

CHAPTER 4: EDUCATION



INTRODUCTION

Minnesota, which has a unique immigrant demographic and accompanying challenges, has seen overall improvements in academic outcomes that are shared by immigrant and refugee populations. Nonetheless, persisting disparities highlight inequities within the system. Interviewees pointed to systemic root causes, such as poverty and segregation, that require community commitment to school integration to remedy. Additionally, interviewees identified the need for state-level policy changes in order to reduce bullying and mitigate disparate negative effects of school discipline policies on immigrant and refugee students. They also noted state-, community-, and school-level policies that could be changed to alleviate barriers related to school readiness, preparedness of content staff to work with immigrant students, insufficient funding and staffing levels, and hiring and retention of staff of color.

Participants also identified the need for increased attention and resources accorded to English learner (EL) services, including more staffing, improved curricula and pedagogy, and better placement procedures of immigrants and refugees in both EL and special education classes.

Community members and interviewees cited several ways in which schools could create a more welcoming environment that included providing human rights and multicultural education, encouraging positive staff treatment and intervention, and enhancing the facility's physical environment. They also noted the importance of reducing barriers that limit family involvement, including perceptions of unwelcome, a range of communication issues linked to language and culture, and a lack of resources.

Many of the same issues extend themselves into postsecondary systems, resulting in unequal access manifested in student expectations, college readiness and support, available options, and discrimination. Finally, interviewees articulated the need for all systems to be routinely and systematically monitored.

DEFINITIONS

Throughout this section, “immigrant and refugee students” refers broadly to first- and second-generation students. “EL” is used to describe students who are English learners, because this is the term currently used in Minnesota Statutes.⁵⁰¹ Some now prefer “Multilingual Learner” (MLL), and other commonly used terms include English Language Learner (ELL), English as a Second Language (ESL), and Limited English Proficiency (LEP). Not all immigrant or refugee students require or receive EL services.

⁵⁰¹ Minn. Stat. § 124D.58 (2013).

HUMAN RIGHTS AND EDUCATION

Education is a fundamental human right⁵⁰² and the responsibility of government. In the United States, basic access to education is granted to all, regardless of immigration status.⁵⁰³ Education holds the promise of personal development and social progress. Its promotion or deficiency can determine whether an individual realizes an entire range of other human rights, and “lack of educational opportunities for children often reinforces their subjection to various other...violations.”⁵⁰⁴

Multiple international human rights treaties recognize the importance of education⁵⁰⁵ and afford every child the right to an education that is to be “available, accessible, acceptable, and adaptable.”⁵⁰⁶ Article 13 of the International Covenant on Economic, Social and Cultural Rights states that “education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms” and “shall enable all persons to participate effectively in a free society” and “promote understanding, tolerance and friendship among all nations...”⁵⁰⁷

Access to education is to be provided without discrimination.⁵⁰⁸ Article 1 of the Convention against Discrimination in Education, referenced in the preamble of the Convention on the Elimination of Racial Discrimination, considers “discrimination” to be: “any distinction, exclusion, limitation or preference which, being based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth, has the purpose or effect of nullifying or impairing equality of treatment in education and in particular...of limiting any person or group of persons to education of an inferior standard.”⁵⁰⁹

⁵⁰² Universal Declaration of Human Rights (UDHR), 1948, Art. 26(1); International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966, Art. 13; Convention of the Rights of the Child (CRC), 1989, Art. 28.

⁵⁰³ *Plyler v. Doe*, 457 U.S. 202, 230 (1982).

⁵⁰⁴ UN Committee on Economic, Social, and Cultural Rights, General Comment No. 11, Plans of Action for Primary Education ¶ 4, UN Doc. E/C.12/1999/4 (May 1999).

⁵⁰⁵ UDHR, Art. 26(1); ICESCR, Art. 13; CRC, Art. 28.

⁵⁰⁶ UN Special Rapporteur on the Right to Education and UNESCO Asia and Pacific Regional Bureau for Education, Manual on Rights-Based Education: Global Human Rights Requirements Made Simple, by Katarina Tomasevski (2004), <http://unesdoc.unesco.org/images/0013/001351/135168e.pdf>.

⁵⁰⁷ ICESCR, Art. 13.

⁵⁰⁸ CRC, Arts. 28-29; ICESCR, Art. 13; International Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979, Art. 10; International Convention on the Elimination of All Forms of Racial Discrimination (CERD), 1965, Arts. 5, 7; UNESCO General Conference, Convention against Discrimination in Education (CDE), 1960, Arts. 1-5; *Brown v. Board of Education* 349 U.S. 294 (1955); *Castañeda v. Pickard* 648 F.2d 989 (5th Cir. 1981); *Lau v. Nichols*, 414 U.S. 563 (1974); *Plyler v. Doe*, 457 U.S. 202 (1982); 20 U.S.C. §6301 et seq.; 42 U.S.C. §2000d et seq.; 20 U.S.C. §§1701-1758 (1974); 20 U.S.C. §1232g.

⁵⁰⁹ CDE, Art. 1.

The Convention clarifies that this right “includes access to education, the standard and quality of education, and the conditions under which it is given.”⁵¹⁰

THE ROLE OF GOVERNMENT

International human rights laws and standards dictate that it is the responsibility of government to fulfill the right to an education. Some recent critiques of public education and subsequent changes have had the effect of weakening the system. In order to address many underlying root causes of educational disparities, we must take collective responsibility for the laws and policies that have created inequities and strengthen the role of government such that it is able to fulfill this basic human right. There are many steps that administrators, teachers, parents, and students can take to improve school environment, pedagogy, and family engagement. Systemic change and the fortification of public education, however, is the responsibility of government.

PRE-K TO GRADE 12

EDUCATION IN MINNESOTA: A REPUTATION TO UPHOLD

Minnesota has long enjoyed a reputation of having an overall excellent educational system. Nationally, it ranks among the top ten states in several standardized tests⁵¹¹ and among the highest for the ACT college entrance exam.⁵¹² Many immigrants reported a sense of security in their belief that their children would receive a good education, and like some U.S.-born Minnesotans, moved to the state or a particular district based on its reputation.⁵¹³ A Liberian mother said confidently, “My son is only 18 months old and certainly he will get a good education.”⁵¹⁴ Another interviewee explained, “Minnesota is viewed as a good place for kids to grow. Education-wise, Minnesota is a good state to have your kids.”⁵¹⁵ A refugee in the metro area even reported finding Minnesota in a book he was given while imprisoned in his home country: “When I was in prison...I read a book showing communities around the world. I saw Minnesota...they have a lot of opportunities to teach their children. They encourage their community, especially in education...I wanted to visit

⁵¹⁰ CDE, Art. 1.

⁵¹¹ U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics, “NAEP State Comparisons,” <http://nces.ed.gov/nationsreportcard/statecomparisons/>.

⁵¹² Minnesota Office of Higher Education, “ACT & SAT Test Scores,” (accessed Mar. 21, 2014), <http://www.ohe.state.mn.us/mPg.cfm?pageID=792>.

⁵¹³ Interview 12; Interview 21; Interview 23; Interview 24; Interview 37; Interview 50.

⁵¹⁴ Interview 12.

⁵¹⁵ Interview 21.

Minnesota; this was my dream. That book – I brought it, I have it. From the prison to our native small town, then Thailand and now here.”⁵¹⁶

SPECIAL POPULATIONS, SPECIAL CHALLENGES

REFUGEES

Minnesota’s immigrant population is unique in its makeup. A large percentage is comprised of diverse refugees, heralding from Bhutan, Bosnia, Burma, Cambodia, Ethiopia, Iraq, Laos, Liberia, Somalia, the former Soviet Union, Vietnam, and other countries.⁵¹⁷

Refugees are not a monolithic population; however, there are some commonalities of fleeing one’s home country due to conflict or persecution that create vulnerabilities for students. Refugees and other displaced persons are subjected to potential trauma in the country of origin, during their flight, and in the country of refuge, leading to what has been termed “the triple trauma paradigm.”⁵¹⁸ As one interviewee put it, “[the schools] have to be sensitive to that situation, too.”⁵¹⁹

Some refugee students may simply need additional assistance because their parents are contending with the difficulties of coping, adjusting, and trying to begin a new life. Others may need mental health services to treat a range of issues, from depression to post-traumatic stress disorder.

Educators help refugee students acclimate to a new culture while helping them learn. Interviewees identified a range of needs to this end – from “helping them figure out technology without them being on Facebook all day,”⁵²⁰ to helping parents understand the educational system. Some refugees and immigrant groups do not have considerable experience with formal education systems. Some may not “read or write in their first language.”⁵²¹ For these groups, “there is a lot of catching up to do,” as one EL teacher of refugee students explained. “When you come to a country like this where everything is really dependent on literacy...it's not just about teaching language, it’s about teaching a culture of literacy.”⁵²²

⁵¹⁶ Interview 23.

⁵¹⁷ World Relief Minnesota, “Refugee Populations in Minnesota,” (accessed Mar. 21, 2014), <http://www.worldreliefmn.org/about-refugees/refugee-populations-in-minnesota/#sthash.iZSCXq1W.dpuf>.

⁵¹⁸ R. Baker, “Psychological Consequences for Tortured Refugees Seeking Asylum and Refugee Status in Europe,” in *Torture and Its Consequences: Current Treatment Approaches* (New York: Cambridge University Press, 1992), 83–106.

⁵¹⁹ Interview 18.

⁵²⁰ Interview 177.

⁵²¹ Interview 177.

⁵²² Interview 177.

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Academically, the U.S. educational system is not well equipped to meet the needs of older children of refugees who missed several years of education while surviving or fleeing conflict or living in a refugee camp. A cultural liaison remarked, “Kids are placed by age here, and I think that’s wrong. Some kid with a second-grade education who was in a refugee camp until age 14 is placed in high school. That kid will probably drop out.”⁵²³

Minnesota law provides for free high school⁵²⁴ or adult basic education⁵²⁵ classes until age 21. While there are some alternative high schools⁵²⁶ that tailor services to newly arrived refugee students, several interviewees recommended that the state “increase [the] maximum age for attending schools.”⁵²⁷ An administrator in southern Minnesota reported that what is needed is “a statewide education plan for the 16- to 22-year-old immigrants lacking a connection to life in America,” saying, “this should not be the responsibility of local districts.”⁵²⁸

UNDOCUMENTED STUDENTS

Undocumented students and families are another population that needs special consideration to reduce their fear and increase their opportunities to engage with schools. Interviewees noted the strong sense of fear with which undocumented students and families live.⁵²⁹ One of the primary sources of anxiety is around deportation of themselves or a family member. “Many students deal with fear of deportation,”⁵³⁰ and thus are “probably fearful of making themselves too ‘seen.’”⁵³¹ This can mean that “schools try to involve parents, but undocumented parents are afraid to go out – it is too risky.”⁵³² It can also lead to families moving frequently, leading to high student mobility,⁵³³ which puts them at a serious disadvantage academically.⁵³⁴

Students and families may also have a “fear of speaking up and asking for what they need,”⁵³⁵ which prevents children from receiving services that might be available to them. Education professionals

⁵²³ Interview 130.

⁵²⁴ Minn. Stat. § 120A.20 (2013).

⁵²⁵ Minn. Stat. § 124D.52, subd. 1(b) (2013).

⁵²⁶ See, for example: LEAP High School in Saint Paul, Minnesota: <http://leap.spps.org/home.html>.

⁵²⁷ Conversation 24; Interview 73; Interview 169; Interview 178.

⁵²⁸ Interview 73.

⁵²⁹ Conversation 17; Interview 144; Interview 160; Interview 168.

⁵³⁰ Conversation 17.

⁵³¹ Interview 168.

⁵³² Interview 137.

⁵³³ Conversation 17.

⁵³⁴ Institute for Children and Poverty, “Miles to Go: The Flip Side of the McKinney-Vento Homeless Assistance Act,” Jan. 2003, http://www.citylimits.org/images_pdfs/pdfs/Homeless%20students%20study.pdf.

⁵³⁵ Interview 160.

expressed a parallel concern: they want to provide referrals for help, but fear that they may be exposing the student or family to risk of deportation in doing so. They expressed the need for assistance in finding safe referrals and in understanding the implications of presenting such referrals to students and families.

“Many students deal with fear of deportation.”

Many undocumented families live at or near poverty.⁵³⁶ In addition to inherent hardships, the situation can also mean that U.S.-citizen children whose parents are undocumented need to get jobs to help support the family. One

administrator said, “We have students who work at Kohl’s or Burger King and are the highest wage earners in their families.”⁵³⁷ If students spend a considerable amount of time working, they have less time to spend on homework, extracurricular activities, and other social events that might strengthen their connections with school.

To address some of the fear and logistical difficulties around documentation, one district reported changing the parent volunteer form so that they did not ask for Social Security numbers, which are not required to run background checks.⁵³⁸ A service provider noted that schools can also issue photo IDs so that undocumented students have some form of identification.⁵³⁹

UPWARD TRENDS, PERSISTING DISPARITIES

Minnesota has seen marked overall gains in mathematics and modest gains in reading in the last decade.⁵⁴⁰ Indicators show many significant improvements among minority groups, as well. For example, during the same time frame, graduation rates improved for all students of color, with Hispanics’ rate increasing by 20 percentage points.⁵⁴¹ Moreover, in 2013, “African American students in Minnesota posted big gains in math, performing fourth-highest among all African American students in the country, compared to 22nd in 2011.”⁵⁴² The increased, focused attention on ethnic minorities, including immigrants and refugees, should be acknowledged, and the gains celebrated.

⁵³⁶ Migration Policy Institute, “State Immigration Data Profiles: Minnesota,” (2012 Income and Poverty Table), <http://migrationpolicy.org/data/state-profiles/state/income/mn>.

⁵³⁷ Interview 158.

⁵³⁸ Interview 79.

⁵³⁹ Interview 75.

⁵⁴⁰ U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics, “State Profiles,” (accessed Mar. 21, 2014), <http://nces.ed.gov/nationsreportcard/states/>.

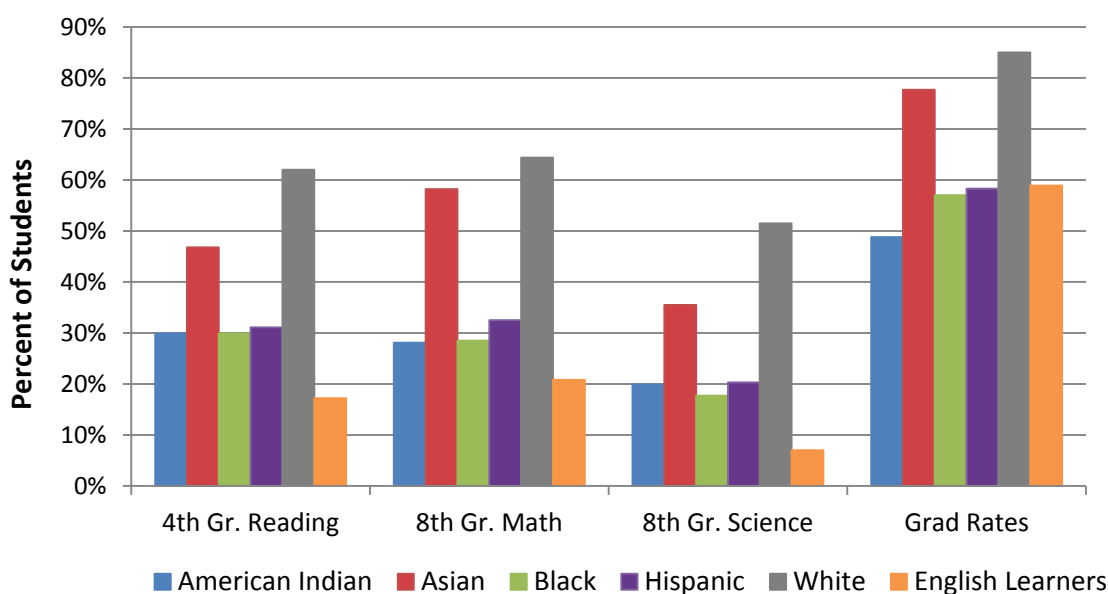
⁵⁴¹ Minnesota Compass, “High School Students Graduating on Time by Racial and Ethnic Group: Minnesota, 2003–2013,” <http://www.mncompass.org/education/high-school-graduation#1-6085-d>.

⁵⁴² State of Minnesota, Office of Governor Mark Dayton, “Minnesota Makes Significant Gains in Narrowing Achievement Gap,” Nov. 7, 2013, <http://mn.gov/governor/newsroom/pressreleasedetail.jsp?id=102-93335>.

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Where trend data shows improvement, however, white students also improve. Thus, alarming disparities between white students and students of color persist.⁵⁴³ As seen in Table 1, the rate of fourth grade reading proficiency for Black and Hispanic children is approximately half that of their white peers. English learners (ELs) (not a mutually exclusive category) experience the lowest proficiencies in reading, math, and science.⁵⁴⁴ Black, Hispanic, and EL students graduate at a rate of 57, 58, and 59 percent respectively, while white students graduate at a rate of 85 percent.

TABLE 1: MINNESOTA ACHIEVEMENT INDICATORS FOR 2012-2013⁵⁴⁵



Racial, Ethnic, and Special Population Groups

⁵⁴³ U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics, "Achievement Gaps," July 2009, <http://nces.ed.gov/nationsreportcard/pdf/studies/2009455.pdf>; The Minneapolis Foundation, "2013 Community Indicators Report," http://www.minneapolisfoundation.org/Libraries/Documents_for_Website/2013OneMinneapolisReport.sflb.ashx; Wilder Research, Minnesota Compass, "Overview," <http://www.mncompass.org/education/overview>.

⁵⁴⁴ Wilder Research, Minnesota Compass, "High School Students Graduating on Time by Racial and Ethnic Group: Minnesota, 2003–2013," <http://www.mncompass.org/education/high-school-graduation#1-6085-d>; Wilder Research, Minnesota Compass, "High School Students Graduating on Time by Special Population: Minnesota, 2003–2013," <http://www.mncompass.org/education/high-school-graduation#1-6088-d>.

⁵⁴⁵ Data from Minnesota Department of Education, "Minnesota Report Card," <http://rc.education.state.mn.us/>. The exact categories are American Indian/Alaskan Native; Asian/Pacific Islander; Black, not of Hispanic Origin; Hispanic; and White, not of Hispanic Origin.

POVERTY AND SEGREGATION

In response to growing attention to educational disparities,⁵⁴⁶ people pointed to poverty and segregation as contributing factors and cited a need for “fairness and equal quality of education.”⁵⁴⁷ The varying degrees of quality among Minnesota schools are often determined by the level of wealth within the neighborhood or district in which the school is located, especially in metropolitan areas. A Latino community leader believes that quality “varies from community to community,” with some “doing a good job of tailoring programs for recent immigrants,” and others “not [doing well] at adapting to the ever-changing needs of students.”⁵⁴⁸ One social worker observed: “Certain zip codes will get better funding for their children’s education. All across, not a lot of equity in quality of education...there are no surprises there.”⁵⁴⁹

RISK FACTORS

Research indicates that the pre-migratory educational status of parents and their post-migratory employment status (see Chapter 3: Economic Opportunity) make a significant difference in academic outcomes of immigrant youth.⁵⁵⁰

Inequities have widened with the rise of segregation over the last two decades. A policymaker noted: “We have a significant problem with segregation in Minnesota.”⁵⁵¹ Immigrants pointed out these divisions and their impact on them. A Somali woman expressed the acute impact of such divides on her personally: “I love this country,” she said. “But it isn’t easy to live here.” When asked to explain, she responded: “I’ve lived here for almost 21 years, and I still feel like a foreigner. I am still a Somali woman. I am not an American Somali woman...because everywhere you look, there is separation. There are white schools, and black schools, and Somali schools, and Muslim schools. But the only ones that ever seem to do well are the white schools.”⁵⁵²

⁵⁴⁶ Reducing the achievement gap is included in Minnesota’s waiver for requirements in the Elementary and Secondary Education Act. Minnesota Department of Education, “ESEA Waiver,” (2013), <http://education.state.mn.us/MDE/JustParent/ESEA/>.

⁵⁴⁷ Conversation 21.

⁵⁴⁸ Interview 106.

⁵⁴⁹ Interview 115.

⁵⁵⁰ Suet-Ling Pong, Nancy S. Landale, *Academic Achievement of Legal Immigrants’ Children: The Roles of Parents’ Pre- and Postmigration Characteristics in Origin-Group Differences*, 85(5) *Child Development* 1543–59 (Sept. 2012).

⁵⁵¹ Interview 162.

⁵⁵² Interview 41.

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A cultural liaison reporting on a local geographical division said, “One side has more Caucasians. [The other] is more black and brown.”⁵⁵³ When asked if she knew why, she replied, softly: “It is too deep to talk about it.”⁵⁵⁴

Immigrants and refugees in Minnesota are more likely to be people of color, more likely to have limited English proficiency, and more likely to be poor than U.S.-born residents.⁵⁵⁵ This intersection means that immigrant students are more vulnerable to experiences of racial isolation and the effects of concentrated poverty.

CURRENT TRENDS IN MINNESOTA

A paper released by the Institute on Metropolitan Opportunity asserts that: “Public-school segregation, after dramatically improving in the era of civil rights enforcement (1968-90), has significantly eroded. Blacks are now almost as racially isolated from whites as they were at the time of the passage of the 1964 Civil Rights Act. For Latino students, segregation is worse than ever. Like housing segregation, school segregation is most pronounced in the Northeast and Midwest.”⁵⁵⁶

The impact of this segregation in Minnesota and other areas of the country is decreased student achievement in minority schools.⁵⁵⁷ A 2002 North Carolina study “found that attending a segregated black elementary school has direct negative effects on achievement...even after controlling for a host of individual and family background factors.”⁵⁵⁸

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⁵⁵³ Some schools have different names for this position, such as Equity or Outreach Specialist or Family Liaison. The role of the staff member is to act as a liaison between students, faculty, and families.

⁵⁵⁴ Interview 150.

⁵⁵⁵ Migration Policy Institute, “State Immigration Data Profiles: Minnesota,” (2012 Income and Poverty Table), <http://migrationpolicy.org/data/state-profiles/state/income/mn>.

⁵⁵⁶ University of Minnesota Law School, Institute on Metropolitan Opportunity, *America’s Racially Diverse Suburbs: Opportunities and Challenges*, by Myron Orfield and Thomas Luce (July 2012), 4, http://www.law.umn.edu/uploads/e0/65/e065d82a1c1da0bfef7d86172ec5391e/Diverse_Suburbs_FINAL.pdf.

⁵⁵⁷ Stephen B. Billings, David J. Deming, and Jonah E. Rockoff, National Bureau of Economic Research Working Paper No. 18487, “School Segregation, Educational Attainment and Crime: Evidence from the End of Busing in Charlotte-Mecklenburg,” (Cambridge, Massachusetts: National Bureau of Economic Research, Oct. 2012), <http://www.nber.org/papers/w18487>.

⁵⁵⁸ Roslyn Arlin Mickelson, University of North Carolina at Charlotte, Department of Sociology, “The Academic Consequences of Desegregation and Segregation: Evidence from the Charlotte-Mecklenburg Schools,” Aug. 2002, <http://civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/the-academic-consequences-of-desegregation-and-segregation-evidence-from-the-charlotte-mecklenburg-schools/mickelson-academic-consequences-desegregation.pdf>.

Nationally, the “greatest progress in closing the gap coincided with the historic push for school desegregation in the 1960s and 1970s. Stagnation came after efforts to integrate schools slowed down. Today, the test score gap is nearly 50 percent larger in states with the highest levels of school segregation.”⁵⁵⁹

This is largely because these racially isolated schools tend to be “high-poverty, low-performing schools.”⁵⁶⁰ High-poverty schools present punishing barriers for any student. A summary of research reveals that “parents know what ...fifty years of sociological data have made clear: being born into a poor family places students at risk, but to be assigned then to a school with a high concentration of poverty poses a second, independent disadvantage that poor children attending middle-class schools do not face. Taken together, being poor and attending schools with classmates who are poor constitutes a clear ‘double handicap.’”⁵⁶¹

These students have “classmates who are generally less prepared, have lower aspirations and graduation rates and have greater absences; parents who are less involved, with less political and financial clout; and teachers who tend to be less experienced and more commonly teach outside their fields of concentration.”⁵⁶²

This is a grave concern in Minnesota, where “elementary students of color in the Twin Cities metro are more than five times as likely to attend schools with high concentrations of poverty” and “more than thirty times as likely as white students to find themselves in very high poverty schools.”⁵⁶³

MOVING FORWARD

International human rights standards require governments to “particularly condemn racial segregation,”⁵⁶⁴ and “avoid segregated schooling.”⁵⁶⁵ Minnesota law is out of step with these

⁵⁵⁹ Russell Sage Foundation, “Steady Gains and Stalled Progress: Inequality and the Black-White Test Score Gap,” <https://www.russellsage.org/publications/steady-gains-and-stalled-progress>.

⁵⁶⁰ Margaret C. Hobday, Geneva Finn, and Myron Orfield, *A Missed Opportunity: Minnesota’s Failed Experiment with Choice-Based Integration*, 35 William Mitchell Law Review, 936, 940 (2009).

⁵⁶¹ Poverty & Race Research Action Council, “Annotated Bibliography: The Impact of School-Based Poverty Concentration on Academic Achievement & Student Outcomes,” Washington, DC, http://www.prrac.org/pdf/annotated_bibliography_on_school_poverty_concentration.pdf.

⁵⁶² Diversitydata.org, *Segregation and Exposure to High-Poverty Schools in Large Metropolitan Areas: 2008–09*, by Nancy McArdle, Theresa Osypuk, and Dolores Acevedo-Garcia (Sept. 2010), 1, http://diversitydata.sph.harvard.edu/Publications/school_seggregation_report.pdf.

⁵⁶³ University of Minnesota Law School, Institute on Race & Poverty, *A Comprehensive Strategy to Integrate Twin Cities Schools and Neighborhoods*, by Myron Orfield, Thomas Luce, Baris Gumus-Dawes, Geneva Finn, and Eric Myott (July 2009), 3, <https://www.law.umn.edu/uploads/ec/fd/ecfdc6101486f404170847f46b03a083/1-Comprehensive-Strategy-to-Integrate-Twin-Cities-Schools-and-Neighborhoods.pdf>.

⁵⁶⁴ CERD, Art. 3.

norms, making integration difficult. The state’s current law requires proof of intent to segregate,⁵⁶⁶ does not cover open enrollment policies, and is the only state in the United States⁵⁶⁷ that exempts charter schools from its anti-segregation rule.⁵⁶⁸ Yet, violations of the right to education “include...the failure to take measures which address de facto educational discrimination.”⁵⁶⁹ In other words, the effect is the same, regardless of intent, and must be addressed by the government. “States parties must closely monitor education – including all relevant policies, institutions, programmes, spending patterns, and other practices – so as to identify and take measures to redress any de facto discrimination.”⁵⁷⁰

A RECENT HISTORY OF SEGREGATION

Contemporary segregation is not the result of the type of policies in place before the Civil Rights Act, which intentionally separated children of color from their white peers. Rather, it has its roots in neighborhood and community segregation.⁵⁷¹ These patterns have been exacerbated by recent school choice policies without protections against segregation.

Designed to give parents choices through open enrollment within and between districts and to “promote innovation, quality, choice and accountability in public education”⁵⁷² through charter schools, these policies have accelerated existing segregation among Minnesota schools. The rationale of open enrollment is that parents can choose to send their child to whichever school they deem best, which would provide choice to families and promote competition that improves all schools.

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⁵⁶⁵ UN Committee on the Elimination of Racial Discrimination, General Recommendation No. 30, Discrimination Against Non-Citizens ¶ 31, UN Doc. CERD/C/64/Misc.11/rev.3 (Feb.–Mar. 2004), <http://www.errc.org/cms/upload/media/03/CE/m000003CE.pdf>.

⁵⁶⁶ Minn. Rules 3535.0110, subp. 9 (defining “segregation” as “the intentional act or acts by a school district that has the discriminatory purpose of causing a student to attend or not attend particular programs or schools within the district on the basis of the student’s race and that causes a concentration of protected students at a particular school”).

⁵⁶⁷ The Civil Rights Project, *Equity Overlooked: Charter Schools and Civil Rights Policy*, by Erica Frankenberg and Genevieve Siegel-Hawley (Nov. 2009), 14, <http://civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/equity-overlooked-charter-schools-and-civil-rights-policy/frankenber-equity-overlooked-report-2009.pdf>.

⁵⁶⁸ Minn. Rules 3535.0110, subp. 8.

⁵⁶⁹ CESCR, GC No. 13, The Right to Education ¶ 59, UN Doc. E/C.12/1999/10 (Dec. 1999).

⁵⁷⁰ CESCR, GC No. 13, The Right to Education ¶ 37, UN Doc. E/C.12/1999/10 (Dec. 1999).

⁵⁷¹ Housing policy and education policy are closely related. See Housing chapter, “Residential Segregation.”

⁵⁷² MN Association of Charter Schools’ website, <http://www.mncharterschools.org>.

The reality, however, is that selective schools in affluent areas often have limited space and most immigrant families do not have access to good information about their options, nor the time and transportation needed to get their child to a district with a higher-performing school. Moreover, many white families tend to move their children out of schools as they become more diverse. Sometimes this is to a neighboring district, and increasingly in diverse suburbs, it is to newly created charter schools that are “predominantly white.”⁵⁷³

The majority of students served by charter schools, however, are still low-income students and students of color.⁵⁷⁴ Many immigrant and refugee parents decide to send their children to charter schools. Charters can offer an environment where a particular immigrant population is often the supermajority, and as such, reduce cultural and language barriers. They often hire staff members from that immigrant group and offer specialized services, such as traditional foods in the cafeteria. One interviewee said she felt her children’s charter school “is more culturally rich.”⁵⁷⁵ Another interviewee reported, however, that immigrant families in one suburban community fought to have their children stay in the integrated public school when they were offered a Somali charter alternative, saying that immigrant families do not always know their options – and sometimes their only other real option is a low-performing neighborhood school.⁵⁷⁶

It is noteworthy that many charter schools – “created to address significant problems relating to achievement”⁵⁷⁷ – have drawn considerable resources away from traditional schools, yet perform below them academically, even “after controlling for student poverty, race, special education needs, limited language abilities, student mobility rates, and school size.”⁵⁷⁸

“Integration is essential,” said one policymaker.⁵⁷⁹ Minnesota has taken steps toward integration, and several programs aimed at achieving integration, such as integration districts, are in place.

⁵⁷³ University of Minnesota Law School, Institute on Metropolitan Diversity, *Charter Schools in the Twin Cities: 2013 Update* (Oct. 2013), 6, <http://www.law.umn.edu/uploads/16/65/1665940a907fdb31337271af733353d/Charter-School-Update-2013-final.pdf>.

⁵⁷⁴ University of Minnesota Law School, Institute on Metropolitan Diversity, *Charter Schools in the Twin Cities: 2013 Update*, 2.

⁵⁷⁵ Interview 135.

⁵⁷⁶ Interview 182.

⁵⁷⁷ Interview 162.

⁵⁷⁸ University of Minnesota Law School, Institute on Metropolitan Diversity, *Charter Schools in the Twin Cities: 2013 Update*, 8. There are exceptions to this rule; a handful of charter schools outperform traditional public schools in at least one standardized test.

⁵⁷⁹ Interview 162.

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These integration programs, however, are voluntary, not mandatory, and thus have had limited results to date.⁵⁸⁰

Integration has conversely positive effects to segregation's ill effects. According to one article, "Attending racially integrated schools and classrooms improves the academic achievement of minority students, whether measured by test scores, attendance rates, graduation rates, or the likelihood of attending college."⁵⁸¹ This is, in part, because "minority students who attend integrated schools are connected to higher-status social networks, which improve their chances of attending more selective colleges and getting higher-status jobs."⁵⁸² Moreover, in fulfillment of other human rights aims, "racially integrated schools are associated with a reduction in racial stereotypes and greater cross-racial understanding among all students."⁵⁸³

FUNDING

Minnesota ranks 16th nationwide in per pupil revenue,⁵⁸⁴ and education accounts for the largest percent of the state's budget.⁵⁸⁵ Across the state, however, individuals reported that budgetary stress is one reason immigrant and refugee students are

“Nothing short of a massive national effort will be required to get all children off to a strong start in school.”

not always served as well as they could be. Among other issues, cuts have increased staff-to-student ratios and class size; decreased or completely cut professional development for teachers;

⁵⁸⁰ Margaret C. Hobday, Geneva Finn, and Myron Orfield, *A Missed Opportunity: Minnesota's Failed Experiment with Choice-Based Integration*, 35 William Mitchell Law Review, (2009), 938-39.

⁵⁸¹ University of Minnesota Law School, Institute on Race & Poverty, *A Comprehensive Strategy to Integrate Twin Cities Schools and Neighborhoods*, by Myron Orfield, Thomas Luce, Baris Gumus-Dawes, Geneva Finn, and Eric Myott (July 2009), 1, <https://www.law.umn.edu/uploads/ec/fd/ecfdc6101486f404170847f46b03a083/1-Comprehensive-Strategy-to-Integrate-Twin-Cities-Schools-and-Neighborhoods.pdf>.

⁵⁸² The Civil Rights Project, *Integrating Suburban Schools: How to Benefit from Growing Diversity and Avoid Segregation*, by Adai Tefera, Erica Frankenberg, Genevieve Siegel-Hawley, and Gina Chirichigno (2011), 63. Also available online at <http://civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/integrating-suburban-schools-how-to-benefit-from-growing-diversity-and-avoid-segregation/tefera-suburban-manual-2011.pdf>.

⁵⁸³ The Civil Rights Project, *Integrating Suburban Schools: How to Benefit from Growing Diversity and Avoid Segregation*, by Adai Tefera, Erica Frankenberg, Genevieve Siegel-Hawley, and Gina Chirichigno (2011), 4. Also available online at <http://civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/integrating-suburban-schools-how-to-benefit-from-growing-diversity-and-avoid-segregation/tefera-suburban-manual-2011.pdf>.

⁵⁸⁴ National Education Association, *Rankings of the States 2012 and Estimates of School Statistics 2013* (Dec. 2012), 39-40, [http://www.nea.org/assets/img/content/NEA_Rankings_And_Estimates-2013_\(2\).pdf](http://www.nea.org/assets/img/content/NEA_Rankings_And_Estimates-2013_(2).pdf). Ranking varies slightly based on year, term, and methods of measurement.

⁵⁸⁵ Minnesota Department of Education, *K-12 Education Finance Overview 2011-2012* (Feb. 2012), 6, http://education.state.mn.us/mdeprod/idcplg?IdcService=GET_FILE&dDocName=042213&RevisionSelectionMethod=latestReleased&Rendition=primary.

diminished funding of EL programs, cultural liaisons, and ombudsmen; limited state- and district-level staff who monitor spending and performance; and prevented or decreased early childhood opportunities.

“Education has been neglected,” said a state-level expert. “Not just for immigrants. Immigrants are at the bottom, so [they] feel it with greater strength, but the negative impact of defunding and eliminating systems of support has been developed over many years, and we’re now seeing it.”⁵⁸⁶

A district-level employee in a suburb sighed and said, “Everyone in education is stretched so thin that it’s easy for some groups to fall off the radar.”⁵⁸⁷ A teacher in the metro agreed: “The public schools have been consistently defunded; a lot of money has been taken away. We aren’t able to offer the kinds of programs that these students need.”⁵⁸⁸

As much as the state is spending, there is widespread agreement that there are not enough resources allocated to meet the needs of many students, including immigrant and refugee students. This is perhaps not only a Minnesota experience; a publication on disparities by the Foundation for Child Development calls for increased investment in education, going so far as to say that “nothing short of a massive national effort will be required to get all children off to a strong start in school.”⁵⁸⁹

SAFETY AND SECURITY IN SCHOOLS

In order to realize their right to an education, all children must be afforded safety and security in school. Currently, many immigrant and refugee youth fall victim to bullying and experience disparate effects of harsh school discipline policies. Federal and state laws and policies can help provide a better framework for district-level policies and practices in these areas.

BULLYING

Some immigrant students reported bullying on account of their immigration status. As most people know, “kids can be quite cruel...there are some big issues with bullying.”⁵⁹⁰ Community members and other interviewees reported multiple accounts of teasing and bullying based on race, skin color,

⁵⁸⁶ Interview 162.

⁵⁸⁷ Interview 153.

⁵⁸⁸ Interview 179.

⁵⁸⁹ Donald J. Hernandez and Jeffrey S. Napierala, *Disparities Among America’s Children No. 1, “Diverse Children: Race, Ethnicity, and Immigration in America’s New Non-Majority Generation”* (Foundation for Child Development, July 2013), 3, <http://fcd-us.org/sites/default/files/DiverseChildren%20-%20Full%20Report.pdf>.

⁵⁹⁰ Interview 119.

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accent, ethnic background,⁵⁹¹ and perhaps reflecting contemporary national biases, a significant number based on real or perceived religious affiliation or national origin.⁵⁹²

A mother in a northern suburb pointed to the oft-cited issue of students targeting Muslim girls who cover: “In public schools, when girls wear head scarves, they are made fun of a lot. Some people say ‘Aren’t you hot in there?’ or ‘How can you dress like that?’”⁵⁹³

Evidence of such bullying is also borne out in the 2013 Minnesota Student Survey, which reveals race, ethnicity, and national origin (one category) and religion (another category) are two main reasons that students are bullied across the state.⁵⁹⁴

When posed the question of whether students felt safe in school, more than one interviewee stated that physical safety is upheld, but emotional safety, which also affects academic and social outcomes,⁵⁹⁵ is not.⁵⁹⁶ A district-level employee said: “The most important thing is that it feels safe for students and their families. What does safety mean? There are different kinds of safety – there is physical safety, which I think our schools do a good job with. In terms of emotional safety, we have more work to do, especially for immigrant students.”⁵⁹⁷

While some interviewees reported their children were treated well,⁵⁹⁸ and one reflected that today’s students “are in a generation of youth that accepts different races and cultures more willingly,”⁵⁹⁹ many stories from immigrants and refugees across the state suggest there is a need for improvement.

Fortunately, much attention is now being paid to the issue of bullying, and new proposed legislation seeks to remedy Minnesota’s current law,⁶⁰⁰ which was found to be the weakest in the nation in a

⁵⁹¹ Interview 38; Interview 48; Interview 84.

⁵⁹² Interview 18; Interview 24; Interview 35; Interview 73; Interview 101; Interview 127; Interview 157; Interview 161; Interview 167.

⁵⁹³ Interview 18.

⁵⁹⁴ Minnesota Department of Health, *2013 Minnesota Student Survey Statewide Tables*, Table 7 (2013), 7, <http://www.health.state.mn.us/divs/chs/mss/statewidetables/statetablesbygender13.pdf>.

⁵⁹⁵ See, for example: Sarah D. Sparks, *Social-Emotional Needs Entwined with Students’ Learning, Security*, Education Week, Jan. 4, 2013, <http://www.edweek.org/ew/articles/2013/01/10/16environment.h32.html>.

⁵⁹⁶ Interview 153; Interview 157.

⁵⁹⁷ Interview 153.

⁵⁹⁸ Interview 29; Interview 49.

⁵⁹⁹ Interview 49.

⁶⁰⁰ Minn. Stat. § 121A.0695 (2013).

U.S. Department of Education analysis.⁶⁰¹ The Safe and Supportive Schools Act enumerates, among others, race, ethnicity, religion, and national origin as bases of bullying.⁶⁰² Its passage would help to bring Minnesota closer to a place of compliance with human rights standards.⁶⁰³

SCHOOL DISCIPLINE POLICIES

Another contributing factor to insecurity in schools is the escalating national problem of punitive and exclusionary school discipline policies in response to non-violent acts committed in schools by minors. Such policies fuel the “school-to-prison pipeline” – a phrase used to describe the phenomenon of high percentages of young men of color ending up in the juvenile (and then criminal) justice system.

Multiple community members and interviewees flagged the problem of disparate rates of discipline among certain racial or ethnic groups

Students of color, including some immigrant and refugee students, are disproportionately affected by such policies.⁶⁰⁴ Multiple community members and interviewees flagged the problem of disparate rates of discipline among certain racial or ethnic groups.⁶⁰⁵ A Latino community member remarked that the community is “seeing disciplinary action – tracking children’s behavior and poor class performance, instead of helping them.”⁶⁰⁶ An interviewee in greater Minnesota remarked, “There are also inequities in the school system. For example, a kid may be taunted in school because he is Mexican. Eventually this builds up and he throws the first punch. Then he gets suspended and the other kids do not receive any punishment.”⁶⁰⁷

⁶⁰¹ U.S. Department of Education, *Analysis of State Bullying Laws and Policies*, Exhibit 17, by Victoria Stuart-Cassel, Ariana Bell and J. Fred Springer (2011), 43-44, <http://www2.ed.gov/rschstat/eval/bullying/state-bullying-laws/state-bullying-laws.pdf>.

⁶⁰² Minnesota House of Representatives, Research Department, *House Research Bill Summary: H.F. 826* (May 2013), <http://www.house.leg.state.mn.us/hrd/bs/88/HF0826.pdf>.

⁶⁰³ The Advocates for Human Rights is part of a coalition supporting The Safe and Supportive Minnesota Schools Act, led by OutFront Minnesota. OutFront Minnesota, “The Minnesota Safe Schools for All Coalition,” <http://www.outfront.org/safeschools/coalition>. At the time of publication, the bill, HF 826/SF 783, was being considered by the Minnesota legislature.

⁶⁰⁴ See, for example: Ivory A. Toldson, Tyne McGee and Brianna P. Lemmons, “Reducing Suspension Among Academically Disengaged Black Males,” http://civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/state-reports/copy3_of_dignity-disparity-and-desistance-effective-restorative-justice-strategies-to-plug-the-201cschool-to-prison-pipeline/toldson-reducing-suspension-ccrr-conf-2013.pdf.

⁶⁰⁵ Conversation 6; Conversation 9; Interview 87; Interview 152; Interview 154; Interview 157; Interview 177.

⁶⁰⁶ Conversation 6.

⁶⁰⁷ Interview 87.

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While juvenile delinquency adjudications generally do not make a person deportable,⁶⁰⁸ contact with the juvenile justice system can result in an undocumented child being turned over to Immigration and Customs Enforcement for deportation.⁶⁰⁹

In January, 2014, the Departments of Education and Justice released new guiding principles for schools to try to curb these disturbing trends.⁶¹⁰ While helpful, the principles lack legal teeth on their own. Minnesota law stipulates that, in consultation with a range of stakeholders, each school board must adopt a discipline policy, to include “minimum consequences”⁶¹¹ and “procedures for removal of a student from a class,”⁶¹² and that this policy should be reviewed annually.⁶¹³

The discipline policy⁶¹⁴ is to include “procedures determined appropriate for encouraging early detection of behavioral problems.”⁶¹⁵ This is in keeping with a “focus on prevention” called for by the federal guiding principles. However, referral provisions in the discipline policy are limited to chemical abuse issues⁶¹⁶ and special education⁶¹⁷ and provide no mechanism for students to receive other preventative services, such as assessments and other mental health referrals and resources.

In considering an appropriate school discipline policy, authoring committees should first conduct an audit to find out which groups are most likely to be affected and whether any disparities exist. The list of committee stakeholders in Minnesota statute includes pupils,⁶¹⁸ which affords schools the important opportunity to promote meaningful participation from students, particularly those from populations disproportionately affected.

⁶⁰⁸ Conviction for immigration purposes is defined at 8 U.S.C. § 1101(a)(48). It does not include delinquency adjudication.

⁶⁰⁹ Interview 124.

⁶¹⁰ U.S. Department of Education, *Guiding Principles: A Resource Guide for Improving School Climate and Discipline* (Jan. 2014), <http://www2.ed.gov/policy/gen/guid/school-discipline/guiding-principles.pdf>.

⁶¹¹ Minn. Stat. § 121A.61, subd. 3(n) (2013).

⁶¹² Minn. Stat. § 121A.61, subd. 3(d) (2013).

⁶¹³ Minn. Stat. § 121A.65, (2013).

⁶¹⁴ The law also provides alternatives to suspension, allowing administrative discretion to allow a parent to attend school with the student or have the pupil attend school on a Saturday, supervised by the principal or “the principal’s designee.” Minn. Stat. § 121A.575 (2013). It is worth noting the absence of requisite student learning in the statute, as well as the permission to allow a child to be left alone with a single adult in a school setting for an entire day without stipulating a background check and other parameters, leaving minors vulnerable to abuse.

⁶¹⁵ Minn. Stat. § 121A.61, subd. 3(j) (2013).

⁶¹⁶ Minn. Stat. § 121A.61, subd. 3(m) (2013).

⁶¹⁷ Minn. Stat. § 121A.61, subd. 3(k) (2013).

⁶¹⁸ Minn. Stat. § 121A.61, subd. 1 (2013).

INSTITUTIONAL RACISM

Looking at root causes and unpacking barriers can help schools and communities better understand, and take steps to address, the complex notion of “institutional racism” that underlies issues such as disparities in academic outcomes, disparate effects of school discipline policies, and lack of engagement among immigrant families.

EARLY CHILDHOOD: PREPAREDNESS TO LEARN

Early childhood and preschool programs have a significant impact on any child’s future academic success, but can be particularly important for children of immigrant parents who lack familiarity with the U.S. educational system. Interviewees cited the importance of giving immigrant and refugee children “time to acculturate and get used to the learning environment.”⁶¹⁹ To address these needs, many Early Childhood Family Education (ECFE) programs conduct outreach and offer services free of charge to native-born and foreign-born families alike. Some schools provide parents’ kits, which “include colors, letters, numbers...and tips for parents” so that “they can be part of the team.”⁶²⁰

Those who have witnessed or participated in early childhood programs reported many successes. A school employee who works with young families said that their program “is having a huge impact in terms of academic socialization. The teachers definitely notice a difference in the students who come into kindergarten from the program versus those who have been at home with grandma as the babysitter.”⁶²¹ “We’re trying to be intentional and close the gap at the beginning,” said a Hmong cultural liaison. “It is hard to fix later on – for teachers and the whole educational system. If you can close the gap in K-3, there is less to deal with later.”⁶²² A wealth of scholarship demonstrates the need for early childhood programs for all students, including students of color⁶²³ and low-income students,⁶²⁴ and a particular need to have children reading by grade three.⁶²⁵ There are waiting lists for early childhood programs, however, as there is not enough funding or space in some areas to

⁶¹⁹ Interview 150.

⁶²⁰ Interview 150.

⁶²¹ Interview 156.

⁶²² Interview 150.

⁶²³ See, for example: Katherine A. Magnuson and Jane Waldfogel, *Early Childhood Care and Education: Effects on Ethnic and Racial Gaps in School Readiness*, 15(1) *The Future of Children*, 169–96 (2005).

⁶²⁴ See, for example: Greg J. Duncan and Aaron J. Sojourner, *Can Intensive Early Childhood Intervention Programs Eliminate Income-Based Cognitive and Achievement Gaps?*, 48(4) *Journal of Human Resources*, 945–68 (2013).

⁶²⁵ See, for example: The Annie E. Casey Foundation, *Early Warning Confirmed: A Research Update on Third-Grade Reading*, by Leila Fiester (2013),

<http://www.aecf.org/~media/Pubs/Topics/Education/Other/EarlyWarningConfirmed/EarlyWarningConfirmed.pdf>

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keep up with demand.⁶²⁶ Nonetheless, in a positive step towards expanding access to early childhood, Minnesota will fund universal, all-day kindergarten next year.⁶²⁷

STAFFING

When immigrant and refugee students do enter the educational system, there is not always proper staffing to best serve their needs. Many content area teachers are not fully prepared to meet the needs of English learners (ELs); there are insufficient numbers of staff who reflect the student population to bridge language and cultural divides; and there is insufficient staffing for holistic support, such as mental health professionals.

PREPAREDNESS TO WORK WITH IMMIGRANT STUDENTS

Many educational professionals reported that pre-service training programs have not historically prepared teachers for the students that now comprise their classrooms. Many teachers did not receive adequate training in providing remedial assistance and scaffolding for those well below grade level, nor in teaching to a variety of different cultures. With relatively rapid demographic change in certain areas of Minnesota, it stands to reason that pre-service programs did not previously include such emphases. Today, while the situation has improved, multiple interviewees called for advances in teacher preparation and professional development opportunities,⁶²⁸ including specific pedagogical strategies to reach English learners (ELs) and “one to two [college-level] courses of diversity training.”⁶²⁹ (See also “English Learner Services” on page 144.)

Many districts do currently require staff members to participate in cultural competency courses, however, and interviewees reported that they have invested significant resources in doing so.⁶³⁰ There was a wide range of experiences around such professional development, based largely on the starting point of participants. An EL specialist in a predominately white district said many colleagues were still only receiving information on a surface level during these trainings. “I heard things like, ‘I had a great cultural experience with someone the other day; it was with my house cleaner from Russia.’”⁶³¹ Interviewees also pointed out that diversity trainings have limitations where hardline, ingrained racism is present. One staff person in a segregated suburb reported: “My white colleague had someone say to her, ‘I don’t know what the fuss is about – if we hadn’t brought them here as

⁶²⁶ Interview 168.

⁶²⁷ Minn. Stat. § 126C.12 (2013).

⁶²⁸ Interview 149; Interview 157; Interview 166; Interview 171.

⁶²⁹ Interview 171.

⁶³⁰ Interview 152; Interview 153; Interview 154; Interview 170.

⁶³¹ Interview 153.

slaves, they wouldn't be doing as well today."⁶³² "You can't professionally develop someone not to be a bigot,"⁶³³ rationalized the specialist.

The charge of those training staff, however, is to take individuals where they are at and move them to a place of understanding so they can more effectively reach all of their students. And for the vast majority, professional development can be a valuable tool in adapting systems to best serve immigrant and refugee youth. Interviewees recommended that such training be high quality and "tailored to specific jobs to provide relevance."⁶³⁴ A Hmong liaison involved in professional development encourages teachers to simply immerse themselves in the culture of their students, if even for an afternoon at an outdoor marketplace. "One day lasts for the whole year...and even year after year," as trust and relationships are established between staff and families and communities.⁶³⁵ She encourages administration to give teachers an afternoon to step out of their comfort zones and experience another's "authentic culture," which can help them build this rapport.⁶³⁶

INSUFFICIENT LEVELS AND REPRESENTATION

Most schools and districts reported a desire for more educational staff, in general. A current expectation within the educational system is that every student receives individualized attention and instruction in each class. Teachers and administrators reported, however, that class sizes were such that individualized attention was not truly possible. "What does 'differentiate' mean when you have 36 students in your class?" asked one teacher. "It's impossible."⁶³⁷ Another teacher said, "I have a parent who wants a note sent home every day with details of what her son did in class. What people don't understand is I have 167 students every day."⁶³⁸

In addition, interviewees called for more staff who represent the ethnic, cultural, and linguistic background of students in all professions within the school. This is an issue of numbers, but also of proportions, and was one of the major issues reported by both community and systems interviewees.⁶³⁹ Without these professionals, schools expose themselves to a wide range of

⁶³² Interview 152.

⁶³³ Interview 153.

⁶³⁴ Interview 153.

⁶³⁵ Interview 150.

⁶³⁶ Interview 150.

⁶³⁷ Interview 169.

⁶³⁸ Interview 186.

⁶³⁹ Conversation 12; Conversation 17; Interview 97; Interview 135; Interview 150; Interview 152; Interview 158; Interview 160; Interview 164; Interview 171; Interview 177; Interview 178; Interview 179 (need for representative staff); Conversation 2, Conversation 9; Conversation 13; Interview 71; Interview 153 (need for bilingual and bicultural staff).

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problems and misunderstandings related to language and culture. Moreover, it is important for students to have role models and see professionals from their background. One staff member said that when she first arrived at one school, a child shouted from across the room, “Look! A Hmong!” demonstrating how uncommon it was for him to see a staff member that shared his ethnic background.⁶⁴⁰

Community members also cited a need for “more hiring of bilingual support staff”⁶⁴¹ who are able to provide translation services, provide interpretation for phone calls and meetings with family members, and communicate with ELs in their native language. Interviewees pointed to a need for staff who can additionally bridge cultural divides – which can sometimes be as important as language in communicating.⁶⁴² Other educational professionals and community members agreed, saying, “We *need* cultural liaisons in schools”⁶⁴³ and bemoaning the small number: “[There are] not enough liaisons between parents and teachers.”⁶⁴⁴ The importance of representative leadership can be summarized with this quote from a community member: “I think there are benefits to the whole community...when minorities are in these kinds of positions.”⁶⁴⁵ One outstate interviewee reported: “They hired family liaisons at those two elementary schools, they can really communicate with the minority parents – it’s a night and day difference. They are bilingual and bicultural and there has been a huge increase in parent involvement. They’re telling them how to do homework, how to help their kids in school.”⁶⁴⁶

RECRUITMENT, HIRING, AND RETENTION

Funding is not entirely responsible for this gap in staffing. Interviewees reported issues with recruitment, hiring, and retention practices and policies. Some schools, particularly in greater Minnesota, do actually have a dearth of qualified candidates. In many other areas around the state, however, interviewees said that districts are reporting too few applicants or citing lack of connections within minority communities when they simply lack an effective plan to recruit and retain these employees.⁶⁴⁷ After an audit revealed the need for more bilingual staff in one district, an employee said: “What happened is what usually happens.” Instead of a proactive strategy, she heard things like, “‘nobody applies,’ ‘we can’t create positions with so many cuts being made,’ and

⁶⁴⁰ Interview 171.

⁶⁴¹ Conversation 17.

⁶⁴² Conversation 22; Interview 71; Interview 152; Interview 153; Interview 156; Interview 166.

⁶⁴³ Interview 152.

⁶⁴⁴ Conversation 22.

⁶⁴⁵ Conversation 17.

⁶⁴⁶ Interview 71.

⁶⁴⁷ Interview 111; Interview 152; Interview 158.

‘we can’t get them to work here anyway.’”⁶⁴⁸ A staff member in another district reported that she saw a practice of hiring friends or acquaintances, and not necessarily the most qualified candidate.⁶⁴⁹ One interviewee stated simply: “People tend to hire [others] who look like them or are like them, and it creates disparities.”⁶⁵⁰

Keeping staff on site can also become problematic. “We want role models in the classroom, but retaining people of color is a problem because there is not a lot of affinity, especially when they are up against a situation where they are the only teacher of color.”⁶⁵¹ In addition to feeling isolated, immigrant staff members can also face hostility or discriminatory treatment by white staff members.⁶⁵² Furthermore, most staff members who are people of color are ending up in lesser positions and not in positions of leadership.⁶⁵³ A community leader recommended the following: “The most important thing is to really begin a serious recruitment of education professionals that have to be included at all levels of education administration and education delivery and education policy-shaping. It is at all levels that you need diverse perspectives. Our approach is incredibly white, middle-class. Our curriculum, our testing system, is based on that narrow perspective of the world. That is the most significant challenge that we face. We have a student population that is totally disconnected.”⁶⁵⁴

ADDITIONAL STAFFING NEED: MENTAL HEALTH PROFESSIONALS

In addition to a lack of diversity in teaching staff, another “barrier is a shortage of psychiatrists – especially ones who can work with children.”⁶⁵⁵ In Minnesota, there is a severe lack of mental health professionals and guidance counselors available to immigrant and refugee youth, particularly therapists or pediatric psychiatrists who are from different cultural backgrounds or who understand the unique challenges of some of these students. This was cited by multiple interviewees in different communities as being a barrier to student health and success.⁶⁵⁶ This need is in addition to guidance counselors whose primary statutory charge is to assist students in postsecondary planning.⁶⁵⁷

⁶⁴⁸ Interview 153.

⁶⁴⁹ Interview 152.

⁶⁵⁰ Interview 111.

⁶⁵¹ Interview 166.

⁶⁵² Interview 152.

⁶⁵³ Interview 157.

⁶⁵⁴ Interview 162.

⁶⁵⁵ Interview 136.

⁶⁵⁶ Conversation 13; Interview 96; Interview 129; Interview 130; Interview 136; Interview 144; Interview 148; Interview 150; Interview 163; Interview 167.

⁶⁵⁷ Minn. Stat. § 121A.39 (2013).

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ENGLISH LEARNER (EL) SERVICES

According to the Minnesota Department of Education, there were more than 65,000 English learners (ELs) in 2012-2013, which is 7.8 percent of all K-12 students.⁶⁵⁸ This is up from 6.1 percent a decade ago.⁶⁵⁹ While not all immigrant and refugee students require EL services, the majority of those receiving services are first- or second-generation immigrants or refugees. EL services can play a vital role in their success. Interviewees reported that overall, most schools did make accommodations for ELs⁶⁶⁰ and teachers were trying to work with the resources they had to best meet their needs. The overarching theme for reported problems was a lack of focused energy, interest, and concern by the broader school and community for EL services. One district-level staff member said, “ESL used to be generously funded. Those days are gone.”⁶⁶¹ Specific issues delineated by interviewees revolved around EL staffing levels and support; training of general education staff; EL curriculum, pedagogy, and testing; and EL and special education placement processes.

SUPPORTIVE STAFFING

Levels of EL teachers are generally insufficient. A ratio of 50 students per EL teacher was considered ideal at the elementary level – an improvement over the 100:1 ratio in years past.⁶⁶² Interviewees also expressed a need for additional support by having others within the school focused on the needs of ELs,⁶⁶³ as well as improved administrative support, training of general education staff, and coordination between content and EL teachers.

Increasing EL instruction is most effective when bolstered by “an active and committed principal who (a) hires qualified teachers, (b) plans collaboratively with teachers and staff who are involved in [ELs’] education...and (c) provides ongoing staff development and planning time.”⁶⁶⁴ One recommendation to ensure proper support, monitoring, and consistency is to hire a district-level EL coordinator who is both a language expert and is “licensed as an administrator and has the credibility of that role.”⁶⁶⁵ This coordinator can help bring issues to the district level and can provide

⁶⁵⁸ Minnesota Department of Education, Division of Student Support, *English learner Education in Minnesota: 2013*, 10.

⁶⁵⁹ U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics, “Table 47: Number and Percentage of Public School Students Participating in Programs for English Language Learners, by State: Selected Years, 2002–03 through 2010–11,” https://nces.ed.gov/programs/digest/d12/tables/dt12_047.asp.

⁶⁶⁰ One interviewee did report that a charter school refused enrollment because the child was “too low” in English proficiency. Interview 161.

⁶⁶¹ Interview 171.

⁶⁶² Interview 148; Interview 171.

⁶⁶³ Interview 153; Interview 178.

⁶⁶⁴ Wen-Jui Han, *Bilingualism and Academic Achievement*, 83(1) *Child Development* 300–32 (Feb. 2012).

⁶⁶⁵ Interview 166.

training on the appropriate role of an EL teacher and assistance when EL teachers end up teaching other subjects – a commonly cited issue.⁶⁶⁶

EL CURRICULA AND PEDAGOGY

International human rights guidelines instruct that “a State must...fulfill (provide) the adaptability of education by designing and providing resources for curricula which reflect the contemporary needs of students in a changing world...”⁶⁶⁷ English Learner Education Program Guidelines from the Minnesota Department of Education call for research-based instruction for ELs, and in order to move the state closer to this goal, adopted the World-Class Instructional Design and Assessment (WIDA) standards in 2012.⁶⁶⁸

While beyond the scope of this report to detail all research-based practices in delivery models, curricula, and pedagogy, “Research-based Recommendations for Effective EL Instruction” on page 146 provides corroborating recommendations that respond to some of the concerns raised by interviewees. These generally detailed a serious need for increased attention and resources due to lacking best practices;⁶⁶⁹ issues with too much,⁶⁷⁰ too little,⁶⁷¹ or varied quality⁶⁷² of sheltered instruction; too little first-language literacy;⁶⁷³ too much testing or using tests that are not culturally relevant;⁶⁷⁴ and too few services for upper-level ELs⁶⁷⁵ – whose “social language is wonderful and they seem to be okay, but it is hardest to make progress.”⁶⁷⁶

EL AND SPECIAL EDUCATION PLACEMENT

Interviewees and community members expressed concerns over student placement in EL and special education services.⁶⁷⁷ As one outreach employee put it: “When it comes to ELs or disability, there is conflict and misdiagnosis.”⁶⁷⁸

⁶⁶⁶ Interview 153; Interview 169; Interview 171.

⁶⁶⁷ CESCR, GC No. 13, The Right to Education ¶ 50, UN Doc. E/C.12/1999/10 (Dec. 1999).

⁶⁶⁸ Minnesota Department of Education, Division of Student Support, *English learner Education in Minnesota: 2013*, 6.

⁶⁶⁹ Interview 157.

⁶⁷⁰ Interview 153.

⁶⁷¹ Interview 169.

⁶⁷² Interview 171.

⁶⁷³ Interview 169; Interview 177.

⁶⁷⁴ Interview 163; Interview 179.

⁶⁷⁵ Interview 170.

⁶⁷⁶ Interview 171.

⁶⁷⁷ Conversation 6; Conversation 19; Interview 84; Interview 94; Interview 99; Interview 127; Interview 130; Interview 133; Interview 147; Interview 156.

⁶⁷⁸ Interview 130.

With regard to EL services, a member of an immigrant-led advocacy group expressed a common sentiment: “Some students in [EL classes] shouldn’t be...and some students who should be...are not.”⁶⁷⁹ Several interviewees blamed this misplacement on decisions based merely on a child’s last name,⁶⁸⁰ a second language spoken by the family,⁶⁸¹ or an assumption constructed on status as an immigrant or refugee.⁶⁸² Some interviewees felt there was a tendency to over-identify students as needing EL services so that schools would receive more money.⁶⁸³ In addition, individuals felt that “it is hard to get them out once they are placed.”⁶⁸⁴ A related concern was that if misplaced, “students get trapped...and they are not challenged enough.”⁶⁸⁵ “They aren’t getting the same education as other students.”⁶⁸⁶

NATIONAL COUNCIL OF TEACHERS OF ENGLISH: “RESEARCH-BASED RECOMMENDATIONS FOR EFFECTIVE EL INSTRUCTION”⁶⁸⁷

For Schools and Policymakers: Delineate explicit expectations for ELs; provide research-based professional development for teachers of ELs; and attend to processes and consequences of assessment of ELs (i.e., recognize ELs heterogeneity; avoid testing in English exclusively; use multiple assessments for varying purposes; and adhere to ethical principles of testing.)

For Teachers: Present ELs with challenging curricular content; set high expectations for ELs; use technology effectively; recognize socio-cultural factors; position native languages and home environments as resources; teach ELs in grades K-8 the basics of academic literacy; teach ELs in secondary school to simultaneously develop their skill with academic English and learn content in a variety of disciplines; and recognize the difference between ELs and under-prepared students in higher education.

Similarly with special education, individuals reported misplacement of immigrant and refugee students into special education services. “In [one town], all of the Latino kids that are going to

⁶⁷⁹ Interview 94.

⁶⁸⁰ Interview 94; Interview 127; Interview 133; Interview 147.

⁶⁸¹ Conversation 19.

⁶⁸² Conversation 6.

⁶⁸³ Interview 94; Interview 127. These interviewees are referring to Minnesota’s per student funding formula that grants additional dollars for a student if EL services are required in order to cover associated costs to provide such services.

⁶⁸⁴ Interview 147 (quote); Interview 87; Interview 147; Interview 157 (sentiment expressed).

⁶⁸⁵ Interview 87.

⁶⁸⁶ Interview 127.

⁶⁸⁷ National Council of Teachers of English, English Language Learners (2008), <http://www.ncte.org/library/NCTEFiles/Resources/PolicyResearch/ELLResearchBrief.pdf>.

kindergarten...are in special education,”⁶⁸⁸ said an advocate in greater Minnesota. Another interviewee in a different region of the state said, “They are leveling children with disabilities that are not diagnosed.”⁶⁸⁹ Another interviewee pointed out, however, that “many ELs qualify for speech therapy through a special education process.”⁶⁹⁰

There is also the basic issue of stigmatization of services and misunderstandings about what children need and can receive from these services. A suburban interviewee reported: “ESL was controversial here for a while. A lot of parents were opting out of it because they felt, my kid was born here, he/she speaks English, and they objected to the kids being pulled out of class, and they really felt it was a stigma.”⁶⁹¹ Minnesota law does allow parents to opt out of services,⁶⁹² and some immigrant and refugee students who could benefit from services do not receive them because their parent or guardian selects this option.

Conversations suggested that some of the issues were real and others were misperceptions. Both, however, result in children either not receiving necessary services or children not being challenged enough because the proper supports are not in place. In order to overcome misunderstandings, education professionals recommended improved communication with parents, and where possible, having a staff member from the cultural background of the family convey the information or having the staff member interacting with the parent be trained by such an individual.⁶⁹³

One elementary school teacher said she tries to communicate very directly: “I set up an appointment to talk through and explain the program to parents. I want to make sure that they know what the program is and how exactly it will benefit their child.”⁶⁹⁴

“A lot of parents were opting out of English learner programs because they really felt it was a stigma”

With regard to misplacement, an employee in a suburban district reported: “Our district has done a good job of bringing in communication specialists – it probably helps reduce special education referrals.”⁶⁹⁵ A national 2010 journal article trying to unpack the disproportionate representation of ELs in special education corroborates this, demonstrating the importance of accurate referral

⁶⁸⁸ Interview 99.

⁶⁸⁹ Interview 84.

⁶⁹⁰ Conversation 24; Minnesota Administrative Rule 3525.1343.

⁶⁹¹ Interview 156.

⁶⁹² Minn. Stat. § 124D.60 (2013).

⁶⁹³ Conversation 20; Interview 71; Interview 147; Interview 152; Interview 156; Interview 163.

⁶⁹⁴ Interview 176.

⁶⁹⁵ Interview 156.

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mechanisms.⁶⁹⁶ The new World-Class Instructional Design and Assessment English language development standards and assessments offer guidance to this end. Educators and administrators can also access resources on the Minnesota Department of Education’s website to assist with evaluation and placement.⁶⁹⁷

CREATING A WELCOMING ENVIRONMENT

Article 7 of Convention on the Elimination of Racial Disparities asserts that “States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups...”⁶⁹⁸ In order to effect such results at a school level, administrators and staff must together create a welcoming environment for all students.

HUMAN RIGHTS AND MULTICULTURAL EDUCATION

At the root of xenophobia and racism is lack of understanding and empathy. Numerous individuals recommended educating students about human rights principles and about others’ perspectives and experiences, including immigration, to help provide emotional security and create a welcoming environment for all students.⁶⁹⁹

“We often do role-plays with the children, freezing and then talking about what you could say. Children walk around saying: ‘Don’t be a bystander, intervene.’”

The importance of teaching such lessons is reflected in various international documents, such as the UN Declaration on Human Rights Education and Training⁷⁰⁰ and UNESCO’s Guidelines for Curriculum and Textbook Development in International Education.⁷⁰¹ Minnesota requires knowledge of human

⁶⁹⁶ Dara Shifrer, Chandra Muller and Rebecca Callahan, *Disproportionality and Learning Disabilities: Parsing Apart Race, Socioeconomic Status, and Language*, Journal of Learning Disabilities (June 2010), <http://ldx.sagepub.com/content/early/2010/06/24/0022219410374236>.

⁶⁹⁷ Minnesota Department of Education, *The ELL Companion to Reducing Bias in Special Education Evaluation*; Minnesota Department of Education, “English learner Disability Resources,” <http://education.state.mn.us/MDE/SchSup/SpecEdComp/EngLearnDisabiRes/index.html>.

⁶⁹⁸ CERD, Art. 7.

⁶⁹⁹ Conversation 12; Interview 110; Interview 119; Interview 19; Interview 6; Interview 49; Interview 162; Interview 160; Interview 157; Interview 162; Interview 150.

⁷⁰⁰ UN Human Rights Council Advisory Committee, Declaration on Human Rights Education and Training (2011), <http://www.ohchr.org/EN/Issues/Education/Training/Pages/UNDHREducationTraining.aspx>.

⁷⁰¹ UNESCO, *Guidelines and Criteria for the Development, Evaluation and Revision of Curricula, Textbooks and Other Educational Materials in International Education in Order to Promote and International Dimension in Education*; UNESCO, *Guidelines for Intercultural Education*.

rights principles,⁷⁰² immigration, and cultural diversity insofar as “the wide range of contributions by and roles open to Americans of all races and cultures,” is to be included in the curriculum, with special emphasis on “American Indians/Alaskan natives, Asian Americans/Pacific Islanders, Black Americans, and Hispanic Americans.”⁷⁰³

At the school and district level, it is important that administrators and other school staff continue to expand anti-bullying programs and integrate expectations of respect for every person’s human rights into all aspects of the educational experience. One teacher said, “We often do role-plays with the children, freezing and then talking about what you could say. Children walk around saying: ‘Don’t be a bystander, intervene.’”⁷⁰⁴ Schools can also promote a sense of pride and dignity among students in their ethnic identity, which has been associated with improved academic outcomes for some immigrant students.⁷⁰⁵

Interviews across the state also suggested that different perspectives and histories, including those of other countries, could be woven in more comprehensively. A Latino man in greater Minnesota put it this way: “In schools, [they] should teach about different cultures...explain why an immigrant comes here. A lot of people don’t know about different countries; don’t know anything about where the person is from.”⁷⁰⁶

Special attention should be paid to the backgrounds of students in a given school. A Hmong liaison articulated the connection to student wellbeing by saying:

To feel a sense of belonging and the emotional/identity part, it needs to be included in the curriculum. That has not been visible in the school. The curriculum has maybe not been inclusive, where students feel valued. It does impact the students. ... [You] have to be able to relate to the curriculum and the school to believe you are a part of it...Encourage them to

⁷⁰² Minnesota Department of Education, *Minnesota K–12 Academic Standards in Social Studies*(2011), 6.1.3.5.1, 8.4.3.14.1, 8.4.3.14.5, 9.4.3.12.4, 9.4.3.13.4 (human rights), 6.4.4.23.1, 6.4.4.20.2, 7.1.3.6.2, 7.4.4.20.2, 8.4.3.14.2, 9.4.4.16.3, 9.4.4.23.3, 9.1.3.5.2, 9.4.4.20.2 (immigration), https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=4&cad=rja&ved=0CDoQFjAD&url=http%3A%2F%2Feducation.state.mn.us%2Fmdeprod%2Fidcplg%3FidcService%3DGET_FILE%26dDocName%3D042018%26RevisionSelectionMethod%3DlatestReleased%26Rendition%3Dprimary&ei=-nMGU87xCKvf4wTlrYGoCA&usq=AFQjCNG_PkWKF1mwhFtvdfow5fCkTMemQ&sig2=UGTuh0QsGb2G8lew88MFGg&bvm=bv.61725948,d.bGE.

⁷⁰³ Minnesota Administrative Rule 3500.0550, subp. 1A.

⁷⁰⁴ Interview 148.

⁷⁰⁵ Christina Spears Brown and Hui Chu, *Discrimination, Ethnic Identity, and Academic Outcomes of Mexican Immigrant Children: The Importance of School Context*, 83(5) *Child Development* 1477–85 (Feb. 2012).

⁷⁰⁶ Interview 6.

*bring [customs] into the school and educate other kids. There has to be a time for kids to express who they are and where they are coming from.*⁷⁰⁷

Additional steps can be taken to intentionally facilitate integration of students at the interpersonal level and promote intercultural understandings. While children often self-segregate as a means of building and understanding identity,⁷⁰⁸ there are numerous ways in which educators at all levels can proactively encourage and assist students in developing cultural competencies so they learn to work and play together.⁷⁰⁹

While overhauling curriculum, assessments, and pedagogy may seem a daunting task, even simple changes at a classroom level, such as having students present histories or current events through different countries' perspectives, can begin to help students feel included and welcome. For district- and state-level personnel, the need for including not only diversity but also human rights education to help students empathize and know how to take action on behalf of others is critical to bringing up future generations who support their communities and are engaged, responsible citizens.⁷¹⁰

SETTING THE TONE: STAFF TREATMENT AND INTERVENTION

A classroom and school environment are also influenced and impacted by the adults who work with students. These adults become important role models and examples of how to behave in a diverse setting. Community members and school staff reported both positive and negative experiences of adult behavior in schools. In the case of student mistreatment, if immediate action was taken by a responsible adult following the mistreatment, it provided significant assurance. For example, a young Latino man recalled the following: "A student was being mean to me and I was not able to handle it without reacting. (I started crying.) My teacher came over to see what was going on and I explained that it was my peer that was calling me a racial slur towards Mexicans. The teacher took immediate action in sending the boy to the principal's office...I felt like I was able to be where I wanted regardless of race. This gave me a huge boost in confidence."⁷¹¹

⁷⁰⁷ Interview 150.

⁷⁰⁸ Beverly Daniel Tatum, *Why Are All the Black Kids Sitting Together in the Cafeteria: And Other Conversations About Race*, (Jan. 17, 2003).

⁷⁰⁹ See, for example: Early Childhood: Patricia Ramsey, *Teaching and Learning In A Diverse World*, (Nov. 1, 2004); K-12: Ladson-Billings, G. "But that's just good teaching! The case for culturally relevant pedagogy." *Theory into practice* 34:3, 159-165 (1995); Postsecondary: Lee, A., Poch, B., Shaw, M., & Williams, R, *Engaging Diversity in Undergraduate Classrooms: A Pedagogy for Developing Intercultural Competence*, 38(2) ASHE Higher Education Report (2012).

⁷¹⁰ "Citizen" is meant here as a member of a community, not "citizen" in its legal sense.

⁷¹¹ Interview 40.

Several interviewees recalled EL and other teachers going “above and beyond,” and interviews with EL teachers themselves demonstrated consistent advocacy on behalf of their students.⁷¹² In one example in greater Minnesota, an EL teacher used her lunch period to tutor students and even interceded when a teacher believed that two young Latino girls “were being defiant and just acting like teenagers,” when in fact, they simply did not understand the instructions.⁷¹³

Not all students found an advocate when they felt treated unfairly by school staff, however, and negative attitudes and treatment were reported.

There were accounts of a school in southern Minnesota asking about immigration status,⁷¹⁴ immigrant students receiving poor grades that

were perceived to be misaligned with academic performance,⁷¹⁵ and some teachers in a suburban school making it “more difficult” than necessary for Muslim students to pray during the school day.⁷¹⁶

“I felt like I was able to be where I wanted regardless of race. This gave me a huge boost in confidence.”

Adults who work with immigrant and refugee students should be aware of the special challenges they face, as well as the perceptions they hold about how they are treated not only by other students, but by staff, as well. A welcoming environment can only be created with the willing participation of staff and students alike.

PHYSICAL ENVIRONMENT

At its most basic level, interviewees identified a welcoming environment as one that is conducive to learning and personal growth. Interviewees noted the importance of surroundings that reflect the student populations within the school, including signs in multiple languages, student artwork, or objects or artifacts from countries and cultures representative of the student body.⁷¹⁷ As one teacher put it: “To be welcome is...to be able to see yourself in the school.”⁷¹⁸ “Being a newcomer is really overwhelming...there’s something comforting about the familiar,”⁷¹⁹ explained another.

⁷¹² Interview 35; Interview 61; Interview 148; Interview 169.

⁷¹³ Interview 169.

⁷¹⁴ Interview 94.

⁷¹⁵ Interview 23.

⁷¹⁶ Interview 161.

⁷¹⁷ Interview 160; Interview 171; Interview 176; Interview 179.

⁷¹⁸ Interview 179.

⁷¹⁹ Interview 176.

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Many classrooms and schools reported numerous proactive attempts to create such environments. One elementary school teacher said that there is not much in her classroom at the beginning of the year, but it is soon filled with a diverse array of student artwork that reflects them as individuals.⁷²⁰

EXTRACURRICULAR ACTIVITIES

Participation in extracurricular activities has been found to strengthen student engagement and is connected to improved academic performance.⁷²¹ Immigrant community members whose children were participating recognized these benefits. One interviewee said: “My daughter is now much more motivated, because she is involved in more things like swimming.”⁷²² Another interviewee proudly reported: “We started a soccer team to help give Mexican kids positive alternatives after school and it won several tournaments.”⁷²³

Unfortunately, interviewees reported that immigrants and refugees, in general, participated at lower rates than their peers, for a variety of reasons. These include lack of appealing options (sports and activities they enjoy), a need to work after school to help support themselves or their families, lack of transportation or money for associated fees, and parental hesitation or refusal. An immigrant man in the metro laid out the concerns of parents in some immigrant communities: “[Parents] are very concerned with their children being in the wrong crowd or being exposed to something that is not acceptable such as alcohol or drugs. But they have this notion that they want their students to do well in the classroom and get accepted to a good school, so they limit what their children can do.”⁷²⁴

Schools can work with families and students to find out if extracurricular participation might be an option. Explicitly explaining the benefits of such activities and helping to accommodate for barriers such as transportation may help raise participation, and thus student engagement, satisfaction, and achievement.

BARRIERS TO FAMILY INVOLVEMENT

Parent, or family, involvement can be limited among many immigrant populations,⁷²⁵ due to perceptions of being unwelcome, language and culture, and lack of resources. There are many reasons to strive for improved family involvement, chief among them is immigrant students’

⁷²⁰ Interview 160.

⁷²¹ See, for example: Susan B. Gerber, *Extracurricular Activities and Academic Achievement*, 30(1) *Journal of Research & Development in Education* 42–50 (1996).

⁷²² Conversation 13.

⁷²³ Interview 90.

⁷²⁴ Interview 21.

⁷²⁵ Conversation 19; Interview 66; Interview 147.

experiences and outcomes are impacted by the ability of their families to access the educational system.

“To feel welcome to a place is when I walk into a school building and regardless of culture, they greet me and do not ignore me and let me stand there.”

Federal law recognizes this, with requirements for schools receiving EL funding to try to engage parents and families.⁷²⁶ Minnesota requires the state to create model parent involvement programs,⁷²⁷ and “encourages” school

boards “to formally adopt and implement a parent and family involvement policy,” as well as an advisory committee that should represent and “consider the district's demographic diversity and barriers to parent involvement when developing its recommendations.”⁷²⁸

FAMILY PERCEPTIONS OF UNWELCOME

Any institution can seem intimidating if unfamiliar, particularly if outside your home country, and schools are no different. Some of the frustration experienced by school staff in engaging parents and family members is accounted for in perceptions by immigrants of being unwelcome. A leader in the African immigrant community summarized this sentiment by saying simply: “Parents are not welcomed in the schools. This keeps them from being involved in the way they should.”⁷²⁹

The majority of education interviewees started their commentary on “welcome” by describing the first encounter an immigrant would have: the reception area. “To feel welcome to a place is when I walk into a school building...regardless of culture, they greet me and do not ignore me and let me stand there,”⁷³⁰ said an employee who works with refugee populations.

There were mixed reports of this initial encounter. “The problem is,” explained an outreach specialist in the metro, “it’s spotty. Customer service has...holes. People are overworked. They have cut and cut and cut and cut, and they are down to bare bones. Where there were two or three staff, there is now one person. So, there is little extra support. There is just no time. People think ‘how am I going to get this done?’ Then, someone walks in, and not only do they have to stop and help them, but they don’t speak English, so they have to go get someone who speaks the language.”⁷³¹

⁷²⁶ 20 U.S.C. § 6301 et seq.; 20 U.S.C. § 6801 et seq.

⁷²⁷ Minn. Stat. § 124D.895 (2013).

⁷²⁸ Minn. Stat. § 124D.8955 (2013).

⁷²⁹ Conversation 21.

⁷³⁰ Interview 171.

⁷³¹ Interview 168.

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An EL teacher at a public school expressed a similar sentiment: “Life is so rushed and you get into rush mode. I can be guilty of it. Grab my paper off the table and take off.”⁷³² However, she and other school staff said that somehow, each person must “recognize their humanity and needs”⁷³³ and not let any person, regardless of language needs, be ignored. Someone has to “make a phone call,”⁷³⁴ because “the next level, of course, is having someone who speaks the language. You have to have that to conduct business.”⁷³⁵

COMMUNICATION: LANGUAGE AND CULTURE

Community members and interviewees across the state reported a variety of challenges to family involvement around language and culture. Such barriers can mean the difference between whether a student receives necessary services; whether families participate; and whether a student succeeds or “falls through the cracks.”

LANGUAGE BARRIERS

While many immigrants speak English proficiently, there are more than 230 primary home languages among Minnesota student families.⁷³⁶ As a result, language and communication are challenging to people both inside and outside of the educational system. Speaking about school and community participation, a local business leader in southern Minnesota said, “Language is still our biggest barrier.”⁷³⁷

Almost every district reported using language lines to communicate with parents who speak different languages. This is a service that allows school staff to call a student’s home, and whatever language is spoken by the parent or family member at the other end will be automatically recognized and translated. Multiple interviewees reported that such lines were cumbersome, however, or that teachers felt uncomfortable using them.⁷³⁸ Therefore, the responsibility of communicating with immigrant and refugee parents, either through a language line or interpreter, was often put on the EL teacher, cultural liaison, or a bilingual paraprofessional. A liaison in a first-ring suburb reported matter-of-factly: “If I’m not there, and the school needs to call home, they will wait until I am back to make the call.”⁷³⁹ Over-utilizing cultural liaisons, however, has the potential

⁷³² Interview 160.

⁷³³ Interview 168.

⁷³⁴ Interview 157.

⁷³⁵ Interview 168.

⁷³⁶ Minnesota Department of Education, Division of Student Support, *English learner Education in Minnesota: 2013*, 12.

⁷³⁷ Interview 62.

⁷³⁸ Interview 152; Interview 153; Interview 157; Interview 161.

⁷³⁹ Interview 161.

to lead to negative feelings on the part of parents. One community member explained that sometimes “parents feel that the teachers do not want to talk to them.”⁷⁴⁰

CULTURE: COMMUNICATION PREFERENCES, STYLES, AND EXPECTATIONS

Even with basic language access, there are a host of cultural and personal communication preferences, styles, and expectations that can thwart a message. Misunderstandings can, and do, lead to significant variations in services provided to students that can have an impact on achievement and wellbeing, as well as parent satisfaction – and thus involvement – with the educational system.

PREFERENCES

One of the primary methods for communicating with families in most schools is a printed flyer or letter home. While perhaps effective for the majority of students in Minnesota, large numbers of immigrant and refugee parents are at a disadvantage due to lack of language, lack of literacy, and cultural differences. For many immigrants, simply having a translated document in their native language can make the difference and make the material accessible. Most schools, however, have budget or staff limitations that prevent full translation. Many translate only the most important materials and only into one or two languages. For other parents, literacy is a solid barrier. An education professional who works with Somali parents explained:

*There is a lack of literacy, so written papers are not a main or a successful way of communication. I do a lot of visiting. I was hired with a Somali person and we went out to the two main apartment complexes with significant populations and just went door to door introducing ourselves. The relationship is so important – once you get to know people, it is easier. The biggest barrier we have is a lack of relationships. I’ve really been encouraging teachers to visit the families at their home to get a real understanding of where they live and the challenges.*⁷⁴¹

Another common method of communication among schools is the robo-call. Highly efficient, such a service can reach every family in a matter of minutes. However, more than one cultural liaison⁷⁴² said they had to make individual phone calls if they wanted “people to show up, or to really get something.”⁷⁴³ The reverse was also true. “We expect people to leave a message or send an e-mail, but especially for the parents who aren’t comfortable with English, they won’t do that.”⁷⁴⁴

⁷⁴⁰ Conversation 13.

⁷⁴¹ Interview 156.

⁷⁴² Interview 150; Interview 156; Interview 161; Interview 171.

⁷⁴³ Interview 156.

⁷⁴⁴ Interview 156.

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For all of these reasons, two administrators said they strongly encourage face-to-face meetings. Sometimes this is at the school, and in other cases, “we have to extend ourselves into the community.”⁷⁴⁵ This can be a difficult position for teachers, who can have upwards of 150 students and are working with laws and policies that might discourage such interactions. “Teachers are taught to establish boundaries and not to give our cell phone numbers out; don’t visit people in their homes. But, with this population – it does not work. You have to be more accessible.”⁷⁴⁶

Knowing the preferred method of communication among immigrant families can help schools bridge misunderstandings and get parents and families more involved. Schools and leaders within immigrant communities can also work with families to help familiarize them with educational systems and communication methods in the United States.

STYLES

Similarly, many immigrant groups reported difficulties understanding not only what was said, but what was not. The normative communication style in Minnesota can be indirect, and sometimes even unspoken, particularly if around a delicate subject matter. This can lead to miscommunication where parents do not know how to “read between the lines.” For example, one Liberian liaison said that a teacher might not want to offend a parent and so might present a consent form, saying, “Johnny is such a pleasure to have in class. He is doing pretty well. We do, however, think he could use some extra help.” She explained this would be very confusing to a Liberian family and said that she would use Liberian English to convey the message, saying something to the effect of, “Johnny is in fifth grade, and he’s reading like a baby. He needs help.” She said that parents also have to hear exactly what services are being offered and why.⁷⁴⁷

A Latino community member in another district expressed similar sentiment: “I have heard many parents say that this ‘Minnesota nice’ doesn’t help us, because in our countries they are very direct and say: ‘your daughter needs to bring her homework,’ but here all they say is: ‘she’s so bright and good,’ but then [she receives] bad grades.”⁷⁴⁸

CULTURAL EXPECTATIONS

In addition to communication issues, there are different cultural norms that families bring with them when they move from another country. One difference that often arises is the level of engagement families are to have in their child’s education.

⁷⁴⁵ Interview 158; Interview 166.

⁷⁴⁶ Interview 156.

⁷⁴⁷ Interview 152.

⁷⁴⁸ Conversation 13.

An education professional in the suburbs said, “You have to explain what you mean by parent involvement – how you want parents to be involved.”⁷⁴⁹ This spans everything from parent-teacher conferences to extracurricular events, reading to children in the home, bringing questions or concerns to the teacher, being responsive to paperwork, participating in field trips, and expecting phone calls when a child is having discipline issues.

“In many countries, teachers are considered to be the experts, and parents are expected to defer to teachers and not “interfere” in their child’s education.”

A suburban outreach worker commented: “It’s hard for our Somali parents to know how to access the school. They don’t know who to call or when to call – we have these systems and spoken and unspoken rules and academic socialization is lacking because a lot of parents didn’t go to school.”⁷⁵⁰

In many countries, teachers are considered to be the experts, and parents are expected to defer to teachers and not “interfere” in their child’s education. A suburban interviewee explained, “Among the Hmong community...there is a reverence for teachers, and they are traditionally more educated and learned than the parents, so the expectation is that the teachers are responsible for teaching the children.”⁷⁵¹ This expectation extends to many other cultures, as well, and was reflected in reports from community members and school staff alike.⁷⁵²

Several interviewees or participants of community conversations mentioned the difference in parents acting as “advocates” for their children in the U.S. educational system. A white, long-term resident of a first-ring suburb shared, “My child has a learning disability, and I have had to advocate and advocate for him to go further in school. If we are struggling to advocate for our kids, what about everyone else?”⁷⁵³ For this reason, a Hmong outreach worker said, “Especially for parents who don’t know the system, they are left out in getting an equitable education for their children.”⁷⁵⁴

Differences in expectations can be difficult for children to understand, too. A liaison commented, “Kids think, ‘if my parents don’t sit down with me to read or they don’t come to school or praise me

⁷⁴⁹ Interview 153.

⁷⁵⁰ Interview 156.

⁷⁵¹ Interview 147.

⁷⁵² Conversation 17; Interview 104; Interview 147; Interview 150; Interview 156.

⁷⁵³ Conversation 9.

⁷⁵⁴ Interview 171.

for good work, my parents don't value education.' They might tell her, 'do good work in school' and have high expectations for [her], but it's disconnected."⁷⁵⁵

PARENT-TEACHER CONFERENCES

Parent-teacher conferences are an amalgamation of the communication barriers that schools and families face. Beginning with the basic issue of language, all schools did report the general practice of having interpreters available for parent-teacher conferences. When there was proper outreach – that usually involved individual phone calls with a clear invitation and expectation of attendance – and interpretation was available, one liaison said parents are “delighted” to participate.⁷⁵⁶ The potential pitfalls included:

- parents not knowing that they had to request interpreters in advance;
- only having interpreters for certain languages;
- not having enough interpreters and using one or two bilingual staff members to cover all of the conferences; and
- not scheduling more time to accommodate interpretation.

One staff member compared her school to another district: “For parent-teacher conferences – one problem is it takes longer if using an interpreter, but [we] still schedule the conference for [the standard] 15 minutes. In [a nearby district], they schedule 30-minute conferences if an interpreter will be used.”⁷⁵⁷ This adds to the overall conference schedule and puts a heavier burden on coordination efforts, but essentially gives the family equal time and can improve family engagement.

Several interviewees also raised concerns around the issue of time.⁷⁵⁸ Parent-teacher conferences often follow rigid schedules in order to accommodate many students in a short period of time, and sometimes occur during daytime hours, which is difficult for some immigrant and refugee families where parents may have multiple jobs and varying shifts. Interviewees reported that transportation, expectations of timeliness, misunderstandings of date or time, or simply wanting more time with the teacher can all be issues for teachers and schools. One interviewee in southern Minnesota reported, “We now have both a day and night conference to accommodate parents’ shift work schedules.”⁷⁵⁹

⁷⁵⁵ Interview 150.

⁷⁵⁶ Interview 161.

⁷⁵⁷ Interview 79.

⁷⁵⁸ Interview 64; Interview 79; Interview 154; Interview 156; Interview 161.

⁷⁵⁹ Interview 64.

PARENT-TEACHER GROUPS

Parent-teacher associations and organizations (PTAs, PTOs) are a good way for parents to take a leadership role in their child’s school. Reflecting wider issues of segregation in Minnesota, however, several interviewees noted that these groups are often segregated by race or country of origin.⁷⁶⁰ “[There are] two PTOs – Hispanic parents and white parents,” said a staff member at a school in a suburban district.⁷⁶¹

One liaison in a metro district said separate groups could help new-to-country immigrants acclimate and learn the system.⁷⁶² Others were concerned that segregated groups led to different levels of access to decision-making processes: “In the English meeting, substantive decisions are made, in Spanish, superficial [decisions are made].”⁷⁶³ A district-level staff member in the metro area reflected on this dynamic, saying that he has heard complaints in the reverse, as well, and believed that it was likely a wider neighborhood or community dynamic being exposed in the group.⁷⁶⁴ To deal with inequities, participants in one community conversation called for integration of parent-teacher groups to ensure equal access to decision-making processes.⁷⁶⁵

LACK OF RESOURCES

The final set of barriers to immigrant and refugee family participation centers around a lack of resources, and is felt the most acutely by those families experiencing poverty and not having significant formal educational experiences or English fluency.

Stories surfaced in interviews about parents struggling to help their children with homework for a number of reasons. One of those points to evidence of a persisting “digital divide,” in which parents without home access to a computer and internet service could not access parent sections of websites that house student grades, homework assignments, and other information. One EL teacher in central Minnesota reported getting around this barrier by printing out missing homework, grades, and progress reports that parents could not access online.⁷⁶⁶ For some parents, it is not internet access, but rather language, which is the biggest barrier, as the entire website is in English. This was accommodated in one district by translating their “parent portal” into Spanish – the second most common language among parents, after English.

⁷⁶⁰ Conversation 9; Interview 152; Interview 155; Interview 161.

⁷⁶¹ Interview 152.

⁷⁶² Interview 161.

⁷⁶³ Conversation 9.

⁷⁶⁴ Interview 155.

⁷⁶⁵ Conversation 16.

⁷⁶⁶ Interview 169.

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Other obstacles included parents' work schedules, transportation, and childcare. Many immigrant parents are working more than one job or work opposite shifts. A professional working with parents of pre-K students said, "There are definitely some barriers to parent involvement in school. Work is the biggest one – people can't be there, can't get time off. We do send out a calendar at the beginning of the year, and when they can, people are asking for those days off way in advance."⁷⁶⁷ Several schools described family nights and other school-sponsored events in which childcare and transportation was provided.

FINDING SOLUTIONS: PARENT/FAMILY CLASSES

Several of the larger districts with high immigrant populations in Minnesota now provide courses for parents and family members to help them navigate the educational system. Parents also learn information to assist them in providing support to their children and advocating on their behalf when there is a problem. A liaison in one district reported that the classes were an effective and even an emotional experience for some participants and encouraged administrators to participate.⁷⁶⁸ Most districts reported success with these classes and believed they could help significantly narrow the information gap and empower parents to become more involved.

POSTSECONDARY SYSTEMS

According to the Universal Declaration of Human Rights, "technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit."⁷⁶⁹ Many of the issues that affect the K-12 system naturally occur in postsecondary access and institutions, as well, including unequal expectations of students, college readiness and support, college options, and discrimination.

“He recalled one young woman being told by a counselor, “you should probably just stick to being a secretary.”

UNEQUAL ACCESS

While graduation rates at four-year institutions are going up overall, there are also disparities in graduation rates for those who enter a postsecondary institution (see Table 2). Governor Dayton has identified the need for improving access and opportunities within postsecondary systems: “By

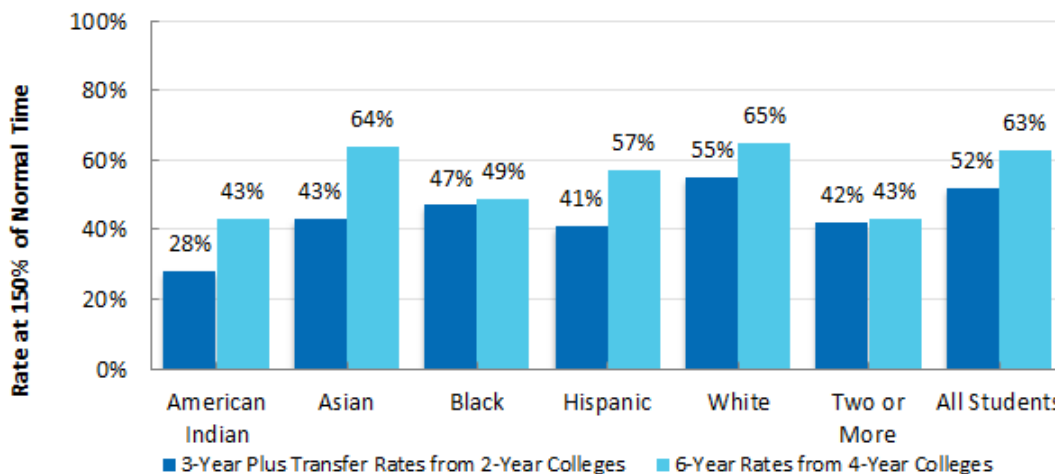
⁷⁶⁷ Interview 156.

⁷⁶⁸ Interview 152.

⁷⁶⁹ UDHR, Art. 26.

2018 an estimated 70 percent of Minnesota jobs will require some education beyond high school. And right now, only 40 percent of Minnesotans hold postsecondary degrees.”⁷⁷⁰

Table 2: Disparities in Postsecondary Graduation Rates⁷⁷¹



First-time, full-time undergraduates entering college in 2006 at Minnesota 4-year institutions and 2009 at Minnesota 2-year institutions and graduating from the same institution, or transferring to another institution (2-year colleges only) by 2012.

Source: U.S. Department of Education, IPEDS Graduation Rate Survey

EXPECTATIONS

There is a widespread belief that some groups of immigrant and refugee students are not given equal information about college and postsecondary options. Interviewees reported that “immigrants face very, very low expectations”;⁷⁷² need extra supports that they are often not receiving;⁷⁷³ are prevented from attending college due to a lack of financial aid options; and face other barriers specific to immigration status.

Stories of unequal expectations, both in high school and college, came primarily from immigrant and refugee groups with disproportionate representation in lower socio-economic strata. A Latino man in the metro said, “It is common that Latinos will be told to stick to low-skill work.” He recalled a bright young woman being told by a counselor, “you should probably just stick to being a

⁷⁷⁰ Governor Mark Dayton, The Office of the Governor Blog, “Helping Part-time College Students Succeed,” (Oct. 21, 2013), <http://state.mn.us/governor/blog/the-office-of-the-governor-blog-entry-detail.jsp?id=102-90533>.

⁷⁷¹ Minnesota Office of Higher Education, “Graduation Rates: Graduation and Retention Rates of Undergraduates in Minnesota’s Postsecondary Institutions,” <https://www.ohe.state.mn.us/mPg.cfm?pageID=754>.

⁷⁷² Interview 114.

⁷⁷³ Interview 129.

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secretary.” He also told a story about recommending a book for a high school class and being told it was “too hard” for them, saying, “there is a mentality of them not being able to do anything.”⁷⁷⁴ One expert commented that “many educators don’t teach as high to most students of color and American Indian students.”⁷⁷⁵

Numerous interviewees reported that immigrant students did not receive equal information about postsecondary options. In one egregious case in West Central Minnesota, a counselor “took Latino kids out of classes and put them in a ‘job shadowing’ class where they worked at a restaurant as bussers. The counselor told them that ‘that’s what you’ll end up doing.’” In this situation, mothers organized to track and report on the counselor responsible.⁷⁷⁶

Participants in a community conversation complained of two different districts: “[They] discourage non-white students from applying for college by saying things like, ‘why do you want this?’”⁷⁷⁷ “[Immigrant] youth in high schools don’t receive the same support as white kids...They say, ‘college isn’t for everyone.’ The kids feel ostracized and under-deserving.”⁷⁷⁸

While these narratives relate blatant cases of misconduct, lower expectations are often the result of unconscious assumptions and erroneous connections made between language proficiency and knowledge of academic subject areas.

One interviewee recalled getting excellent assistance: “I had a very good high school counselor. He really encouraged me to apply to as many opportunities as possible. That doesn’t happen to everyone. I was really lucky.”⁷⁷⁹

COLLEGE READINESS SUPPORT

Parents have traditionally taken primary responsibility for helping students prepare for, select, and apply to, colleges and universities. This leaves students who are the first in their family to attend college at a significant disadvantage, perpetuating familial socio-economic positions. Such students lack the built-in social networks,⁷⁸⁰ messages and expectations, and direct assistance that the vast majority of students from middle- and upper-class families receive.

⁷⁷⁴ Interview 114. The book referenced is Alfredo Quiñones-Hinojosa and Mim Eichler Rivas, *Becoming Dr. Q: My Journey from Migrant Farm Worker to Brain Surgeon* (Berkeley: University of California Press, 2011).

⁷⁷⁵ Interview 157.

⁷⁷⁶ Interview 137.

⁷⁷⁷ Conversation 9.

⁷⁷⁸ Conversation 9.

⁷⁷⁹ Conversation 19.

⁷⁸⁰ Interview 182.

Minnesota has the second worst ratio of guidance counselors to students in the nation,⁷⁸¹ leaving many students without the necessary support to make appropriate decisions about college. Students need advice even in middle school and early high school on taking Advanced Placement (AP) and International Baccalaureate (IB) classes and thinking about which colleges might be a good fit academically, socially, and culturally.⁷⁸²

The problem has been recognized by a new law that “strongly encourages” districts to “have an adequate student-to-counselor ratio for its students beginning in the 2015-2016 school year and later.”⁷⁸³ Moreover, numerous programs have sprung up to attempt to close the gap and give equal opportunities to immigrant and refugee students. This includes a state-run educational website for parents and students,⁷⁸⁴ as well as mentoring and college-readiness programs run by nonprofits that target first-generation students.⁷⁸⁵

Some of these programs provide much needed direct assistance with filling out college applications and finding financial aid options. Yet, there is still much to be done. One current student recommended the following: “I think people could go into schools to talk to students about college and how to afford it being an immigrant. I think that would have helped me make better decisions.”⁷⁸⁶ One government employee believes there should be more marketing to reach students with pointed messages while they are still in high school, such as, “PSAs, ads on sides of buses, etcetera” to “tell kids ‘it’s for them.’”⁷⁸⁷ Once in college, many other services can be put in place to make up for gaps in readiness.

OPTIONS AND AFFORDABILITY

Many immigrant and refugee students, even after overcoming other barriers, often lack postsecondary options for a variety of reasons, including lack of immigration status for undocumented students, lack of proper educational background for refugee students, and overall unaffordable costs of postsecondary institutions.

⁷⁸¹ See, for example: The National Association for College Admission Counseling, K-12 Public School Student-to-Counselor Ratios, by State: 2010-2011,” <http://www.nacacnet.org/issues-action/LegislativeNews/Documents/StudentCounselorRatios.pdf>, citing the U.S. Department of Education, National Center for Education Statistics, “Public Elementary and Secondary School Student Enrollment and Staff Counts from the Common Core of Data: School Year 2010-2011,” (May, 2012).

⁷⁸² Danielle Moss Lee, *How to Provide Guidance to First Generation College-Bound Students*, Edutopia, Jan. 19, 2012, <http://www.edutopia.org/blog/first-generation-college-bound-danielle-moss-lee>.

⁷⁸³ Minn. Stat. § 121A.39 (2013).

⁷⁸⁴ Minnesota Department of Education, “Ready Set Go!,” <http://readyssetgo.state.mn.us/RSG/index.html>.

⁷⁸⁵ See, for example: AVID, <http://www.avid.com/US/>; College Possible, <http://www.collegepossible.org/>; and Project Success, <http://www.projectsucces.org/>.

⁷⁸⁶ Interview 44.

⁷⁸⁷ Interview 164.

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After decades of advocating for their rights, undocumented students were recently granted life-changing opportunities through state legislation and a temporary reprieve from deportation. The Minnesota Dream Act, passed in 2013, opens financial aid options to undocumented students who meet certain requirements,⁷⁸⁸ and Deferred Action for Childhood Arrivals (DACA), authorized by President Obama in 2012, provides temporary legal status that allows eligible young people to work.⁷⁸⁹

While the impact of the changes is significant, undocumented students do still face exclusion from some programs intended to assist first-generation students⁷⁹⁰ and from some colleges and universities.⁷⁹¹ Others live with the fear that they may not be able to get a job upon graduation if DACA is not extended. These young people still need a permanent immigration status option for secure, universal access and opportunities.

Many new-to-country refugee students who enter as older teens face a different dilemma, struggling to adjust to a new country and culture while catching up academically and finishing high school while entering their 20s.⁷⁹²

Many students, regardless of immigration status, need more financial aid options for college to be a real choice. Affordability concerns were frequently cited by interviewees across the state.⁷⁹³ Some simply cannot afford college. Said one interviewee in greater Minnesota, “Families try to provide in an ‘American’ way, but... people lost homes during the crisis. Kids want to go to college, but have no means.”⁷⁹⁴ International students also reported difficulties in finding work,⁷⁹⁵ and being “qualified for financial aid,” but not able to get it because they lacked “a credit history in America.”⁷⁹⁶ A community interviewee reported students taking time off to save up money.⁷⁹⁷ Reflecting on this

⁷⁸⁸ Minnesota Office of Higher Education, “Minnesota Dream Act,” <http://www.ohe.state.mn.us/mPg.cfm?pageID=2056>.

⁷⁸⁹ U.S. Department of Homeland Security, “Deferred Action for Childhood Arrivals,” <https://www.dhs.gov/deferred-action-childhood-arrivals>.

⁷⁹⁰ *See, for example:* U.S. Department of Education, Office of Postsecondary Education, “Federal TRIO Programs,” <http://www2.ed.gov/about/offices/list/ope/trio/index.html>.

⁷⁹¹ Interview 44.

⁷⁹² For additional information about refugees, see “Refugee Resettlement” in Chapter 6: Basic Needs, page 208.

⁷⁹³ Interview 9; Interview 12; Interview 21; Interview 31; Interview 35; Interview 38; Interview 44; Interview 96; Interview 167.

⁷⁹⁴ Interview 96.

⁷⁹⁵ Interview 7; Interview 31; Interview 50.

⁷⁹⁶ Interview 9.

⁷⁹⁷ Interview 21.

pattern, a university faculty member said, “if [students] have to stop-start for various reasons (such as working), it is not a pathway to success. People then drop out.”⁷⁹⁸

According to one monitoring organization, Minnesota maintains a mediocre ranking nationally on state and local support of students in higher education,⁷⁹⁹ and its affordability ranking is low.⁸⁰⁰

“There was a Muslim female student, pre-med, really bright. She wore a traditional hijab. In chemistry lab, students wouldn’t pick her to be lab partner. She said, ‘they think I’m less than, or not as smart.’”

DISCRIMINATION

“Walking into a large lecture hall with 300 or more students and being the only one of three students of color – that’s hard,”⁸⁰¹ said a faculty member at a metro university. In addition to being a minority and having overcome many barriers even before arriving on campus, many foreign-born students face some kind of discrimination or mistreatment once in college.

A campus climate survey at a university in northern Minnesota “found...that white students in the hallways will take over the hallway, not moving, or students of color getting pushed out of the way. This ‘white territory’ issue came up in all the focus groups. Name-calling, people yelling racist statements, was another problem.”⁸⁰²

The issue of discriminatory treatment against Muslims emerged in the postsecondary scene, as it had in K-12 schools. One professor described two scenarios he had seen on campus: “There was a Muslim female student...fluent in English, pre-med, really bright. She wore a traditional hijab. In chemistry lab, students would not pick her to be lab partner. She was hurt by that. She said, ‘they think I’m less than, or not as smart.’ Another student removed her hijab, because she thought she’d be more welcomed.”⁸⁰³

⁷⁹⁸ Interview 167.

⁷⁹⁹ NCHEMS Information Center for Higher Education Policymaking and Analysis, “State and Local Public Higher Education Support Per Full-Time Equivalent Student: 2011,” <http://www.higheredinfo.org/dbrowser/index.php?submeasure=67&year=2011&level=nation&mode=graph&state=0>.

⁸⁰⁰ NCHEMS Information Center for Higher Education Policymaking and Analysis, “State and Local Public Higher Education Support Per Full-Time Equivalent Student: 2011,” <http://www.higheredinfo.org/dbrowser/index.php?measure=44>.

⁸⁰¹ Interview 167.

⁸⁰² Interview 61.

⁸⁰³ Interview 167.

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Several current or former college students reported discriminatory grading and treatment by professors.⁸⁰⁴ This included outright racism, as told by one interviewee who attended a community college: “I asked a question to my teacher...She started to scold me in class, [saying] ‘this isn’t elementary school’ and I ‘should have learned this in grade school.’ She said, ‘This is what’s wrong with you people.’ I was involved in the TRIO program,⁸⁰⁵ so I reported it to the school officials. I was told that this was not the only complaint of this nature...twenty of the forty people in the class dropped it after that incident.”⁸⁰⁶

No single type of postsecondary institution demonstrated more bias than another, but rather varied by individual institution. One interviewee, for example, felt discriminated against at a private university, but described being treated fairly and with dignity after transferring to a community college.⁸⁰⁷

An academic advisor put it this way: “I have heard of professors who make it systematically hard for immigrant students to succeed, to the point that students have quit programs.... [but] most are great advocates for them. I believe immigrant students get a good education; most are able to transfer to engineering and pharmacy schools.”⁸⁰⁸

This again reflected the K-12 experience, where students may have numerous positive experiences with teachers, but gave accounts of those which stood out as discriminatory or simply unfair.

POSITIVE EXPERIENCES

For immigrant students who described positive experiences, they usually included staff members who seemed to care about them, grade fairly, and stand up for them when bias occurred. One community member was effusive in his recollection: “I just felt the most welcome in Minnesota when I was starting my post-high school education. The staff and students made me feel really welcome and wanted. It is not always a guarantee that people will like you when you are so far away from where you came from. It was extremely nice to feel this connection with people and I felt overwhelmingly welcome.”⁸⁰⁹

Another described an episode in which a friend who had just arrived in the United States from Saudi Arabia was shocked after being called a “terrorist” by an “American citizen” during his first outing

⁸⁰⁴ Interview 24; Interview 35; Interview 38; Interview 132.

⁸⁰⁵ TRIO is a college access program. U.S. Department of Education, Office of Postsecondary Education, “Federal TRIO Programs,” (accessed Mar. 21, 2014), <http://www2.ed.gov/about/offices/list/ope/trio/index.html>.

⁸⁰⁶ Interview 38.

⁸⁰⁷ Interview 35.

⁸⁰⁸ Interview 132.

⁸⁰⁹ Interview 37.

into the community: “A student advisor reacted quickly. She organized a meeting with international students in this program. She tried to clear up the misunderstanding; she did not want the students to consider this as a Minnesotan attitude. She came up with more procedures to protect us. After a while, all students were happy and enjoyed a high level of confidence.”⁸¹⁰ Even small acts of kindness and advocacy on behalf of immigrants and refugees made a big difference.

MONITORING

In considering the importance of having accurate information with which to work, one school board member was adamant in her assessment: “It is critical – what you measure is what you see.”⁸¹¹ In order to fulfill the right to education, international

“Once you come here, you are African American. Liberians are not counted. We need to track those kids.”

human rights standards set forth the obligation to “maintain a transparent and effective system to monitor...standards.”⁸¹² In Minnesota, what data is collected and how it is evaluated and monitored can be somewhat limited. At the school level, interviewees reported the need to think further about various metrics that could be monitored. With regard to “welcome,” teachers and community members stated the need to include student voices in evaluation and reported the usefulness of surveying parents and students.⁸¹³ Said one metro teacher: “I think immigrant students feel welcome at our school. We have a survey in the fall and spring so we can compare and contrast. It asks things like, ‘How is the relationship between students?’ ‘Do you feel safe and secure?’, ‘How is the relationship between your parents and teachers?’ ‘Do you feel you have teacher support?’” Teachers see the results...and set up goals for next year”⁸¹⁴

Educational professionals also expressed a need for tracking immigrant populations within particular schools and districts so that true disparities are known and academic interventions can be more targeted.⁸¹⁵ African and Asian professionals alike expressed a need for disaggregated data. A Liberian liaison stated the need to “get serious” on this issue and recommended schools “keep track of immigrant students and how they’re doing in the system. Once you come here, you are African American. Liberians aren’t counted...we need to track those kids.”⁸¹⁶

⁸¹⁰ Interview 27.

⁸¹¹ Interview 154.

⁸¹² CESCR, GC No. 13, The Right to Education ¶ 54, UN Doc. E/C.12/1999/10 (Dec. 1999).

⁸¹³ Conversation 12; Interview 68; Interview 165.

⁸¹⁴ Interview 149.

⁸¹⁵ Interview 113; Interview 150; Interview 152.

⁸¹⁶ Interview 152.

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However, the ability to track directly is hindered by laws that prevent schools from asking for foreign-born status.⁸¹⁷ One cultural liaison reported using proxy data for EL populations and those who qualified for free and reduced lunch in her school to find data on a particular refugee group.⁸¹⁸ This kind of analysis could be used to approximate disaggregated data in other schools and districts, as well, and it is a challenge for state- and district-level leaders to find a way to make such information available to school staff, parents, and students.

At the state level, there is also a need to both use current research and to collect and analyze local and regional data on immigrant groups to inform educational policy, as well as to find and share best practices. However, one interviewee suggested that the Minnesota Department of Education is currently too under-funded to carry out the full extent of such activities.⁸¹⁹ In an age where data and information is ubiquitous, more resources could be allocated to monitoring on all levels.

RECOMMENDATIONS

Finding: There are disparities in education that reveal the fact that all students do not receive an equal education.

Recommendations

- Raise overall funding levels for public education and change funding structures so that all schools are reasonably equal in quality and resources.
- Change the accountability focus from teachers and students to federal and state government bodies and officials, and thus to individuals and communities at large, for ensuring the success of all students.
- Create mechanisms to look at the root causes of educational disparities, including institutional racism, and at solutions for long-term sustainable change at the state, district, and school levels, with participation from immigrants and other affected communities.
- Raise awareness of the causes, potential solutions, and extent of disparities among individuals at the neighborhood and community level.

⁸¹⁷ *Plyler v. Doe*, 457 U.S. 202 (1982); 20 U.S.C. § 1232g; 34 C.F.R. 99.

⁸¹⁸ Interview 150.

⁸¹⁹ Interview 162.

Finding: The educational system is currently not well equipped to meet the needs of refugee children.

Recommendations

- Create a plan that meets the educational and emotional needs of refugees who enter the United States as teenagers and young adults and have missed several years of school.
- Hire more mental health professionals in schools and provide culturally appropriate referrals.

Finding: Undocumented students and families and mixed-status families live with the fear of having a loved one deported and face unique challenges around documentation.

Recommendations

- Provide clear guidance in an administrative rule, law, or communication from the Minnesota Department of Education to all schools that staff members are prohibited from asking about immigration status.
- Change parent volunteer forms so that they do not ask for Social Security numbers, which are not required to run background checks.
- Issue photo IDs so that undocumented students have some form of identification.
- Hire more social workers in schools, and train administrators, teachers, and other staff on how to safely provide referrals for available resources.

Finding: Segregation has increased in Minnesota over the last two decades, leaving many immigrant students in segregated, high-poverty, low-performing schools.

Recommendations

- Make information about school options more accessible and increase outreach to immigrants to ensure that families understand all available choices for their child's education.

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- Revise state laws regarding integration, fixing Minnesota Administrative Rule 3535.0110 "Equal Opportunity in Schools" so that it does not require proof of intent to segregate and does not exempt charter schools and open enrollment policies.
- Create a statewide integration plan that requires inter-district planning and cooperation and includes all public schools.

Finding: Many students, in both K-12 and postsecondary institutions, are bullied or discriminated against.

Recommendations

- Improve state laws regarding bullying to ensure safety and security for every child.
- Conduct school and college campus climate surveys and address areas of concern.

Finding: Students of color, including some immigrant and refugee students, are disproportionately affected by punitive school discipline policies.

Recommendation

- Conduct an audit of discipline policies that includes input from affected student groups and create a plan to bring policies into alignment with new federal guiding principles from the Departments of Education and Justice.

Finding: Some immigrant and refugee students are not well prepared to enter school.

Recommendations

- Fund universal early childhood education in Minnesota.
- Increase funding for Early Childhood Family Education (ECFE) and raise awareness among immigrant parents of the program and its benefits.

Finding: There are insufficient overall levels of staff, and an insufficient number and percentage of staff members who represent the student demographic.

Recommendations

- Provide funding for more educational staff, in general.
- Hire more staff who represent the ethnic, cultural, and linguistic background of students in all professions within the school, and especially as teachers and administrators.
- Conduct audits of hiring policies and practices and survey staff members from all backgrounds to find ways to hire and retain representative staff.
- Recruit and support immigrants and refugees to become teachers and administrators, including foreign-credentialed teachers.

Finding: There is a lack of funding for, and focus on, English learner (EL) staffing levels and support.

Recommendations

- Require and fund in-depth, tailored trainings for pre-service and current teachers on strategies to effectively teach ELs and work with students from a variety of different cultures.
- Provide more funding, staff, and administrative support for EL services, including district-level EL coordinators who are both language experts and licensed as administrators.
- Implement “Research-based Recommendations for Effective EL Instruction” on page 146.
- Improve EL and special education placement, and ensure immigrant families more fully understand the benefits of these services when students are appropriately placed.

Finding: Some schools are not currently teaching enough about diverse perspectives and experiences.

Recommendations

- Provide immigration basics trainings to school staff to help them better understand students' experiences and teach about immigration.
- Ensure that standards related to human rights and multicultural education are being taught. Revise curriculum, where necessary, to include more diverse perspectives.
- Facilitate integration among students at the interpersonal level, being cognizant that sometimes students self-segregate as part of their identity formation.

Finding: Parent and family involvement can be limited among immigrant populations, due to perceptions of being unwelcome, communication issues around language and culture, and lack of resources.

Recommendations

- Ensure that reception areas in schools are adequately staffed and that staff members have the training and resources to accommodate immigrant and refugee family members.
- Hire more liaisons, interpreters, and others who can reduce language and cultural barriers.
- Ensure that all school communication is clear and direct; meets the needs of the ethnic and cultural groups represented in the school; and is made available in relevant languages through the use of interpreters, language lines, and new translation technologies.
- Request that teachers communicate directly with immigrant families as much as possible and not rely solely on school or district liaisons.
- Seek input from parents and families about how to best engage with them.
- Understand cultural differences in expectations regarding family engagement, and where possible, make accommodations for work schedules and provide transportation and childcare for parent-teacher conferences and other important events.
- Provide funding for parent/family classes in all districts.
- Ensure openness to, and inclusion of, all parents in at least one integrated parent-teacher group in which key decisions are made.

- Explicitly explain the student engagement benefits of extracurricular activities for students and help to remove barriers to participation, such as transportation.

Finding: Immigrant and refugee youth receive less information about the full range of postsecondary options and face lower expectations of their future success. Many immigrant students need more college readiness support and greater access to affordable postsecondary education.

Recommendations

- Hire more guidance counselors.
- Provide assistance to immigrant students in preparing for postsecondary education, including setting goals, taking appropriate high school classes, filling out college applications, finding financial aid options, and selecting colleges or universities.
- Hire multicultural and racially diverse advisors and administrators in postsecondary institutions and provide accommodating services for ELs and immigrant students.
- Improve affordability of college in Minnesota and expand financial aid options.
- Remove eligibility limits based on immigration status for federal financial aid and college readiness programs.

Finding: There is not enough monitoring of the system or data collected on specific immigrant groups.

Recommendations

- Provide increased funding for monitoring to schools, districts, and the Minnesota Department of Education.
- Review the data being collected at all levels to ensure appropriate measurements and disaggregation by affected populations. Make the data available to school faculty, parents, and students.