

WEBINAR | MARCH 2026

Newcomer Student Education Rights

Public
Counsel

ALLIANCE
for CHILDREN'S
RIGHTS

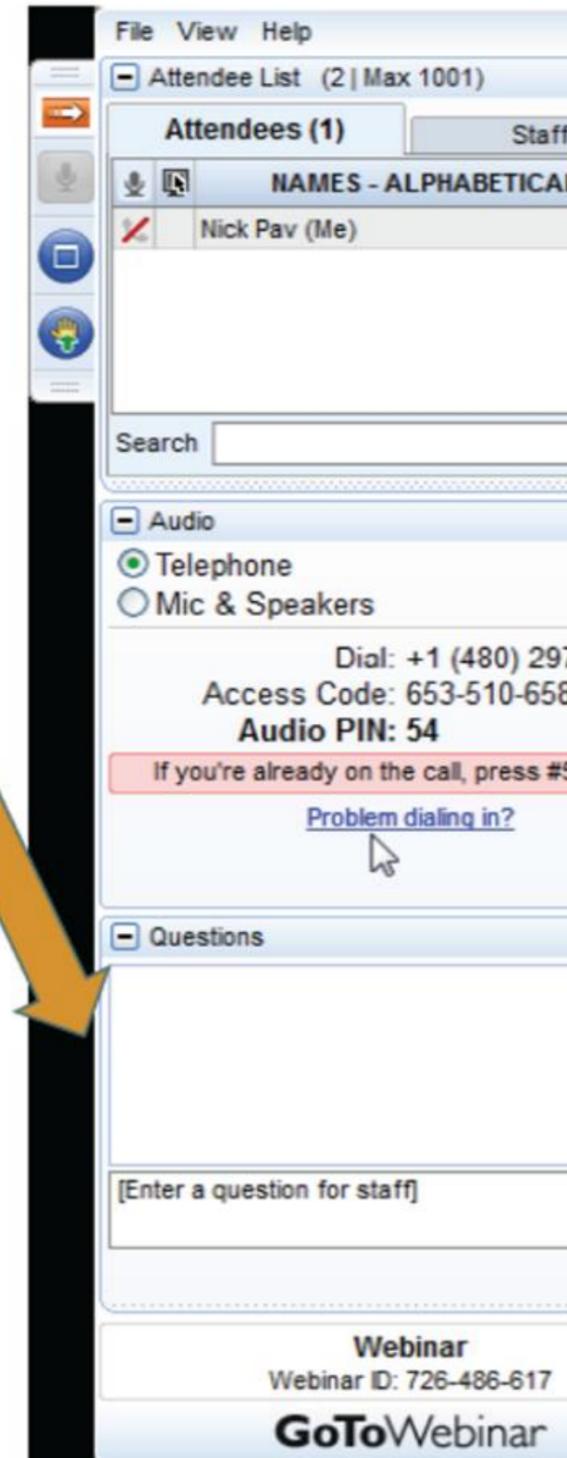


Loyola Law School
Loyola Marymount University
Youth Justice Education Clinic



LOGISTICS

- Webinar resources, including recording and supplemental materials, will be posted at <https://allianceforchildrensrights.org/resources/>
- All attendees are muted during webinar.
- Please submit questions using the “Questions” function on your GoToWebinar dashboard.





OVERVIEW

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PRE- and POST- PRESENTATION SURVEYS

- Please make sure to complete the pre/post presentation surveys
- Your feedback is important to us!

PARTICIPANT POLL

**How familiar are you
with the education
rights of newcomer
students?**

*Choose: Very familiar,
somewhat familiar,
not familiar.*

COMMON ISSUES IMMIGRANT YOUTH FACE

- Issues with enrollment in school
- Pushout to adult school
- Lack of records impacting enrollment and proper placement
- Barriers to asking for help
- Fear of going to/from school
- High stakes for school discipline proceedings
- High impact on social emotional needs

COMMON CHALLENGES PROVIDERS FACE

- Lack of funding/capacity
- Collaborating with multiple attorneys: defense, immigration, and education
- Few resources regarding education advocacy
- Confusion around language access and disability-related needs



DEFINING NEWCOMER YOUTH

A newcomer youth is defined by the California Education Code as immigrant children and youth who:

1. are aged 3-21;
2. were not born in any state (each of the 50 states, the District of Columbia, and the Commonwealth of Puerto Rico); and
3. have not been attending one or more schools in the United States for more than three full academic years.

Newcomer youth can be English learners, asylees, refugees, unaccompanied children, undocumented youth, migratory students, and those with interrupted or limited formal education.

DEFINING THE EDUCATION RIGHTS HOLDER

An education rights holder (ERH) is the person 18 yrs and older who has the power to make educational decisions for a minor.

Biological parents are the default ERH, but decision-making power can be transferred to others through a court order.

Some examples of who else can be an ERH include:

- Adoptive parents
- Legal guardians
- Court Appointed Special Advocate
- Youth when they turn 18yo

PRACTICE TIP

Get a copy of any court document that states someone has been given education rights.

THE IMPORTANCE OF RECORDS

Newcomer youth are sometimes placed under the custody of the Office of Refugee Resettlement (ORR) when they arrive in the country. While under ORR custody they are placed in shelters and should receive medical/mental health care and an education.

WHY RECORDS FROM ORR ARE HELPFUL:

- 1.School enrollment
- 2.Special education or 504 needs
- 3.Graduation

REQUESTING RECORDS FROM OFFICE OF REFUGEE RESETTLEMENT (ORR)

WHO CAN REQUEST THE ORR CASE FILE?

The ORR case file may be requested by the youth themselves or by the youth's ERH. The youth's social worker may also request the youth's ORR case file, but they will need to submit a statement on letterhead confirming that they are providing services to the youth.

WHAT MAY BE INCLUDED IN THE RECORDS?

The ORR case file may include information about vaccines administered while detained, education or mental health assessments, service plans, 504 plans, attendance records, etc.





Administration for Children & Families

Office of Refugee Resettlement

Authorization for Release of Records

Individuals seeking unaccompanied children (UC) case file information must submit a completed copy of this form and any required supporting documentation to the Office of Refugee Resettlement (ORR) following the instructions found on pages 5-8 of this form. ORR, in its discretion, may reject requests for case file information if the request is incomplete, does not follow the attached instructions, for safety reasons, or for other reasons, as necessary.

Section A: Subject of Request

Subject of Request	<input type="text"/>	Relationship to UC	<input type="text"/>		
UC Name	<input type="text"/>	A# [no spaces]	<input type="text"/>		
UC Alias	<input type="text"/>	Date of Birth	<input type="text"/>	Age	<input type="text"/>

Is the UC 14 years or older and unable to consent due to a diagnosed developmental disability? Yes No

Is the UC currently in ORR custody?

Yes, the UC is in care at: Care Provider Name

No, the UC lives at: Address
City State Zip Code

Section B: Reason for Request

I am requesting records for the purpose of:

- Representing the UC in immigration proceedings
- Representing the UC in a *Flores* bond hearing or matters related to ORR adjudications including placement in a restrictive setting or release from ORR custody
- Conducting an investigation involving the subject of the request
- Enrollment or continued enrollment in school
- Provision of medical services
- Other, specify:

THE PAPERWORK REDUCTION ACT OF 1995 (Pub. L. 104-13) STATEMENT OF PUBLIC BURDEN: The purpose of this information collection is to allow attorneys, legal service providers, child advocates, government agencies, and other stakeholders to request UC case file records. Public reporting burden for this collection of information is estimated to average 0.25 hours per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information. This is a voluntary collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information subject to the requirements of the Paperwork Reduction Act of 1995, unless it displays a currently valid OMB control number. If you have any comments on this collection of information please contact UCPolicy@acf.hhs.gov.

Authorization for Release of Records Office of Refugee Resettlement

Section F: Supporting Documentation

Check the boxes for the type of supporting documentation you are submitting with your request.

- | | |
|--|---|
| <input type="checkbox"/> Notice of Attorney Representation | <input type="checkbox"/> A statement on the organization's official letterhead that verifies that the requesting party is providing educational or medical services the subject of the record request |
| <input type="checkbox"/> A lawfully-issued subpoena or court order | <input type="checkbox"/> A statement on the agency's official letterhead verifying the requesting party's affiliation, specifies the scope of their investigation, and includes a case reference number |
| <input type="checkbox"/> Photo identification | |
| <input type="checkbox"/> Verification of Release | |
| <input type="checkbox"/> Notice of Hearing | |

If you are unable to provide the required supporting documents, provide a brief explanation why.

PRACTICE TIP

Ask if the young person's immigration attorney may already have these records. If so, it may be faster to request copies from them.

- It is best for the youth's ERH or youth themselves to request their ORR file.
- Keep a copy of the request form you send to ORR requesting the records.
- After you receive the file, make sure to thoroughly review it, paying close attention to whether there are any records you suspect may be missing.

Best Practice Tips

ENROLLMENT

RIGHT TO ENROLL AT THE LOCAL COMPREHENSIVE SCHOOL

A newcomer student should be enrolled in school, even if their ERH does not have all the necessary paperwork at the time of enrollment.

Some documents usually requested at enrollment include:

- Proof of residency within the school district
 - Mortgage bill / lease agreements
 - Utility bill (water, gas)
 - Bank statement
 - Check/pay stub
 - If none of the above are available, the guardian can use a Proof of Address letter or Affidavit of Residency
- Birth Certificate
- Immunization records
- Transcripts from past schools attended

**EXAMPLE 1
PROOF OF ADDRESS LETTER**

School Proof of Residency Letter

[Date]

[Your name]

[Your address]

Dear _____,

I am writing to ascertain that your student, [name of young person], resides with me at my property located at _____. I have lived at this residence for _____. We live together with [name of parent/guardian].

I have attached copies of utility bills and bank statements issued to my name.

I confirm that all the information provided is accurate and true, to the best of my knowledge. Please contact me at _____ if you have further questions.

Sincerely,

ENROLLMENT

STUDENTS WHO ARE 17 YEARS OLD

- School districts should still permit enrollment at a comprehensive school, even if student is closed to turning 18.
- If the school refuses, ask them to put the reason for their denial in writing.

STUDENTS WHO ARE 18 YEARS OR OLDER

- In most cases, compulsory attendance laws do not apply to youth over 18.
- Therefore, enrollment over 18 is largely at the discretion of School Districts (or the Local Education Agency [LEA] with administrative control over public schools).
- If a student is in special education, they may be able to enroll and remain in school until they turn 22, depending on whether they continue to be eligible for special education.



- **If the school denies enrollment:**
 - Ask the staff person to put the specific reason for denial in writing that same day.
- **If the school is requesting that the student or Education Rights Holder provide a document showing legal status:**
 - Ask why they need the document.
 - Ask if it is district policy to request the document.
 - If they say it is based on policy, request a copy of the policy.
- **Take down the names of who you speak to and when you spoke to them.**
- **If the staff person does not provide the reason for denial:**
 - Write an email to the principal documenting what happened.
 - Include the name(s) of everyone you spoke to.

Best Practice Tips

For LAUSD, you can include:

- Office of Student Civil Rights
 - 333 South Beaudry Avenue, 18th Floor Los Angeles, CA 90017
 - Phone: (213) 241-7682; Fax: (213) 241-3312
 - Email: EquityCompliance@lausd.net

For Inglewood USD, you can reach out to:

- Office for Uniform Complaint Procedure offers consultation before filing a complaint
 - Venecia Lizarzaburu, Director of Categorical Programs
 - 310-419-2737

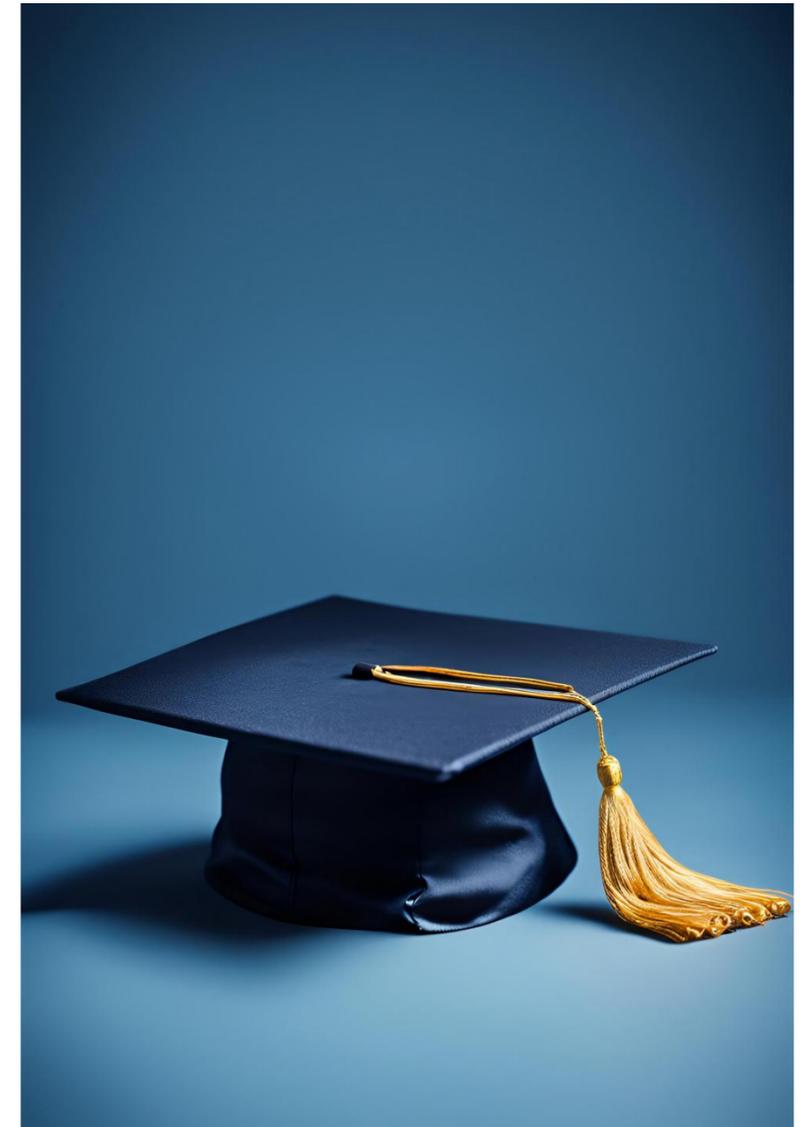
Tips on how to search for similar offices in other districts:

- Search *[school district] uniform complaint office*
- Search *[school district] discrimination complaint*
- Try calling the district's main office and requesting to connect you to whomever can help address the issue.

Best Practice Tips Cont'd

REDUCED CREDIT GRADUATION

- Under California Education Code Section 51225.1, a newcomer student who **is in their third or fourth year of high school** may graduate by completing minimum state graduation requirements **if, they cannot reasonably complete additional local school district requirements within four years of high school.**
- They may also be allowed to remain a 5th year to complete the district graduation requirements, if necessary.



REDUCED CREDIT GRADUATION

- **Within 30 days of enrolling, the new school district must tell a student:**
 - Whether they are eligible to graduate under the reduced credit requirement, and
 - The impact of graduating with 130 credits on their admissions to a four-year university
- **This information must be provided in writing to the student and their education rights holder (ERH).**
- **The legal duty to determine a student's eligibility and provide notification still exists, even if a school district misses the 30-day notification timeline.**
- **The ERH/guardian can request, at any time, that the school hold a discussion to help determine whether the student is eligible for reduced credit graduation.**

- Contact the school's registrar as early as possible to request a copy of the student's transcript and confirm whether the student is behind on graduation credits.
- Ensure that the school certifies whether the student is eligible to graduate with the reduced credit requirement or if they need to stay for a 5th year.
- Ensure the school counsels the student regarding the impact of graduating with reduced requirements, for college admissions.

Best Practice Tips

ENGLISH LEARNER IDENTIFICATION AND RECLASSIFICATION

In California, an English Learner (EL) is defined as a student who:

- Enrolls in a California school beginning in any grade level, transitional kindergarten through grade twelve,
- Has a language other than English identified on the **Home Language Survey**, and
- Upon assessment, obtained a level of English proficiency that indicates programs and services are necessary.

NOTE: Students identified as English learners receive programs and services until they meet the reclassification criteria.

ENGLISH LEARNER DESIGNATION

The **English Language Proficiency Assessments for California**, or ELPAC, is used to assess whether a student should be designated as an EL.

The ELPAC assesses a student's English proficiency in

- Reading
- Writing
- Speaking
- Listening

If the test results show that the student is not proficient in English, they are designated as an EL and will retake the ELPAC every spring until they are reclassified as "fluent English proficient."

ENGLISH LEARNER RECLASSIFICATION

School districts should be looking at the following four criteria when determining if an EL student should be reclassified:

1. ELPAC results
2. Teacher evaluation, including, but not limited to, a review of the student's curriculum mastery
3. Parent/guardian opinion and consultation
4. Seeing how the EL student performs in basic skills when compared to students of the same age who are English proficient.
 - a. “Basic skills” can be evaluated through state tests, or other assessments that measure progress in English Language Arts, which are administered to all students.

- **If the school does not initiate identification of a potential English Learner:**
 - Check whether the student may meet the requirements
 - Request in writing that the school assess the student
- **If the school refuses to assess the student, request the reason for denial in writing.**
- **Put any request to assess for reclassification in writing.**
 - Include your reasons for requesting reclassification.
- **Request the assessment results and ask the school to discuss progress.**
 - Could help gauge whether the student is making progress with learning English.
 - May help determine if there are underlying needs that are not being addressed.

Best Practice Tips

THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)



Purpose: Individualized Education Plan or Program (“IEP”) that provides Special Education and Related Services (including but not only accommodations).

- **Eligibility Criteria:**

- Qualifying condition
- Adversely affects educational performance
- Condition creates a need for special education services

WHAT IS AN IEP?

01

CONTRACT

An IEP is a legally binding document (contract) developed for students with disabilities who require specialized educational services. Cal. Ed. Code § 56345.

02

ROADMAP OF NEEDS

It outlines the student's unique learning needs, academic and socio-emotional goals, and the services and accommodations necessary to meet the "unique needs" of the individual student. 34 C.F.R. § 300.39 & 300.324(a).

03

TAILORED SUPPORT

The IEP is created collaboratively by educators, ERHs, and often the student themselves, and it serves as a roadmap for providing tailored instruction and support to ensure the student's needs are met.

HOW DOES A YOUNG PERSON GET AN IEP?

A young person must be assessed, and an evaluation conducted to determine if the young person is eligible for Special Education services.

- ANYONE can request an assessment!
- The legal standard for assessment is low: **reasonable suspicion** that the child has a disability.

**EXAMPLE OF
SPECIAL EDUCATION
ASSESSMENT REQUEST**

September 9, 2025

VIA EMAIL [REDACTED]

[REDACTED]

Re: [REDACTED] (D.O.B. [REDACTED]); Request for Special Education Assessments

Dear Assistant Principal [REDACTED]:

My name is Taylor Melzo, and I am a clinical law student with the Youth Justice Education Clinic (“YJEC”) at Loyola Law School. I represent [REDACTED], a student currently enrolled at [REDACTED]. At this time, YJEC represents [REDACTED] and his education rights holder, [REDACTED], on education matters. Attached is a signed authorization for release of educational records. The purpose of this letter is to formally request the district conduct a comprehensive special education assessment to determine [REDACTED]’s eligibility for an Individualized Education Program (“IEP”) and any related services necessary to support his educational needs.

[REDACTED] is struggling with his academics, as he has only received credit for sixty-four (64) of the one hundred four (104) credits he has attempted. [REDACTED] has expressed that he has difficulty focusing during class and following instructions when they are only presented to him verbally. [REDACTED] is more successful in academic environments in which there is a clear structure, and instructors explain concepts in digestible ways. [REDACTED] has also been diagnosed with depression and his social-emotional needs may also be impacting his access to education. Accordingly, we request that an initial special education assessment be conducted in all areas of suspected need.

We trust that you will comply with federal and state mandates and provide [REDACTED]’s education rights holders and myself with an assessment plan no later than September 24, 2025. If you have any questions, and for any subsequent communications regarding assessments and IEP meetings, please contact me at taylor.melzo@lls.edu. Thank you in advance for your prompt attention.

WHO QUALIFIES?

ELIGIBILITY CATEGORIES FOR SPECIAL EDUCATION SERVICES:

- Intellectual disability
- Hearing impairment (including deafness)
- Speech or language impairment
- Visual impairment (including blindness)
- Emotional disability
- Orthopedic impairment
- Autism
- Traumatic brain injury
- Other health impairments
- Specific learning disabilities

34 C.F.R. Sec. 300.8; 5 C.C.R. Sec. 3030.



POTENTIAL DISABILITY-RELATED NEEDS

- Often forgets directions or needs further explanation
- Consistently takes a longer period of time to respond
- Difficulty retelling a story or event
- Consistently confuses letters/words that look alike, letter reversals, substitutions, etc.
- Difficulty with comprehension and vocabulary
- Difficulty remembering previously learned information
- Avoids writing or doing work by hand
- Inattentive across environments
- Difficulty understanding instructions
- Difficulty consistently completing assignments even when offered time and assistance

Note: Look for these needs in BOTH languages - native language and English (or all, if more than two languages spoken).

ASSESSMENTS

The law requires that assessments are appropriate. (Cal. Ed. Code § 56320.)

What does that mean? What can it look like?

Language Access

Culturally
Competent

Multimodal

TIPS FOR ENSURING ACCESSABILITY

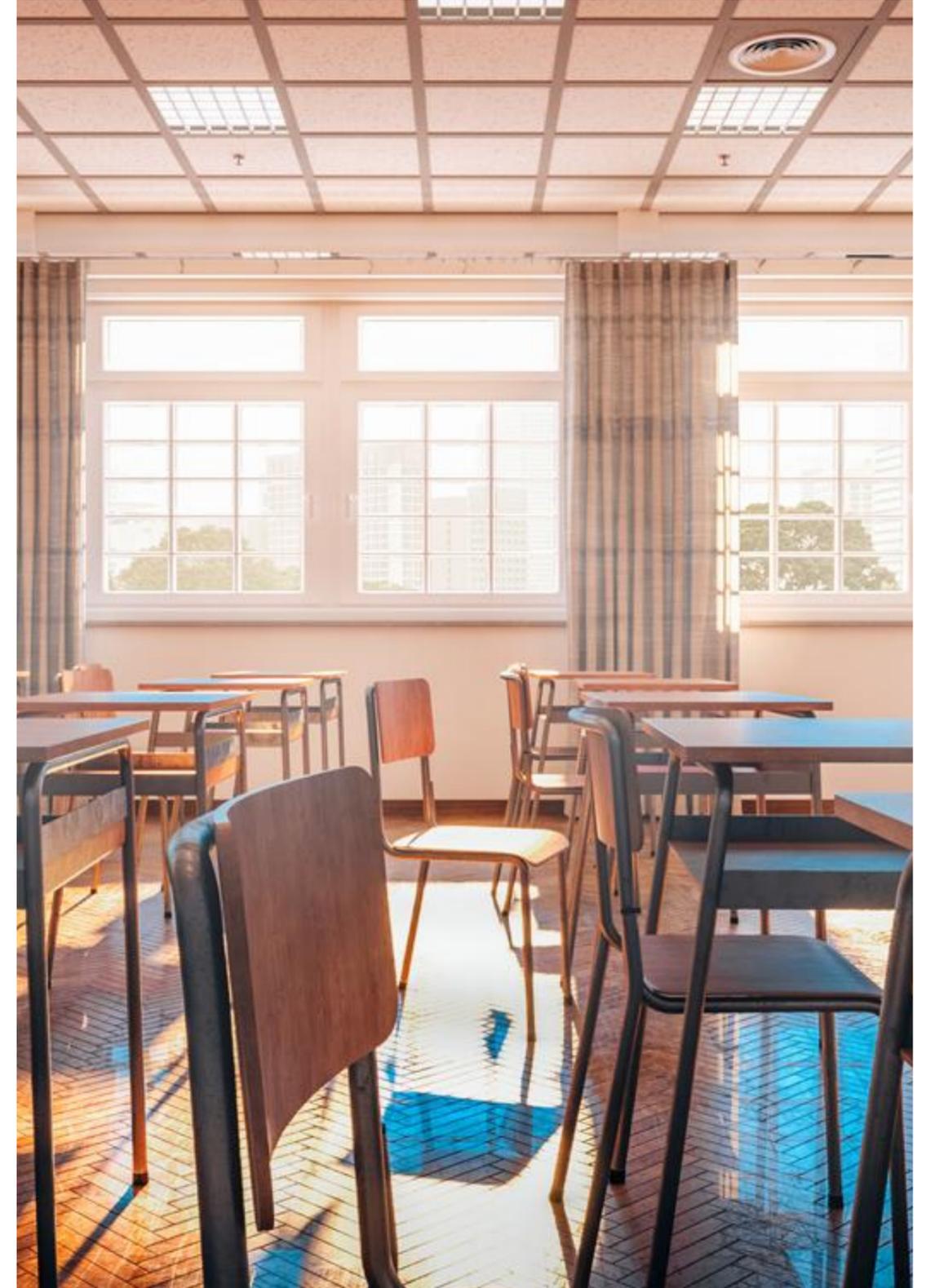
- Request that a bilingual assessor conduct the assessments to avoid stress and re-traumatization that can occur when students and families are misunderstood.
- You can request an interpreter if the assessor does not speak the student's native language.
- Ensure the assessor or interpreter is not only linguistically but also culturally responsive, with training in trauma-informed practice.

TIPS FOR ENSURING ACCESSABILITY

- Ask for assessments to be administered in the language and form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally.
- Push for tools that account for migration stress, interrupted schooling, and trauma exposure (if possible).
- Request that assessment results be interpreted in light of the student's and family's cultural background (for example, understanding how mental health needs or disability are explained or expressed differently across cultures).
- Remind families and providers that they are partners in the assessment process, and have the right to ask questions, request clarification, and suggest culturally relevant supports.

SECTION 504

A Section 504 Plan is a document that requires classroom teachers and other school staff to provide accommodations and/or services necessary for Section 504 eligible students to participate in and benefit from public education programs and activities.



ELIGIBILITY CRITERIA FOR A 504 PLAN

- Student must have a physical or mental impairment that substantially limits one or more major life activities, such as learning, walking, hearing, seeing, speaking, breathing, or caring for oneself.

Examples: ADHD, diabetes, asthma, and other medical, psychological, or behavioral disorders.

- The impairment must affect the student's ability to access learning in the school environment and necessitate accommodations or modifications to ensure equal educational opportunities.
- Eligibility is determined through a formal evaluation process involving education rights holders, teachers, and other relevant school personnel.

PRACTICE TIP

Request a 504 plan pending a special education assessment.

MENTAL HEALTH

Student may have experienced trauma in their home country, during their journey to the U.S., other due to other life circumstances.

Consider the following:

- How has the student's experience of stress or trauma shown up in their emotions, behaviors, or ability to participate in school?
- Does the student feel safe and comfortable reaching out to teachers or staff for help?
- How does the student feel or behave when asked to participate in class in front of peers?
- What supports might help the student feel safe and connected in their relationships with peers and adults at school?

ACCOMMODATIONS TO CONSIDER

- Non-verbal communication (facial expressions, body language)
- Visual supports (flashcards, written instructions)
- Designated area to take a break (wellness center, counselors office)
- Check-ins with a trusted teacher or staff person at the start/end of the school day
- All instructional materials be provided in both English and student's native language
- Have materials prepared and translated in advance so student can focus on understanding lessons
- Student should not be expected to work on the board, answer questions aloud, or read in front of the class
- Being placed in self-selected collaborative groups in class to help enhance learning
- Tutoring provided by a bilingual, credentialed teacher

504 PLANS

504 plans are intended to provide learning environment accommodations for students.

Need a physical or mental impairment that significantly disrupts one or more major life activities.

Offers accommodations or assistive technology

60 calendar days to hold 504 mtg.

VS.

IEPS

IEPs are intended to provide specialized support and services for students.

Need a qualifying disability in one of 13 categories that has an adverse impact on educational performance.

Offers specialized instruction, support and services.

60 calendar days to complete assessments and hold IEP mtg.

PURPOSE

ELIGIBILITY

SUPPORT

TIMELINE

- **When requesting special education or 504 assessments, make sure to make the request in writing.**
- **Keep in mind that a student's request for special assessments cannot be denied solely because the student has limited English language skills or limited schooling.**
 - These factors should only be considered after the student has been assessed to determine eligibility.

Best Practice Tips

- **Once the district agrees to complete assessments, ask about how the assessments will meet the student's language needs.**
 - Is the assessor bilingual?
 - Will an interpreter be used?
 - What type of training or credentials does the interpreter have?
- **Remember that IEPs should be drafted with the student's individualized needs in mind** and not dependent on what the district has available in terms of supports or services.

Best Practice Tips

SCHOOL DISCIPLINE

Suspension and expulsion processes can move quickly, but Education Rights Holders (ERH) must have the opportunity to understand their and their child's rights.

01

TRANSLATION

ERHs can request that suspension and expulsion notices, incident reports, and expulsion evidence packet, be translated into or reviewed verbally in their primary language.

02

INTERPRETATION

ERHs can request that a qualified interpreter, who is not a district employee, be present during school discipline meetings and during the expulsion hearing.

03

COMPLAINTS

ERHs have the right to receive information on how to file complaints against the school/district in their native language. The school/district must also help them write a complaint in English if needed.

- Request interpretation for meetings, in writing, ahead of time.
- Put all requests for translation of documents in writing:
 - Keep track of what date you submitted your request.
 - Can be through email, or typed letter handed to school office.
 - Make sure to get a copy of the letter with stamp from school confirming receipt.
- If the school or district denies translation of documents or denies request for an interpreter, request that they put their reason in writing.

Best Practice Tips

**EXAMPLE 1
EMAIL REQUESTING
INTERPRETER FOR MEETING**

Dear _____,

My name is [your name, title, org], [explanation of how you support student/parent/guardian]. Student and/or Parent/guardian require interpretation to meaningfully participate in the meeting. As such, I am requesting that a qualified interpreter be present at the [date of meeting, type of meeting]. Please confirm if this will be possible or if we need to reschedule the meeting to ensure an interpreter is present.

Sincerely,

EXAMPLE 2
EMAIL REQUESTING
INTERPRETER FOR MEETING

Dear _____,

My name is [your name, title, org], [explanation of how you support student/parent/guardian]. Student and/or Parent/guardian require interpretation to meaningfully participate in the meeting.

On [date] we requested that a qualified interpreter be present at the [date of meeting, type of meeting]. We spoke to [insert name of staff], who denied our request. [Staff person name] stated that the school/district would not provide an interpreter because [reason they provided - include if they claimed it is due to district policy OR if they did not provide a reason then include that here]. Is this information accurate? If so, could you please share a copy of the policy which states this?

Sincerely,

BULLYING

When a family suspects their student may be the victim of bullying there are specific steps the family can take to ensure the district is addressing the situation.

1. Inform school staff about the situation. Always inform schools/districts in writing (including via email), with specific information about the bullying incident(s) including

- Who is doing the bullying
- A description of what happened
- Any witnesses
- What has the impact of the bullying been on the student?

2. Research the school district's anti-bullying policies. School districts are required to post their anti-bullying policies including how they receive bullying complaints, and what their investigation process is.

3. File a complaint.

TYPES OF COMPLAINTS

Uniform Complaint Procedures (UCP)

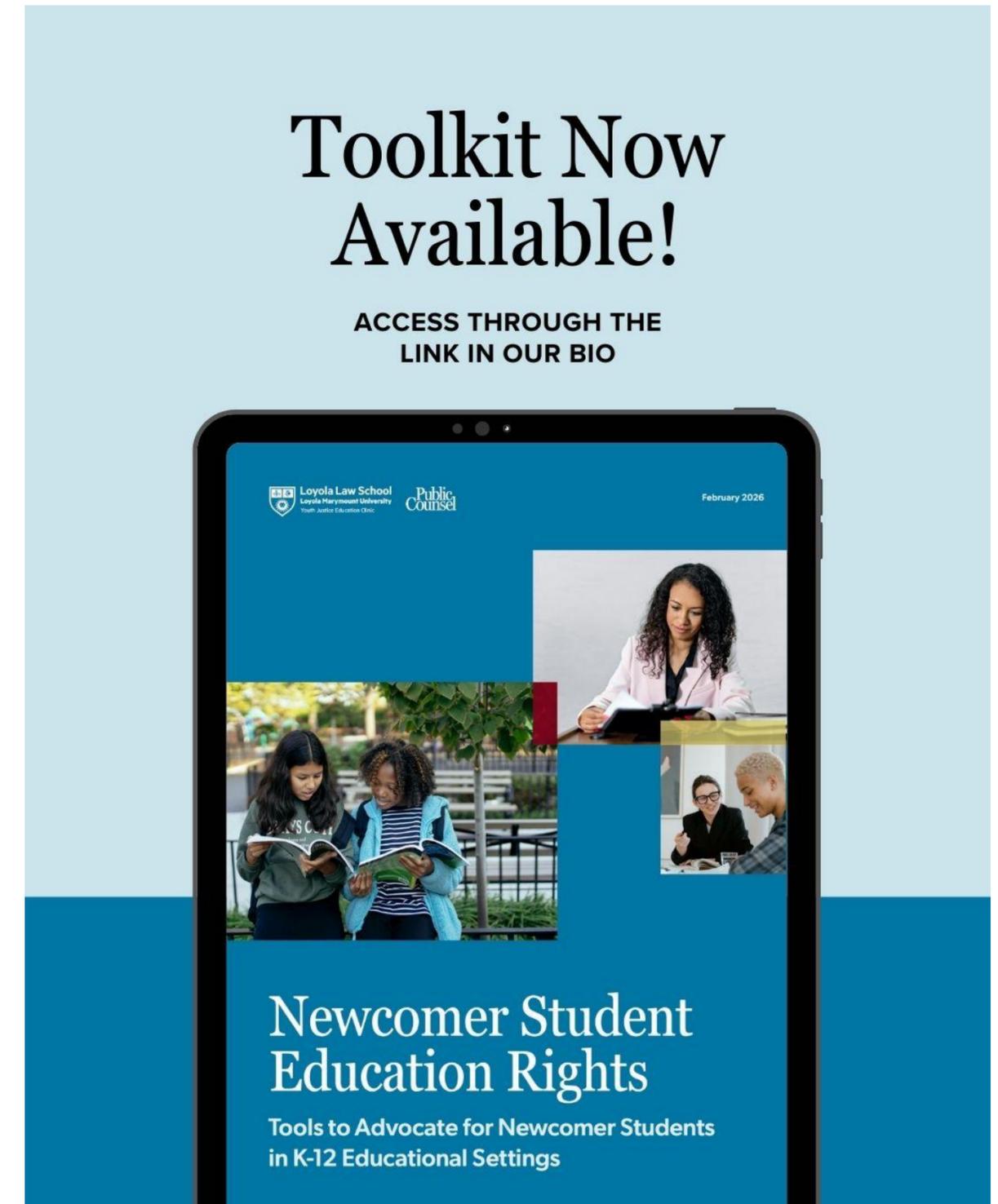
- A written and signed statement alleging a violation of select federal or state laws, which may include discrimination, harassment, intimidation, or bullying.
- If the complaint is alleging bullying or discrimination, it must be filed within **six (6) months** of the date of the alleged violation.
- For complaints alleging bullying, the complaint should be filed with the school district's UCP complaint office or point person. Each school district will have its own UCP complaint procedures, so you should research what the specific requirements of the students' district of attendance.
- After receiving the written complaint, a school district has **sixty (60) days** to investigate and respond to the complaint, unless the complainant agrees to extend the timeline.
- You can appeal the school district's decision to the California Department of Education.

- **Inform the school as early as possible of the bullying concerns. Remember to inform them in writing.**
- Request that the school implement a safety plan for the student. If the student is in special education, consider requesting an IEP meeting to discuss the Safety Plan, but also whether the student require counseling/mental health services or academic support services to mitigate the impact of the bullying.

Best Practice Tips

NEWCOMER EDUCATION RESOURCES

- Newcomer Education Toolkit: Tools to Advocate for Newcomer Students in K-12



NEWCOMER EDUCATION RESOURCES

- Newcomer Education One Pagers

Newcomer Education Toolkit

Special Education Eligibility¹



When should I consider recommending special education support for a student?

If you have concerns about the student's academic, social, emotional, behavioral, or physical development, and believe this is impacting their progress in school, it may be appropriate to discuss with the education rights holder (ERH) and school staff whether a Special Education evaluation or additional supports are needed.



If a student has limited English proficiency, can they be evaluated for Special Education?

YES. Under special education law, all students suspected of having a disability should be evaluated for special education. Additionally, tests and other materials used to assess a child for special education must be: (1) offered in a way that is not discriminatory based on a racial or cultural basis and (2) must be offered in the child/youth's native language.



Can the school identify a student as having a "Specific Learning Disability" only because they have limited English proficiency?

NO. A district may not find a student eligible for special education with "Specific Learning Disability" if the main reason is the student's limited English proficiency. If low academic achievement results solely from limited English proficiency, a child cannot be determined to have a disability on that basis. To receive an accurate finding of eligibility, a child with limited English proficiency should also be tested in their native language.



How can I help a family request Special Education support for their student?

If you think the student may need special education support in school, inform their ERH and school staff, and recommend that the student be evaluated.

- You and the ERK can ask the school for an evaluation verbally or in writing.
 - Please note that it is best to give the school the request for an evaluation in writing, so that the ERH has written proof of the request. The ERH can also ask the school to help them put their request in writing.
- Schools have a responsibility to find students whom they think may have a disability and complete evaluations to determine if the student is eligible for special education.



The ERH suspects the student has a learning disability, can the school refuse to find the student eligible just because of their limited English proficiency?

NO. After a district evaluates the student, they cannot refuse to make an eligibility determination based only on limited English proficiency. Since the district should be assessing in both English and the child/youth's native language, they should use the information from both assessments to make an eligibility determination. So long as the effects of limited English proficiency are not the determining factor for a child's low achievement, the school has no reason to refuse to make the student eligible for special education.

¹. PLEASE REFER TO PAGES ## IN THE NEWCOMER STUDENT EDUCATION RIGHTS TOOLKIT AT [LINK](#) FOR FURTHER INFORMATION.

NEWCOMER EDUCATION RESOURCES

- Technical Assistance Calls
- And Training

Newcomer Student Education Rights Training



Newcomer students, who have recently arrived in the United States, face unique challenges when trying to access their education.

LEARN HOW TO:

- Identifying common barriers to enrolling and attending comprehensive schools
- How to address those barriers
- How to request appropriate supports and services that make education accessible for immigrant youth

WE OFFER:

- Live trainings - in-person and remote!
- Technical assistance by phone or email
- Consultations



IF INTERESTED, PLEASE CONTACT

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Karen Martinez-Chung, Staff Attorney (Public Counsel)
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THANK YOU

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Loyola Law School

Loyola Marymount University

Youth Justice Education Clinic

**Public
Counsel**

ALLIANCE *for* CHILDREN'S RIGHTS

Webinar resources, including recording and supplemental materials, will be posted at <https://allianceforchildrensrights.org/resources/>

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**THANK
YOU**



@allianceforchildrensrights