These youth also struggle to adjust to a new culture and school community due to past trauma; reunification issues; and the challenges faced during acculturation to a new school system, social environment, and new country.

Based on nationwide benchmarking and current research, students with limited or interrupted formal education need additional instruction and supports to address their academic and social emotional learning needs to close achievement gaps in literacy and mathematics; and reduce chronically high dropout rates. In addition, studies outline recommendations for different approaches to support students and provide effective instructional program for students with limited or interrupted formal education, including:

- To provide intensive literacy/language instruction designed to teach adolescent readers the basics of literacy. (Office of English Language Learning and Migrant Education, 2008 & Troutman, 2013)

- To build supportive environments that respond to the immediate social, cultural, and linguistic needs of immigrant adolescents with limited schooling. (Advocates for Children of New York, 2010)
- To create collaborative models across high school academic departments to support simultaneous linguistic and academic development in the literacy and mathematics classrooms. (Spaulding, Carolino, & Amen, 2004 & Troutman, 2013)
- To develop multiple pathways to graduation and alternative schools and programs that meet the needs of older students with limited or interrupted formal education. (Advocates for Children of New York, 2010)

Considering the varied educational backgrounds and interests of these older learners, it is critical that MCPS develops a comprehensive plan to effectively assess education, interests, and social emotional learning needs; determine likelihood of graduation based on age and education; consider appropriate supports for social/emotional needs; and provide pathways for educational and career opportunities for this unique group of students.

Background

For the past few decades, the METS program in MCPS has provided instruction to address literacy and numeracy skills needed to support the English for Speakers of Other Languages (ESOL) students who enrolled in MCPS with limited or interrupted formal education. The ESOL students who entered this program are referred to the METS program by staff in School Counseling, Residency and International Admissions; the ESOL Testing and Accountability Center; local school staff members; or by a parent/guardian or other family members. Students are eligible for entry if they are ESOL students with limited English proficiency and there is evidence of a two-year gap in literacy and/or mathematics, based on specific criteria on selected measures in reading, writing, and mathematics.

Currently, there are 63 students enrolled at 3 elementary school METS sites; 204 students enrolled at 9 middle school METS sites; and 511 METS students enrolled at 12 high school METS sites. The total enrollment in the METS program is 788 students with more than 97 percent of these students Spanish-speakers. Presently, the METS program offers self-contained classes to accelerate student learning toward grade-level proficiency in reading and mathematics, as quickly as possible. The majority of these students usually are enrolled in the METS program for up to two years until they meet specific benchmark criteria in reading and mathematics.

Established in 2007, SEPA is a career-based instructional program for high school ESOL/METS students who have experienced interrupted or limited formal education and due to their age, will be unable to meet graduation requirements by the time they attain age 21. SEPA provides an alternative instructional pathway that allows students to continue to acquire English language and mathematics skills while preparing for a career in the United States. To be eligible for the SEPA program, students must be at least 18 years of age at the start of their first school year in the program. In special circumstances, students who are considering dropping out of school who are under the age of 18 also may apply to the SEPA program.

Currently, there are 37 students in the SEPA program. Students spend half of the school day at their home school and half of the school day at Thomas Edison High School of Technology. On average, SEPA students have a Grade 3 mathematics level and a Grade 5 reading level in their native language. SEPA students are approximately 90 percent male and 10 percent female. Currently, there are approximately 125 students who qualify for SEPA, but only 25 percent enrolled in the program during the 2015–2016 school year. Since 2012, MCPS has tripled the number of high school METS students. As a result, the enrollment in the SEPA program has doubled this past year. In addition, for the 2016–2017 school year, projected enrollment is between 75 to 85 students.

There are several factors that impact the academic success of students with limited or interrupted formal education at the secondary level. METS students are facing difficulties earning high school credits due to high rates of absenteeism and low literacy levels in both reading and mathematics. In addition, some of these students are dealing with trauma and have need of wrap-around services, such as counseling supports, healthcare, and other social services. These difficulties are further exacerbated for SEPA students who most likely cannot anticipate high school graduation and often have to work to support themselves and/or their families.

Current State

The current METS program has several areas of strength to build upon including instructional resources aligned to current standards and best practices in both reading and mathematics; professional development for METS teachers in collaboration with the mathematics and secondary literacy teams; bilingual supports provided by ESOL paraeducators, parent outreach staff, and counseling staff; online assessment and instructional resources to enhance instruction; and regular meetings to monitor individual student progress and plans for program articulation.

With the support of the METS instructional specialist, staff at METS programs use a case management approach to monitor the progress of METS students in collaboration with METS teachers, school counselors, ESOL parent community coordinators, ESOL counselors, and administrators. Monitoring of progress includes language, literacy, and mathematics development; progress toward graduation; access to career pathways; interventions; and socio-emotional supports. In addition, METS staff members are implementing strategies to engage students in the school community and address their social emotional needs by providing additional services in collaboration with partnerships including the Montgomery County Department of Health and Human Services and nonprofit organizations, such as the Wellness Center and Identity, Inc.

The SEPA program fills a need for older students with limited or interrupted formal education with participants choosing from among nine Career and Technology (CTE) Programs of Study. Other students with limited or interrupted formal education do not enroll in SEPA or leave the program prior to attaining age 21. As mentioned previously, currently, 37 students are in the SEPA program; however, the original enrollment for 2015–2016 was 43. Frequently, the reason for students leaving the program is to seek employment. For some students, once they obtain industry certification, they drop out knowing the certificate will enhance employment opportunities.

Program Redesign

In response to data analysis and feedback collected from a variety of stakeholders including teachers, counselors, parent outreach staff, and principals, the following METS program recommendations were developed:

- Enhance the instructional program and support services, make adjustments to how the logistics of the program are managed, and expand communication and collaboration with school staff to increase the student learning outcomes for METS students across levels.
- Continue to explore research-based approaches to address the academic and social emotional needs of the students to accelerate learning and engage METS students in the school community.
- Monitor measures of success for the program to increase the number of students that exit the program in two years, decrease the dropout rates, increase the number of METS students that are progressing toward proficiency in reading and mathematics. Efforts also will be made to monitor both student satisfaction and family engagement for students in the METS program.
- Enhance professional learning for teachers and leaders to address the social emotional learning needs of METS students.

Implementation of these recommendations is critical to improving student outcomes for this vulnerable population (Attachment B).

To guide the redesign of the SEPA program (Attachment C), extensive outreach took place with principals, ESOL staff, counselors, and parent outreach staff, as well as representatives from Identity, Inc. and the Latino Student Achievement Group. Additionally, all current SEPA students were interviewed. Findings suggest it would be beneficial to consider the following upgrades:

- Provide a program for students who are struggling to balance a job and school.
- Offer academic courses to prepare students to pursue a National External Diploma Program and/or General Equivalency Diploma along with opportunities to obtain a program completer in a CTE Program of Study.
- Counsel students to enter the county's adult education program after the age of 21 so they may continue their education.
- Based on structural changes, name the program CREA (Career Readiness Education Academy).
- Phase out the SEPA program since it does not lead toward a path to attain a high school diploma or equivalent.

As part of the feedback process for METS and SEPA, stakeholders emphasized the importance of providing ongoing supports to parents to help them better understand the graduation and career pathways available to children. Additionally, program redesign will include incorporating project-based learning, career-based opportunities, bilingual supports in the classroom, and extended learning opportunities to engage students and support their academic growth. To effectively address the diverse needs of these students, it will be critical for MCPS to expand partnerships with other

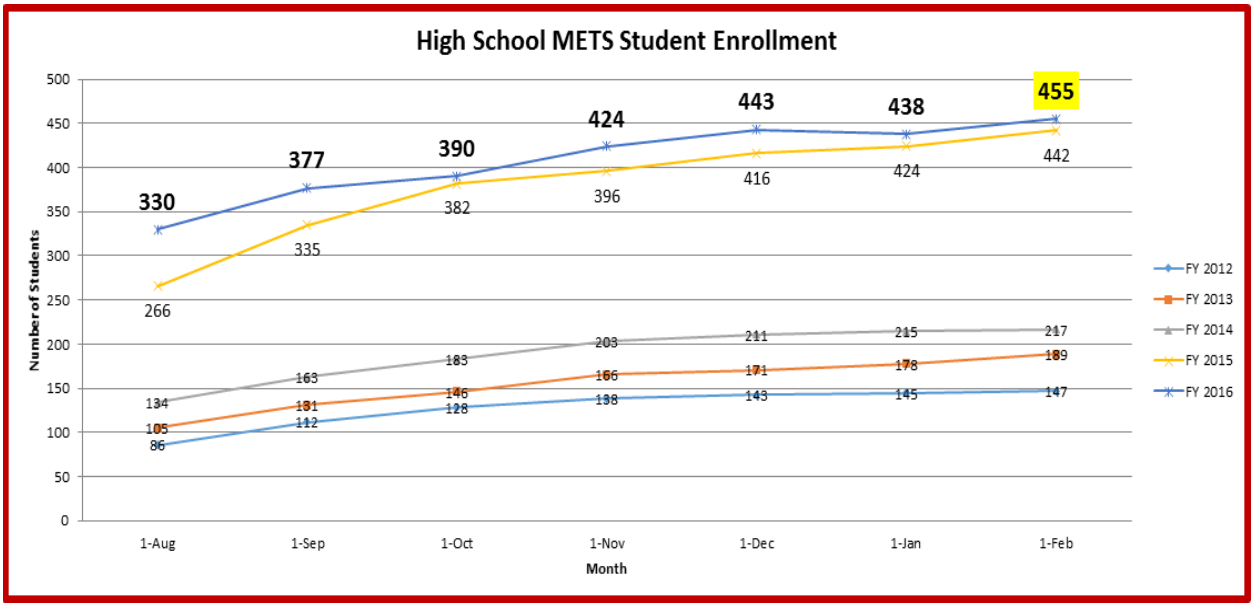
county agencies and nonprofit organizations to support emotional learning needs, close achievement gaps in literacy and mathematics, prepare students for viable careers, and reduce chronically high dropout rates.

As MCPS works to address the increasing enrollment of students with limited or interrupted formal education, the METS and SEPA programs will be vital in ensuring that this vulnerable group of students are progressing toward academic and career proficiency, and that they are provided with social emotional support systems to lead a productive life in the 21st century.

LAB:MVN:EJL:sjl

Attachments

Attachment A



Attachment B

Multidisciplinary Educational Training and Support Program Redesign

Proposed Redesign

Research and Stakeholder Input

To inform upgrades to the Multidisciplinary Educational Training and Support (METS) program, staff in the Division of English for Speakers of Other Languages (ESOL)/Bilingual Programs, in the Office of Curriculum and Instructional Programs, benchmarked practices with other districts, locally and nationally. They collected survey data from teachers and ESOL instructional specialists, counselors, and parent outreach staff focus groups; and convened student focus groups and interviewed some METS principals to discuss challenges, strengths, and opportunities for improvement. In addition, an instructional audit was conducted to analyze the effectiveness of METS instruction in both reading and mathematics classrooms across all levels during school visits. Based on the stakeholder feedback and observation data, there are several improvements that should be considered in METS program. These upgrades are intended to better meet the needs of METS students at all levels with a focus on academic proficiency, career preparation, and wrap-around services that address social emotional needs.

Instructional Program and Support Services

Aligned to research, there is a need to explore native language instruction and supports to better address the learning needs of METS students in both literacy and mathematics. It is also important to ensure that certified and highly qualified teachers are in all METS classrooms to accelerate student learning, especially in mathematics. In addition, Extended Learning Opportunities that provide bilingual instruction and career options for METS students, via summer school, evening classes, and Saturday school will be enhanced. Collaboration with content area curriculum teams also will strengthen program monitoring to effectively assess instruction and provide professional learning to METS teachers to improve instruction in reading and mathematics.

Program Logistics and Staffing

The METS intake process will continue to assess the varied educational backgrounds, interests, and social emotional needs of students; determine the likelihood of graduation based on age and education; and explore pathways for education and career opportunities. It is vital that school staff develops and closely monitors a graduation and/or career readiness plan via a case management approach, involving multiple stakeholders. It also is important to expand the hiring of bilingual teachers who are certified in reading and mathematics.

Communication and Collaboration

Montgomery County Public Schools (MCPS) will need to continue to provide additional job-embedded professional learning to improve student learning outcomes in both literacy and mathematics, guided by anchor resources such as the Core Literacy Practices and the Standards of Mathematical Practice. It will be important to enhance communication and collaboration with administrators of METS sites, so that they can effectively monitor instruction and adjust support for students in the METS program. In addition, professional learning opportunities will be provided to parent community coordinators and counselors to ensure that they can support efforts to monitor individual students' graduation or career plans.

Next Steps

Consistent with research-based practices and benchmarking information, eligible students will continue to receive instruction in self-contained ESOL and content classes to build students' basic literacy and mathematics skills. Services that support social emotional needs, including those provided through partnerships with County Government agencies and nonprofit organizations, will be enhanced through a more collaborative approach to case management. The proposed recommendations will support ongoing, research-based enhancements that are critical to closing the educational gaps for these students so that they can access the MCPS content curriculum and explore pathways that lead to graduation or career readiness.

Measures of Success

There are several measures of success that will be used to monitor implementation of the METS program and monitor student learning outcomes of METS students. These measures include:

- Increase percentage of students successfully exiting the METS program
- Increase graduation rates and decrease dropout rates for METS students
- Increase proficiency in reading and mathematics through accelerated instruction
- Increase student access to Career and Technology Education programs
- Increase student satisfaction and family engagement

METS Instructional Pathways at the Secondary Level

<table>
<tr><th>Content Area</th><th>TIER 1: FOUNDATION PHASE</th><th>TIER 2: TRANSITION PHASE</th><th>1ST YEAR AFTER EXITING METS</th></tr>
<tr><td>READING</td><td>Basic Reading
Research-based program/intervention</td><td>Developmental Reading
Research-based program/intervention</td><td>Academic Reading
Research-based program/intervention</td></tr>
<tr><td>MATHEMATICS</td><td>Mathematical Applications and Concepts (MS)
or
Mathematical Applications and Problem Solving (HS)
Embedded research-based intervention program</td><td>Math 6 (MS)
or
Mathematical Applications and Problem Solving (HS)
Embedded research-based intervention program</td><td>Math 6, 7 or Math 8 (MS)
or
Algebra 1A/B (HS)
Sheltered general education courses or native language instruction recommended if offered</td></tr>
<tr><td>ESOL
(double period)</td><td>METS ESOL 1</td><td>ESOL Level 1</td><td>ESOL Level 2</td></tr>
<tr><td>SOCIAL STUDIES</td><td rowspan="3">Fine Arts, Computer Science, Physical Education, Career and Technology Education (CTE), or World Languages (Spanish for Spanish Speakers)</td><td>Social Studies
Self-contained ESOL course recommended if available.</td><td>Social Studies
Sheltered general education course recommended if available.</td></tr>
<tr><td>SCIENCE</td><td>Science
Sheltered general education course recommended if available.</td><td>Science
Sheltered general education course recommended if available.</td></tr>
<tr><td>ELECTIVES</td><td>Academic Language or other Elective
Fine Arts, Computer Science, Physical Education, Career and Technology Education (CTE), or World Languages (Spanish for Spanish Speakers)</td><td>Elective
Fine Arts, Computer Science, Physical Education, Career and Technology Education (CTE), or World Languages (Spanish for Spanish Speakers)</td></tr>
</table>

METS students are assigned to Tier 1 or Tier 2 courses as appropriate based on the skill levels outlined in the METS Program Benchmarks in reading and mathematics.

Length of time in METS is not a factor for placement in Tier 1 & 2. Students are expected to be in the program no longer than two years.

Attachment C

Students Engaged in Pathways to Achievement
Career Readiness Education Academy
Program Redesign

Proposed Redesign

Research & Stakeholder Input

To inform program improvements, benchmarking occurred with other districts locally and nationally. In addition, data from principals, English for Speakers of Other Languages (ESOL) teachers, counselors, and parent outreach staff were collected through discussions and focus groups. Conversations were held with staff in the Department of Transportation and representatives from Identity, Inc., the Latino Student Achievement Group, and the principals of Gaithersburg High School and Thomas Edison High School of Technology. Every eligible student in the Students Engaged in Pathways to Achievement (SEPA) program and their parents/guardians were interviewed. Findings from interviews and focus groups suggest it would be beneficial to consider the following:

- Provide a shorter program for students who are struggling to balance a job and school.
- Offer academic courses to prepare students to pursue a National External Diploma Program and/or a General Equivalency Diploma (GED) along with opportunities to obtain a program completer in a Career and Technology Education (CTE) Program of Study.
- Counsel students to enter the county's adult education program after the age of 21 so they may continue their education.
- Rename the shorter program CREA (Career Readiness Education Academy).

Instructional Program and Supports

The SEPA and CREA programs will be offered for the 2016–2017 school year. Based on feedback, some students prefer to remain in the current full-day program connected with Thomas Edison High School of Technology. Other students prefer a modified program, CREA, which provides more flexibility to work. SEPA/CREA programs will continue to use the Multidisciplinary Educational Training and Support (METS) curriculum and explore providing bilingual options to better address students' needs. Bilingual instruction, resources, and support in English, mathematics, science, social studies, and CTE programs will be an essential component of both programs. To provide students more options, both programs will explore pre-GED programs.

Program Logistics and Staffing

The SEPA program will continue with students attending their home school part of the day and Thomas Edison High School of Technology for the other part of the day. The CREA evening program will be offered at Thomas Edison High School of Technology from 5:15 to 8:15 p.m.

Monday through Thursday. Students will attend CTE classes two nights of the week and English/social studies and mathematics/science classes on the other two nights.

A CREA day program will be offered at Watkins Mill and Gaithersburg high schools—two upcounty schools with the highest percentages of SEPA students. Daily, students will take three ESOL literacy classes and one mathematics class. In addition, they will work with a Montgomery County Public Schools staff member on a career development program where they will have an off-site internship in the field of restaurant management or hospitality/tourism.

We also must ensure that certified and highly qualified teachers are in all SEPA/CREA classrooms to accelerate student learning. Social emotional support through bilingual counselors and parent community coordinators will be an integral component of the SEPA/CREA programs to support students with acculturation, reunification, and adjustment to American school and society. Finally, many of these students will require support and guidance to balance school and work, persevere academically, and complete the program.

Communication and Collaboration

Enhanced communication with principals, counselors, and ESOL teachers will ensure that the SEPA/CREA programs are considered as options for appropriate students. Professional learning opportunities will be provided to parent community coordinators and counselors to ensure that they can monitor individual students' graduation or career plans. Finally, a centralized registration process to enter the CREA evening program will be established and maintained.

Next Steps

After a robust communication and recruitment plan, it has been determined that SEPA will continue for the 2016–2017 school year in addition to the implementation of the new CREA program at Thomas Edison High School of Technology, Gaithersburg High School, and Watkins Mill High School. Program enrollment as well as student, parent, staff, and business partner feedback will be collected during the 2016–2017 school year to determine if program modifications need to be implemented or if there is a need for program expansion.

Measures of Success

Measures of success for the SEPA/CREA programs will be determined by the following:

- Number of students who transition to Montgomery County Adult Education classes.
- Decrease in the number of Hispanic/Latino and ESOL dropouts.
- Number of CTE certificates or completers earned by SEPA/CREA students.

Thomas Edison High School of Technology
Evening CREA Schedule

Time	Monday	Tuesday	Wednesday	Thursday
5:15–6:40 p.m	Math/Science	Career Class	Math/Science	Career Class
6:50–8:15 p.m	English/Social Studies	Career Class	English/Social Studies	Career Class

Thomas Edison High School of Technology (TEHST)
Day SEPA Schedule

Time	Schedule (morning)	Schedule (afternoon)
8:05–10:25 a.m.	Local ESOL classes	TEHST classes
10:30–10:50 a.m.	Lunch	Lunch
10:50–11:20 a.m.	Travel	Travel
11:20 a.m.–1:50 p.m	TEHST classes	Local ESOL classes

Watkins Mill High School and Gaithersburg High School
Day CREA Schedule

Time	Schedule
7:45–8:40 a.m.	Local ESOL classes
8:45–9:30 a.m.	Local ESOL classes
9:35–10:20 a.m.	Local ESOL classes
10:25–11:10 a.m.	Lunch/travel
11:15 a.m.–12:00 p.m.	Career Development
12:05–12:50 p.m.	Career Development
12:55–1:40 p.m.	Career Dev/travel
1:45–2:30 p.m.	Math/GED prep

Office of the Superintendent of Schools
MONTGOMERY COUNTY PUBLIC SCHOOLS
Rockville, Maryland

January 14, 2016

MEMORANDUM

To: Principals

From: Mr. Larry A. Bowers, Interim Superintendent

Subject: Guidance Regarding the New Immigration Enforcement Initiative

On Tuesday, January 12, 2016, I shared with you information regarding our efforts to closely monitor the impact of a new initiative by Immigration and Customs Enforcement (ICE), described in the *Washington Post* as a "large-scale effort to deport families fleeing violence in Central America." My memorandum also included a copy of the joint statement issued by Montgomery County Executive Isiah Leggett and the County Council regarding this issue. That memorandum, is attached for your reference. What follows is additional guidance for you and staff to utilize in supporting our families regarding this issue.

In responding to concerns about the impact of this new initiative on our schools, Montgomery County Public Schools (MCPS) staff should keep in mind several key points:

- **ICE's new initiative has been limited thus far**. To our knowledge, ICE has not apprehended any individuals in Montgomery County as part of this enforcement action. Federal officials have stated that this new initiative is targeting a specific group of undocumented adults and children from Central America—those who have already been ordered by an immigration judge to be removed from the United States.

- **As a general matter, ICE treats schools as sensitive areas where arrests, interviews, searches, or surveillance will not occur**.[1] ICE permits enforcement actions in schools only under specific circumstances such as an imminent risk of death, violence, or physical harm—or if the action is approved by high-level federal officials.

- **MCPS will continue to follow established procedures to ensure that our schools are safe places for all of our students to learn, regardless of immigration status**. While MCPS must not impede or obstruct law enforcement activities, our staff must adhere to the legal principles

[1] www.ice.gov/doclib/ero-outreach/pdf/10029.2-policy.pdf

set forth in the Supreme Court's landmark 1982 decision, *Plyler v. Doe*. That case made clear that the U.S. Constitution prohibits schools from denying students' access to public education based on immigration status.

- **MCPS staff should not take any actions that may discourage the participation, or lead to the exclusion, of students based on immigration status**. In 2011, the U.S. Department of Education (DOE) and the Department of Justice (DOJ) issued joint guidance based on *Plyler v. Doe*, encouraging school districts to take proactive steps to assure parents that their children are welcome, regardless of their immigration status.[2]

Below you will find responses to frequently asked questions, drawing on these guiding principles:

1) Should schools provide ICE agents with information contained in student records about undocumented students?

Under FERPA, school districts are prohibited from releasing information contained in student records, without parental consent, unless a specific legal exception applies. For instance, FERPA permits release of information from a student's record to comply with a court order or subpoena, typically with parental notification, but not consent. Under MCPS procedures, staff should consult with the Office of General Counsel prior to releasing student information pursuant to a subpoena.

In addition, FERPA permits schools to disclose "directory" information without consent unless parents have "opted out" of such disclosure. Parents may opt out using the form, Parental Privacy Form, (MCPS Form 281-13), which is available on the website.

2) Should school staff inquire about students' immigration status?

School staff should avoid asking students or their family about their immigration status because such actions may discourage participation in education, in violation of *Plyler v. Doe*.

3) Should school staff report an undocumented student to ICE?

According to guidance from the National Education Association (NEA) and the National School Boards Association (NSBA), "school districts are not required to report undocumented students to ICE. Moreover, school districts should not voluntarily report undocumented students to ICE or other immigration authorities because such actions may constitute a denial of access to education under *Plyler*."[3]

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[2] www.ed.gov/news/press-releases/secretary-duncan-and-attorney-general-holder-issue-guidance-school-districts-ensure-equal-access-all-children-public-schools-regardless-immigration-status.

[3] www.nea.org/assets/docs/HE/09undocumentedchildren.pdf.

4) What should school staff do in the unlikely event that ICE agents come onto school grounds for enforcement purposes?

As previously discussed, ICE's policy is to avoid enforcement actions in schools. In the unlikely event that ICE agents seek to enter a school for enforcement purposes, MCPS staff should consult with the Office of the General Counsel or the Department of School Safety and Security to ensure that they neither impede law enforcement activities nor take any action to deny or discourage access to education based on students' immigration status.

5) What should staff do to address the safety of students if their parents/guardians are detained in an ICE enforcement action?

School staff should take proactive action to support students affected by an ICE enforcement action just as they would for any other family in a crisis situation. For instance, following established procedures for emergency situations, school staff should make sure students have adequate supervision and care before releasing them from school custody.

6) How may counselors and other staff support families concerned about ICE enforcement?

School staff should work to allay fears and reinforce the importance of attending school on a daily basis while encouraging families to seek community resources as needed to support any individual family's issues. The Unaccompanied Youth Toolkit providing links to resources is available to all staff on *myMCPS*.

Staff should also be aware that federal law prohibits any person from intentionally "harboring" individuals who are unlawfully in the United States. Harboring means concealing or shielding an individual from detection, where the individual's illegal immigration status is known, or any conduct tending substantially to facilitate that individual's remaining in the U.S. illegally. For example, if staff call parents to warn them about an impending enforcement action at their workplace, such actions likely fall outside of *Plyler*'s protections because they go beyond ensuring an education for all students. Yet, as NEA and NSBA have emphasized, harboring **does not include** offering support and care-giving assistance to students whose parents have been detained in an ICE enforcement action, such as a ride to a relative's home.

7) What else can school staff do proactively in response to these issues?

Schools should avoid taking steps that could inadvertently enhance fears in their communities about ICE's new enforcement action or discourage participation in public education based on immigration status. MCPS recommends that schools provide general reminders to the entire school community about the importance of preparation for family crisis situations and other emergencies, including but not limited to ICE enforcement action. For instance, parents/guardians should be reminded to complete student emergency forms (available in multiple languages) and ensure they are up-to-date. Parents/guardians also should

be encouraged to talk with their children, in an age-appropriate manner, about contingency plans in the event of any emergency.

8) What other resources are available?

In addition to the resources cited above, many local and national non-profits have made information available regarding these issues, including "know your rights" brochures that may be shared with students and families, as appropriate. Links to the brochures and other resources also are available by accessing the Unaccompanied Youth Toolkit.

If you have any questions, please contact your Office of School Support and Improvement director.

LAB:sln

Attachment

Copy to:
Executive Staff
Mr. Hellmuth

ATTACHMENT

Office of the Superintendent of Schools
MONTGOMERY COUNTY PUBLIC SCHOOLS
Rockville, Maryland

January 12, 2016

MEMORANDUM

To: Principals

From: Larry A. Bowers, Interim Superintendent of Schools

Subject: Immigration and Customs Enforcement Initiative

In recent days, news reports have featured a new initiative by Immigration and Customs Enforcement (ICE) that the *Washington Post* described as a "large-scale effort to deport families fleeing violence in Central America." While as a general matter, ICE treats schools as sensitive areas where arrests, interviews, searches and surveillance will not occur, Montgomery County Public Schools (MCPS) administrators are closely monitoring the situation.

MCPS will continue to follow established procedures to ensure that our schools are safe places for all of our students to learn, regardless of immigration status. Our staff should not take any actions that may discourage the participation, or lead to the exclusion, of students based on immigration status. Supporting students and their families is a priority for MCPS. Parents and guardians are encouraged to continue sending their children to school to ensure they do not fall behind in their studies.

Yesterday, a joint statement by Montgomery County Executive Isiah Leggett and the County Council was released on this issue. The statement is attached and also is available on the county website in both English and Spanish. Please share the statement with your staff and school community as appropriate. Later this week, you will receive additional guidance on this issue.

If you have any questions, please contact your Office of School Support and Improvement director.

LAB:sln

Attachment

Copy to:
Executive Staff
Mr. Hellmuth

News Releases
MONTGOMERY COUNTY, MARYLAND

Statement by Montgomery County Executive Ike Leggett & The Montgomery County Council on Deportation Threats Against County Residents

For Immediate Release: Monday, January 11, 2016

Our nation faces a significant humanitarian challenge in how we deal with the thousands of children and families fleeing violence in Central America. Current conditions in El Salvador, Guatemala, and Honduras merit granting special temporary protection to these children and parents who have legitimate reason to fear for their lives if returned to their countries.

We recognize that the recently announced federal policy is narrowly crafted to apply only to those who have been issued final orders of removal by an immigration court. But the obvious truth is that many of these children and parents have not had adequate legal representation in these proceedings. No deportations should take place without ensuring that the person to be deported received adequate representation and due process of law under our Constitution.

Imagine being a teenager in a formal process in a forbidding setting in a strange land where they speak a language you do not understand. What chance would you have?

These children and parents deserve an opportunity to have their cases presented properly as they seek refuge in our nation. And for those ordered to be deported after receiving due process, no deportations should take place unless the federal government guarantees legally required family reunification and support to help them live in

their own countries safely. Failure to guarantee these essential protections is unthinkable as it will deliver them back to the very violence and human trafficking that caused many of them to flee to the United States.

We in Montgomery County, especially our public safety officers, have worked extremely hard to build trust with our immigrant population. We are convinced this is the key to reducing crime and building a thriving, welcoming community where all can live in peace.

We are very concerned that any federal enforcement actions in our county not undermine this trust and threaten public safety in our community.

We want all of our community members to know that they are free to go about their daily life, to go to schools and work, social service agencies, hospitals and medical clinics, community organizations and public buildings, as well as grocery stores and other commercial areas.

We respectfully recommend that federal authorities proceed with great caution and respect for the values of our country and requirements of our Constitution. Please take the time necessary to ensure that any deportation is based on a court action only after due process and, if the deportation is ruled to be appropriate, carried out with the protections required by law.

Please assure us that our residents are free to go to school and work, attend services at their faith congregations, seek needed medical attention, and ask for help from our police without fear. A warrant to arrest one person must not be used to round up many.

We applaud the recent federal budget commitment to spend $750 million to address the root causes that have led people to flee Central America. We ask that the federal government dramatically step up the pace of the existing Central American Minors Program to provide a legal in-country path for children with parents lawfully in the United States. And we ask that local governments here in the United States be given adequate federal support for receiving these children and helping them reunite with their parents.

To the members of our Montgomery County community who are justifiably concerned about the federal government's most recent deportation actions, we encourage you to go about your daily activities free of fear.

Go to your schools, work, and faith congregations, social service agencies, hospitals and medical clinics, community organizations and public buildings, as well as grocery stores and other commercial areas.

Continue helping us work hard every day to make Montgomery County one of the very best places to live, work, play, and age with dignity in the nation.

Please know that our county police will play no role in enforcing federal immigration law. If you have reason to need help from our police, do not be afraid to call on them.

We will continue to work closely with our community-based nonprofit and faith based partners to develop ongoing "know your rights" training around the county, increase pro bono legal support, and develop and distribute educational materials as part of a bilingual public information campaign.

We are proud of the people who have come to Montgomery County from every corner of the globe. You have enriched our community, and you will always be welcome here. Some of us have had the privilege of traveling to our Sister City in Morazán, El Salvador where we experienced the beauty of Central America and the graciousness of its people. We know that if we all act with calm and dignity and work together, we have the capacity to get through these difficult times and improve the lives of those who have come to our country and those who remain in their native lands.

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Release ID: 16-007
Media Contact: Patrick Lacefield 240-777-6507

News Releases
MONTGOMERY COUNTY, MARYLAND

Declaración de Ike Leggett, Ejecutivo del Condado de Montgomery y el Consejo del Condado de Montgomery sobre las amenazas de deportación contra los residentes del Condado

For Immediate Release: Monday, January 11, 2016

Nuestra nación se enfrenta con un reto humanitario significativo sobre cómo lidiamos con los miles de niños y familias que escapan de la violencia en Centroamérica. Actualmente, las condiciones en El Salvador, Guatemala y Honduras, avalan el conceder una protección especial temporal para estos niños y padres quienes tienen una razón legítima para temer por sus vidas si retornaran a sus países.

Reconocemos que el dictamen federal recientemente anunciado está concretamente dirigido para ser aplicado solo en aquellos casos de quienes hayan recibido órdenes finales de deportación por una corte de inmigración. Pero obviamente, la realidad es que muchos de los niños y padres no han recibido la adecuada representación legal durante estos procedimientos. Ninguna deportación debería realizarse sin asegurar que la persona que va a ser deportada, reciba la adecuada representación y una correcta aplicación de la ley bajo nuestra Constitución.

Imagínese ser un adolecente en un proceso formal de una audiencia en un país extranjero donde hablan un idioma distinto que no comprende. ¿Qué oportunidades tendría?

Estos niños y padres merecen una oportunidad para que sus casos sean apropiadamente presentados como si estuvieran buscando asilo en nuestra nación. Y para aquellos que hayan recibido la orden final de deportación después de un debido proceso, ninguna deportación debería realizarse salvo que el Gobierno Federal garantice legalmente una reunificación familiar apropiada y el apoyo necesario para vivir de forma segura en sus países

de origen. El fracaso en garantizar estas protecciones esenciales es impensable, ya que se les estaría regresando a situaciones de violencia extrema y tráfico humano causantes de que vinieran huyendo a los Estados Unidos.

Nosotros en el Condado de Montgomery, especialmente nuestros oficiales de seguridad pública, hemos trabajado extramente duro para construir una relación de confianza con nuestra comunidad inmigrante. Estamos convencidos que esta es la clave para reducir el crimen y construir una próspera y acogedora comunidad donde todos puedan vivir en paz.

Estamos muy preocupados que cualquier ejecución federal en nuestro Condado vaya a destruir esta confianza y amenace la seguridad pública en nuestra comunidad.

Queremos que todos los miembros de nuestra comunidad sepan que son libres de realizar su vida diaria, asistir a la escuela y al trabajo, a las agencias de servicios sociales, hospitales y clínicas médicas, organizaciones comunitarias y edificios públicos, al igual que supermercados y otras áreas comerciales.

Respetuosamente recomendamos que las autoridades federales procedan con gran precaución y respeto por los valores de nuestro país y los requerimientos de nuestra Constitución. Por favor, tomen el tiempo necesario para asegurar que cualquier deportación sea realizada bajo una orden judicial, solamente después de un debido proceso y, si la deportación es decretada apropiadamente, ejecútenla con las protecciones requeridas por ley.

Por favor, asegúrennos que nuestros residentes tienen la libertad de asistir a la escuela y al trabajo, congregaciones religiosas, buscar asistencia médica necesaria, y pedir ayuda a nuestra policía sin temor. Una orden de arresto a una persona no debe ser usada para arrestar a varias.

Felicitamos el reciente compromiso del presupuesto federal de invertir $750 millones para atacar la raíz de las causas que han forzado a las personas huir de Centroamérica. Pedimos al Gobierno Federal que agilice drásticamente el proceso del existente *Programa para menores centroamericanos* (Central American Minor program- CAM) para proveer un procedimiento legal de inducción para nuestros niños con padres quienes tienen estatus legal en los Estados Unidos. Y pedimos, que los gobiernos locales aquí en los Estados Unidos, reciban un apoyo federal adecuado para acoger a esos niños y ayudarles a reunirlos con sus padres.

Para los miembros de nuestra comunidad del Condado de Montgomery, quienes están razonablemente preocupados por las más recientes acciones de deportación del gobierno federal, les animamos a que realicen sus actividades diarias libres de miedo.

Vayan a sus escuelas, trabajos, congregaciones religiosas, agencias de servicios sociales, hospitales y clínicas médicas, organizaciones comunitarias y edificios públicos, como a supermercados y otras áreas comerciales.

Continúen ayudándonos a trabajar duramente cada día para hacer del Condado de Montgomery el mejor sitio para vivir, trabajar, jugar y envejecer con dignidad en el país.

Por favor, sepan que nuestra policía del Condado no tendrá ningún rol implementando leyes federales de inmigración. Si tuvieran alguna razón para necesitar a nuestra policía, no tengan miedo en llamarles.

Continuaremos trabajando cercanamente con nuestras comunidades de base y fe de la sociedad civil, socios para desarrollar los actuales talleres de *Conoce tus derechos* alrededor del Condado, incrementando el apoyo legal pro bono, y desarrollando y distribuyendo materiales educativos como parte de la campaña bilingüe de información pública.

Estamos orgullosos de las personas que han venido de cualquier rincón del mundo al Condado de Montgomery. Ustedes han enriquecido nuestra comunidad y siempre serán bienvenidos aquí. Algunos de nosotros hemos tenido el privilegio de viajar a nuestra ciudad hermana en Morazán, El Salvador, donde tuvimos la experiencia de la hermosura de Centroamérica y la amabilidad de su gente. Estamos seguro que, si todos actuamos con calma y dignidad y trabajamos juntos, tendremos la capacidad de enfrentar estos tiempos difíciles y mejorar las vidas de aquellos quienes han venido a nuestro país y de aquellos quienes permanecen en sus países de origen.

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Release ID: 16-008
Media Contact: Patrick Lacefield 240-777-6507

U.S. Department of Justice
Civil Rights Division

U.S. Department of Education
Office for Civil Rights
Office of the General Counsel

Information on the Rights of All Children to Enroll in School: Questions and Answers for States, School Districts and Parents

These Questions and Answers are intended to assist states and school districts in meeting their legal obligations to ensure that their enrollment[1] policies and practices at the elementary and secondary school levels do not discriminate on the basis of race, color, or national origin, and do not bar or discourage students' enrollment in elementary and secondary school based on their or their parents' actual or perceived immigration status. The U.S. Departments of Education and Justice encourage states and districts to proactively implement supportive enrollment policies and practices that create a welcoming and inclusive environment for all students.[2]

Documentation

Q - 1. Should a district inquire into the immigration or citizenship status of a student or parent[3] as a means of establishing the student's residency in the district?

A - 1. No. Immigration or citizenship status is not relevant to establishing residency in the district, and inquiring about it in the context of establishing residency is unnecessary and may have a chilling or a discouraging effect on student enrollment.

Q - 2. Are students, except homeless students as provided by Federal statute, required to show current residency in a district in order to enroll in a district school?

A - 2. A state or district may establish bona fide residency requirements and thus might require that all prospective students, except homeless students as defined and provided by the Federal McKinney-Vento Homeless Assistance Act, 42 U.S.C. §§ 11301 *et seq.*, furnish proof of residency within the district.

[1] For purposes of this guidance, the term "enrollment" also means registration, matriculation, or attendance in school.

[2] This Questions and Answers document accompanied the Dear Colleague letter on the Rights of All Children to Enroll in School, issued by the U.S. Departments of Education and Justice on May 6, 2011. This document has been updated to respond to additional questions received since the Dear Colleague letter was issued in 2011.

[3] For purposes of this guidance, the term "parent" also means guardian or other responsible person under state or local law.

Q - 3. How can students meet requirements to show current residency in a school district?

A - 3. Rules vary among states and districts on what forms of documentation can be used to prove residency within a district. Districts typically accept a variety of documents as proof of residency, such as a telephone or utility bill, mortgage or lease document, parent affidavit, rent payment receipts, a copy of a money order made for payment of rent, or a letter from a parent's employer that is written on company letterhead.

A parent must be permitted to establish residency using any of the alternative methods provided for by state or local law. States and districts cannot apply different rules, or apply the same rules differently, to children based on their or their parents' actual or perceived race, color, national origin, citizenship, immigration status, or other impermissible factor. All students must be treated equally.[4]

A district should review the list of documents that can be used to establish residency to ensure that any required documents would not unlawfully bar or discourage a student who is undocumented or whose parents are undocumented from enrolling in or attending school.

For example, while a district may choose to include a parent's state-issued identification or driver's license among the documents that can be used to establish residency, a school district may not require such documentation to establish residency or for other purposes where such a requirement would unlawfully bar a student whose parents are undocumented from enrolling in school.

Q - 4. Can a homeless child, including an undocumented homeless child, ever be required to show residency in a district in order to enroll in a district school?

A - 4. No. Even where a district has valid proof of residency requirements, it must exempt from those requirements all children and youth who are considered homeless under the Federal McKinney-Vento Homeless Assistance Act. These children and youth have a right to enroll in school, even if their families cannot produce the documents that would otherwise be required to prove residency.

The McKinney-Vento Act defines the term "homeless children and youth" as including, in part, "children and youths who are sharing the housing of other persons due to loss of housing,

[4] Title IV of the Civil Rights Act of 1964, which is enforced by the Department of Justice, prohibits school districts from taking actions that deprive students of equal protection of the laws. Title VI of the Civil Rights Act of 1964, which is enforced by the Department of Education, and by the Department of Justice upon referral from a Federal funding agency or through intervention in an existing lawsuit, prohibits discrimination on the basis of race, color, or national origin.

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," as well as children of migratory agricultural workers. Additional information regarding the McKinney-Vento Homeless Assistance Act is available at www.ed.gov/programs/homeless/guidance.pdf.

Q - 5. How can students show they meet a school's age requirements?

A - 5. As with residency requirements, rules vary among states and districts as to what documents students may use to show they fall within state- or district-mandated minimum and maximum age requirements, and jurisdictions typically accept a variety of documents for this purpose. Depending on the state or district, alternative documents could include, but are not limited to: a religious, hospital, or physician's certificate showing date of birth; an entry in a family bible; an adoption record; an affidavit from a parent; a birth certificate; previously verified school records; or any other documents permitted by law. School districts should make parents aware of any alternatives that exist as part of their efforts to ensure a welcoming and inclusive environment for all students.

Requests for documents such as birth certificates must not unlawfully bar or discourage a prospective student from enrolling and attending school, including a student who is undocumented or has parents who are undocumented, or a child or youth who is homeless as defined by the McKinney-Vento Homeless Assistance Act (see Q-4, above). A school district may not bar or discourage a student from attending school because the student lacks a birth certificate or has records that indicate a foreign place of birth, such as a foreign birth certificate. Requests for documentation also may not discriminate, or have the effect of discriminating, on the basis of race, color, or national origin. All students must be treated equally in the enrollment process.

A district, moreover, should not use a student's birth certificate or other documentation provided by a parent as a basis for inquiring into the immigration status of the student, his or her parents, or other family members. Such requests would likely have a discouraging effect on the enrollment of a student on the basis of immigration status.

Q - 6. What if a parent is reluctant to provide a copy of his or her child's foreign birth certificate, fearing that doing so would lead to questions about the child's or the parent's immigration or citizenship status?

A - 6. School districts are encouraged to take proactive steps to educate parents about their children's rights and to reassure them that their children are welcome in district schools. For example, state laws typically permit a district to use a variety of documents to establish the age of

a child. A district should publicize that it will use a foreign birth certificate, baptismal record, or alternative document in the same manner that it will use a United States birth certificate, baptismal record, or alternative document: that is, solely to establish the age of a child.

As previously emphasized, a district must apply its rules and standards for documentation of age or residency in the same way to everyone, regardless of race, color, national origin, citizenship, or immigration status. A foreign-born child who is unable or unwilling to furnish a birth certificate should have the same options to enroll in school and should be treated no differently than a United States citizen child who does not have or otherwise may not be able to produce a birth certificate.

Q - 7. In light of the Dear Colleague letter, should districts refrain from asking for students' social security numbers?

A - 7. The Federal government does not prohibit states or districts from collecting the social security numbers of prospective or current students. States and local school districts must decide, however, whether they have a legally permissible reason to collect this information. If they choose to collect social security numbers, they should take steps to ensure the confidentiality of the social security numbers and that they are stored securely. In addition, they must follow Federal laws regulating the use of that information. For example, under governing Federal laws, if a district requests social security numbers, it must inform individuals that the disclosure is voluntary, and must explain both the statutory or other basis for seeking the numbers and how the district intends to use the numbers. *See* Privacy Act of 1974, Pub. L. No. 93-579, § 7, 5 U.S.C. § 552a (note), available at http://www.ssa.gov/OP_Home/comp2/F093-579.html.

As the Dear Colleague letter makes clear, a district cannot deny enrollment to a student if he or she (or his or her parent) chooses not to provide the student's social security number.[5] Districts have alternatives to requesting social security numbers. For example, a district seeking to have student identification numbers could decide to assign a randomly selected number to each student. In this way, the state or district would avoid any chilling effect that a request for social security numbers may have on the enrollment of students because of their race, color, national origin, citizenship, or immigration status.

A school district that opts to request social security numbers should make clear in all enrollment and registration documents, including forms, websites, and communications with parents, that the provision of the child's social security number is voluntary, and that choosing not to provide a social security number will not bar a child's enrollment.

[5] Similarly, a school district cannot deny a student enrollment if his or her parent chooses not to provide his or her own social security number.

Q - 8. How can a school district distinguish between (a) information that it should or must collect, and (b) information that it may not collect because doing so may discourage enrollment or attendance?

A - 8. There is typically only minimal information that a district is required to collect under state law for a student to be able to enroll, such as proof of age, immunization history, and residency within the district. Both the state and the district must act in compliance with the U.S. Constitution and valid Federal or state laws, including their obligations not to discriminate, or implement policies that have the effect of discriminating, on the basis of race, color, or national origin. In doing so, states and districts should also assess their current policies to determine whether they are doing anything that may have the effect, albeit unintended, of discouraging the enrollment of undocumented children, such as asking for immigration papers or social security numbers, or requiring a driver's license or state-issued identification from a parent. Such practices and policies, once identified, should be changed to eliminate any possible chilling effect on enrollment.

Q - 9. In order to avoid discouraging enrollment, should a school district enroll any child who comes its way and ask for documentation later, after the child is enrolled?

A - 9. As noted above, school districts might require that prospective students furnish proof of residency in a district and/or age prior to enrollment, except for any children and youth who are considered homeless under the Federal McKinney-Vento Homeless Assistance Act. However, districts may also choose to wait until students are already enrolled before asking for any additional documentation that may be required under state or Federal law, such as student demographic data. By choosing to wait to collect additional information, districts may create a more welcoming and inclusive atmosphere for all prospective students. Requests for documentation must not discriminate, or have the effect of discriminating, on the basis of race, color, national origin, citizenship, or immigration status.

Q - 10. Once in possession of personal information about a student, are there circumstances when a school district may disclose that information from a student's education records without the consent of the student or a parent?

A - 10. There are circumstances when a school district may disclose information from a student's education records, *but these are limited and unlikely to be applicable in the majority of situations school districts confront*. The Family Educational Rights and Privacy Act of 1974 (FERPA) generally prohibits school districts that receive Federal funds from the Department of Education from disclosing information from a student's education records that alone or in combination with other information can identify that student, without the prior written consent of a parent or the student (if that student is 18 years of age or older or attends a postsecondary institution). *See* 20 U.S.C.

§1232g. There are some limited exceptions in FERPA to the requirement that written consent must be obtained before disclosing personally identifiable information from students' education records, *see* 34 C.F.R. § 99.31, as well as narrow, enumerated circumstances under which Federal immigration laws require or permit a school district to provide specific information about a student to another Federal, state, or local government entity. One such circumstance is where the issuance of a non-immigrant visa to a student—and the maintenance of that student's non-immigrant status—is conditioned on the student's attendance at a specific school. Note that in that case, a school district would have preexisting information about the student that he or she would have presented to the school in order to obtain the underlying visa, and so the school would not have any reason to initiate a request for information about immigration status.

Q - 11. How should a school district communicate the requirements for enrollment with parents who have limited proficiency in English?

A – 11. For limited English proficient parents of a student seeking to enroll in a school, a district must meaningfully communicate material information about enrollment – *e.g.*, translate a document into languages other than English and have some method of responding to those parents' questions – as required by Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, and the Equal Educational Opportunities Act, 20 U.S.C. § 1703. Material information could include alternative means to establish state-permitted residency and age requirements, if any. If a district asks for a social security number, material information would also be the fact that a district cannot deny enrollment to a student if he or she (or his or her parent or guardian) chooses not to provide a social security number.

Additional Proactive Support Measures That States and Districts Can Take

Q - 12. What can schools do proactively to show parents that their children are welcome, regardless of their immigration or citizenship status?

A - 12. The Dear Colleague letter encourages states and districts to review enrollment policies and practices carefully to make sure they are consistent with the law and do not have a chilling effect on the willingness of parents to enroll their children. Any problems should be corrected.

In addition, the U.S. Departments of Education and Justice encourage districts to be proactive in notifying parents of their rights to send their children to public school. For example, districts can conduct outreach to communities to inform parents that all students who are residents in the district are welcome to attend the district's schools.

Q - 13. Should districts provide staff training on how to avoid violating the law in this area?

A - 13. Staff training at the school and district level is encouraged. Ultimately, the state and district have the legal responsibility to ensure that they are complying with Federal law. Staff training helps facilitate that compliance.

Q - 14. What is the role of State Educational Agencies (SEAs) in ensuring that students are not improperly excluded from school?

A - 14. The Dear Colleague letter issued May 6, 2011, and revised and reissued on May 8, 2014, is intended to remind both districts and states of their obligations under existing law. As recipients of Federal funds, SEAs are responsible for monitoring compliance with Federal anti-discrimination laws. Because laws regarding school enrollment, including requirements for proof of age and residency, vary from state to state, this is an area in which leadership from SEAs is needed and can be particularly effective. SEAs are encouraged to review existing practices and policies and to assist their districts in understanding the types of practices that will comply with state requirements regarding school enrollment without violating constitutional and Federal anti-discrimination requirements. Specifically, SEAs should work to ensure that their school districts' enrollment practices do not unlawfully discourage or bar students, including students who are undocumented or have parents who are undocumented, from school.