

Enrolling and Supporting Newcomer Students in Massachusetts Schools & Districts

Frequently Asked Questions

October 4, 2022

As more newcomer students arrive in Massachusetts school districts, educators and district leaders may have questions about how they can best support recent arrivals. For the purposes of this document, “newcomer students” refers to students from other countries that have recently arrived in the United States. While newcomer students arrive in U.S. schools from diverse backgrounds and bring a wide range of experiences, they often share the common challenges of adjusting to a new home, navigating a new language and culture, and learning how to function effectively in a school environment that may be very different from their prior school experience. For more information and resources for supporting newcomer students and their families, see the [U.S. Department of Education’s Newcomer Toolkit](#).

The purpose of this document is to answer some frequently asked questions about enrollment and placement for newcomers, especially at the secondary level, and provide districts with helpful resources.¹ Many of these policies must be determined at the local level, but this document aims to summarize what federal and state laws require and provide helpful guidance for districts to make informed, culturally responsive, and student-centered decisions.

1. What do federal and state law indicate about enrollment of newcomer students?

Newcomer students are legally entitled to equal access to a free public education without regard to their or their parents' or guardians' national origin or immigration status as established by the U.S. Supreme Court in *Plyler v. Doe*, 457 U.S. 202 (1982). Newcomer students have the right to attend the public schools in the town in which they reside and must be permitted to enroll in public schools without undue delay. See [G.L. c. 76, §5](#).

School districts must provide newcomer students who are English learners with English learner services as specified in [G.L. c. 71A](#) and [603 CMR 14](#). See also [20 U.S.C. § 1703\(f\)](#). Any newcomer students who have disabilities are additionally entitled to special education services in accordance with [G.L. c. 71B](#) and [603 CMR 28](#). See also [20 U.S.C. § 1400 et. seq.; 34 C.F.R. Part 300](#). It is important to plan for the provision of these services to newcomer students to ensure that the district is able to provide them as needed and in a timely manner.

¹ The resources listed in this FAQ were compiled by the Department of Elementary and Secondary Education (DESE) for information and convenience of districts and listing does not constitute an endorsement or recommendation by DESE of any specific organization. DESE is not responsible for and does not guarantee the accuracy of information on other sites accessible through links herein. DESE may supplement this list with other resources that meet the specified criteria. For more information, contact el@doe.mass.edu.

Please note, schools and districts also have an obligation to provide parents and guardians essential information in a language they understand (which includes but is not limited to information about registration and enrollment, language assistance programs, special education and related services, school district policies and procedures, etc.).

Resources:

- [Attorney General’s Advisory Regarding Equal Access to Public Education for All Students Irrespective of Immigration Status](#) (March 2, 2017).
- [Dear Colleague Letter](#) (January 7, 2015).
- [Dear Colleague Letter](#) (January 14, 2022).
- [“Welcoming Newcomer and Refugee Students and Families”](#) Memo from Commissioner Riley (March 8, 2022).

2. Is there a maximum age for public school enrollment of students who have not yet earned a high school diploma or its equivalent?

Although no Massachusetts law or regulation sets the maximum age for enrollment, [G.L. c. 71B, § 1](#) defines “school age child” as “any person of ages three through twenty-one who has not attained a high school diploma or its equivalent.” In accordance with this definition in the state special education law, the Department has consistently advised that school districts should enroll students who have not yet received a high school diploma or equivalent at least through age 21, even if the students may not earn sufficient credits to obtain a high school diploma by the time they turn 22.

3. How should my district enroll students who may not have the usual “paperwork” due to their circumstances?

In cases where newly arrived families do not have the documents that districts ordinarily use to verify eligibility for enrollment, the district should work with families to find alternative means to establish residency or proof of age and facilitate prompt enrollment of students. For example, if a family does not have a birth certificate for a child, the district may accept an affidavit from the parent indicating the child's date of birth. If the student's parent, guardian, or person acting in place of the parent has limited English proficiency, the district must arrange for translation or interpretation services as needed to facilitate prompt enrollment.

If there are indications that a newcomer student is homeless, the [district homeless liaison](#) should work with the family to facilitate immediate enrollment, with or without documents.

Resources:

- REL Northwest, [Helping Newcomer Immigrant and Refugee Students for Secondary School](#).

- [“Welcoming Newcomer and Refugee Students and Families”](#) Memo from Commissioner Riley (March 8, 2022).
- [McKinney-Vento Homeless Education Assistance Act](#).

4. How can we best prepare to support newcomer students and their families?

Newcomer students and their families may have limited information about the education system in the United States and the specific school graduation requirements in your district. Newcomer students may want to graduate from high school and attend college but may not be aware of the steps they should take to achieve those goals. Therefore, it is important to provide newcomer students and families with information they need to make informed choices about the student's education. For example, when assisting newcomer students with selecting courses, it is important that they know which courses count towards high school graduation requirements. Similarly, some newcomer students may be interested in career vocational technical programs, and information about such programs should be provided to them and their families. In some instances, older newcomer students with a very low number of credits may be interested in GED or HiSET programs, and information about those programs should be provided to them.

Engaging in these conversations with students and their families requires first building meaningful home-school relationships through a culturally informed and responsive lens. To do this, it is helpful for educators to learn about students’ countries of origin and seek to understand possible circumstances under which students may have come to the United States. In many situations, these circumstances may have involved separation, loss, violence, and/or other trauma, which may impact all aspects of students’ lives, including learning.

English Learner Parent Advisory Councils (ELPACs) and Special Education Advisory Councils (SEPACs) can serve as particularly helpful and effective resources to newcomer families as they become acclimated to the school system and life in the United States.

Resources:

- [U.S. Department of Education’s Newcomer Toolkit](#) (Chapter 4: How Do We Support Newcomers’ Social Emotional Needs? and Chapter 5: Establishing Partnerships with Families).
- [DESE Resources on English Learner Parent Advisory Councils \(ELPACs\)](#).

5. What other key information should schools and districts be aware of when preparing to welcome and educate English learners?

Some newcomer students will be children with disabilities who are entitled to special education services under state and federal special education laws. Districts must ensure that children ages 3 through 21 who have a disability are identified, located, and evaluated

to determine eligibility for special education services in a timely manner. It is crucial to engage parents or caregivers early in the process using culturally sustaining practices, including the use of qualified interpreters, to build trust, gather relevant information about the student, and to begin familiarizing the family with the education system in the United States. If parents, guardians, or caregivers provide the school with documentation of a child's disability from the home country in a language other than English, districts should have it translated. All information obtained at enrollment or thereafter that is relevant to special education assessments and/or individualized education program (IEP) planning should be provided to the designated special education administrator or other administrators, as appropriate, to facilitate the prompt implementation of services.

Resources:

- [DESE Resources for Supporting English Learners with Disabilities.](#)

6. What are some additional legal requirements for districts to consider in relation to newcomer students who have a disability or a suspected disability?

Assessments and other evaluation materials used to determine a child's eligibility for special education services, must be "selected and administered so as not to be discriminatory on a racial or cultural basis," and must be "provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer." [34 C.F.R. 300.304\(c\)\(1\)](#).

The district must ensure the IEP team includes participants who are knowledgeable of the child's language needs and who have training, preferably expertise, in second language acquisition. For students who are found eligible for special education services, a free and appropriate public education (FAPE) must be provided in the least restrictive environment in accordance with the student's IEP. Notably, English learners with disabilities must be provided with both the language supports and the disability-related services to which they are entitled under federal and state laws.

Resources:

- ["Welcoming Newcomer and Refugee Students and Families"](#) Memo from Commissioner Riley (March 8, 2022).
- [DESE Resources for Supporting English Learners with Disabilities.](#)
- [U.S. Department of Education's English Learner Toolkit](#) (Chapter 6).

7. How can we engage newcomer students, their parents/guardians, and families in planning for the newcomer student's success?

It is important to engage newcomer students, their parents, guardians, and families in planning for the student's success. For example, school districts may use the [MyCAP process](#)

to engage students in planning for their academic and career success, and the pathways may vary depending on the individual student. Individual planning is critical as students begin to work with counselors and other educators to develop secondary and post-secondary plans. Similarly, local culturally and linguistically appropriate community-based organizations or providers can serve as a valuable resource in supporting newcomer students and their families in understanding the broad range of available educational options.

Many students will choose to pursue a credential leading to potential post-secondary education and career opportunities. For others, immediate economic and family needs may lead them to approach K-12 education as an opportunity to learn enough English to access more immediate earning opportunities to support themselves and their families. The main focus should be on working with an individual student and their parent or guardian to develop a plan that helps them reach their goals.

Resource:

- [U.S. Department of Education's Newcomer Toolkit](#) (Chapter 5: Establishing Partnerships with Families).

8. How should the district evaluate student transcripts and/or prior academic history?

For newcomer students whose goal is a high school credential, schools should carefully examine the student's prior academic history through an asset-based lens and accelerate credit accumulation whenever possible. For example, districts may designate students with demonstrated fluency and literacy in their home language as meeting the MassCore recommendations for a world language.² This process should consider grade placement, award appropriate credits, and place students into appropriate courses.

Evaluating newcomer students' prior academic history can be difficult as some students may be missing transcripts, have only partial transcripts, or have only untranslated versions of their transcripts. Some students may also arrive with limited or interrupted formal education.

Resources:

- REL Northwest's ["Welcoming, Registering, and Supporting Newcomer Students: A Toolkit for Educators of Immigrant and Refugee Students in Secondary Schools"](#) gives some helpful advice and resources for interpreting international transcripts.
- [MassCore](#), the state-recommended program of study intended to align high school coursework with college and workforce expectations.

Some resources for **country-specific transcript** conventions include:

- [Evaluating Foreign Transcripts: A Resource Guide for School Districts](#) (Rhode Island Department of Education, 2012), which contains transfer equivalencies that include information on more than 75 countries.

- [Index of Secondary Credentials](#) (International Education Research Foundation, 2010) lists international secondary credentials, as well as a selection of sample documents.

Resource for **validating international transcripts**:

- Chapter 5 of [Working with Refugee Students in Secondary Schools: A Counselor's Companion](#) (Minnesota Department of Education, 2010) provides guidance on how to recognize and validate an international transcript and how to understand grading scales.

It is critical to support credit accumulation toward graduation requirements and help the student and parents or guardians understand what is required for graduation. Opportunities to accelerate credit accumulation as students gain competency in English language acquisition and in the content areas will create a more tenable pathway to graduation. Importantly, students who are older and under-credited should be provided access to credit recovery and acceleration programs and informed of alternative pathways, with the goal of helping them understand all available options that may help them meet their individual goals.

9. How can the district help newcomer students be on a path to graduation?

Accurately tracking credits supports students in receiving credit for completed courses and helps keep them on track for graduation. (See sections on “Award competency-based credits” and “Create strategic individualized plans for immigrant and refugee students’ graduation, postsecondary education, and careers” in [“Welcoming, Registering, and Supporting Newcomer Students: A Toolkit for Educators of Immigrant and Refugee Students in Secondary Schools.”](#)) The pathway for different students may vary depending on the individual student's goals for the future, which underscores the importance of active student and family engagement and participation.