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# Helping Children Reach Their Potential

## *One School's Experience*

KERRY CLEMENT



As the “family specialist” (school social worker) at Carrboro Elementary School, which is part of the Chapel Hill-Carrboro (N.C.) City Schools, I work with close to 150 families, about one-fourth of whom are Hispanic. My role is to help all families and students resolve issues that may be interfering with students’ ability to reach their potential in school. These issues range widely, from attendance to medical matters to parenting skills to school involvement. I do much of

my work in the community and in homes. I also spend considerable time functioning as a liaison to community agencies, helping locate services for the families I work with. This article describes my growing work with the Hispanic population in Carrboro. It also discusses the various needs of that population and the ways in which the school and the school system are trying to meet them. [For a discussion of schools’ legal duties toward students who may not speak English proficiently—and toward the small proportion who may not be legal immigrants—see the sidebar, page 54.]

Carrboro Elementary serves about 540 students in kindergarten through fifth grade, 58 percent of them white, 20 percent African American, 16 percent Hispanic, and 6 percent of other races and backgrounds. The number

of Hispanic students at the school has increased significantly in the 1990s, from 10 (2 percent) in 1993, to 49 (9 percent) in 1997, to 86 (16 percent) in March 1999. The growth in this group has been greater than that in any other Carrboro Elementary group.

Working with the expanding Hispanic population at the school has been challenging and rewarding. Most of the Hispanic parents who are referred for my services speak Spanish only. Both the parents and the students may



Photo by Will Owens

have skill deficiencies in their native language, in many instances the result of lack of education according to North American standards. Many of the families that I work with have come from poverty in their native countries. Some parents describe living in shacks with dirt floors and often eating only one meal a day. Many parents report that they have come to the United States to offer their children a better life. Generally they strongly support their children's education and are very grateful for any assistance they or their children receive from the school.

One or both parents in the families I serve typically work long days (10–12 hours), often at physically demanding labor such as construction or landscaping. Sometimes the pay is less than the minimum wage. For example, one father washes dishes at a restaurant from 10:00 in the morning until midnight, six days a week, with only a lunch and a dinner break. He earns \$3 an hour.

Most Hispanic children who attend Carrboro Elementary live in communities that have become predominantly Hispanic as new arrivals have searched for support and commonality. Most parents report that their life is much better in the United States than in their countries of origin, although many North Americans would consider it poverty.

Historically in the Chapel Hill–Carrboro City Schools, students of “limited English proficiency” typically have been children of people who are in the United States for a limited time to attend graduate school at The University of North Carolina at Chapel Hill. In general, the parents have been somewhat bilingual, if not fluent in English, and thus their need for translators has been very limited. Their need for the services of a family specialist also has been limited.

However, as the number of Carrboro students and families who speak Spanish only has swelled and as those families have taken up long-term residence, the need for translators to communicate with them has become obvious. For many years Carrboro Elementary has offered Spanish language to students in grades 2–5, and as a result, the school has two Spanish teachers, one full-time and one part-time. Until recently these two teachers and the English-as-a-second-language (ESL) teacher who spoke Spanish fluently did most of the outreach and the translation to integrate Hispanic families into the school. They translated at parent-teacher conferences, helped new parents with forms, checked with families when students were not at school, and helped resolve issues with Spanish-speaking students during the school day. They did this work outside their teach-

ing time, frequently during their planning time or in the evenings and on weekends.

As the number of parents and teachers seeking these services grew, it became a struggle for the Spanish teachers and the Spanish-speaking ESL teacher to meet everyone's needs and fulfill their teaching responsibilities. Also, it became apparent that because of the language barrier, services such as those of the family specialist were not reaching the Spanish-speaking-only families who could benefit from them. The Spanish teachers and the Spanish-speaking ESL teacher began to advocate for a nonteaching bilingual or translator position. In response, in fall 1998 the Chapel Hill–Carrboro City Schools contracted with a bilingual person to provide translation services. At first, the services were somewhat limited, focused on parent-teacher conferences. Soon, however, staff obtained permission to use the bilingual contractor as needed. Also, since fall 1998, the school has contracted with a second bilingual person.

The school system is committed to providing ESL services, but resources have not always been sufficient to bridge the language barrier. For the 1998–99 school year, the district as a whole had 8 ESL teachers serving 400 students, a ratio of 1 to 50. Often such a ratio does not allow children to make a full transition to English before they are “mainstreamed” (integrated full-time into the regular classroom) and required to take the North Carolina end-of-grade tests.

Another way in which Carrboro Elementary has attempted to help Hispanic families adjust to the school is to create the position of Hispanic liaison on the parent-teacher association (PTA) board. The liaison, a bilingual parent, keeps members of the Hispanic community informed about school activities so that they may participate. This person sends information home in Spanish with the students and contacts parents personally, by telephone, to invite them to events.

Despite the need for greater funding, the parents of the Hispanic students have generally praised the support services that Carrboro Elementary provides for their children. “When I would come to pick up my

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## SCHOOLS' LEGAL DUTIES

Most children enrolled in North Carolina's public schools are U.S. citizens, and the public schools' obligation to provide them with an education is not in doubt. Readers may wonder, though, whether public schools must serve children who are not U.S. citizens—who may, in fact, be illegal immigrants—and whether public schools must assist children, citizens or not, whose proficiency in English is limited. This sidebar addresses those issues.



### MUST PUBLIC SCHOOLS ENROLL AND PROVIDE SERVICES TO ILLEGAL IMMIGRANTS?

Yes. Although the U.S. Constitution does not guarantee children a right to an education,<sup>1</sup> once a state provides public schooling, it may not discriminate on the basis of national origin. The Equal Protection Clause of the Fourteenth Amendment protects all people, whether they are legally or illegally present in the United States. Public schools may not refuse to enroll or provide services to a person on the basis of his or her immigration status.

The U.S. Supreme Court established this proposition in 1982 in *Plyler v. Doe*.<sup>2</sup> In that case the Court reviewed a Texas statute that prohibited illegal immigrants from enrolling in the state's public schools. For the statute to meet the requirements of the Equal Protection Clause, which generally requires that federal and state laws treat all people equally, Texas had to show that some substantial state interest justified its denial of educational benefits to illegal immigrants. The Court found on balance that the state's interests were insufficient to warrant denying educational benefits to a select group of children.

In its opinion the Court emphasized the extraordinary importance of education, both to individuals and to society as a whole. It found that education plays a fundamental role in maintaining the fabric of American society and is perhaps

the most important function performed by state and local governments. Denying a free public education to children because of their immigration status would result in a lifetime of hardship for them, the Court reasoned. Also, the Court observed, the children who bore the burden of the statute were innocent of any wrongdoing, having little or no control over where they lived and whether their parents complied with U.S. immigration laws.

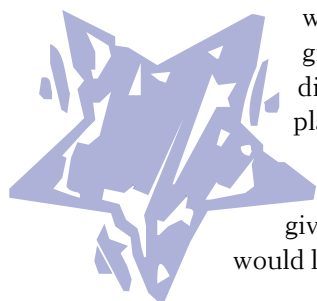
The Court rejected each of the justifications offered by the state of Texas for its policy, finding them insufficient to warrant the potentially devastating consequences of denying an education to a child. The Court also found little evidence to support the state's assertions—for example, that free public education leads to illegal immigration, which in turn imposes a significant burden on the state's economy. To the contrary, the Court noted, the dominant incentive for illegal immigration is employment; few if any illegal immigrants come to the United States to avail themselves of a free education. Further, the available evidence suggested that illegal immigrants underuse public services while contributing their labor to the local economy.

After *Plyler*, California voters approved a law (Proposition 187) denying the benefits of public elementary and secondary education to illegal immigrants. Relying on the mandate of *Plyler*, a federal district court declared the law unconstitutional.<sup>3</sup>

### MUST PUBLIC SCHOOLS ASSIST STUDENTS WITH LIMITED PROFICIENCY IN ENGLISH?

Yes. The law requires public schools to take "appropriate action" to remedy any language deficiencies of students with limited English proficiency (LEP). In the 1974 decision *Lau v. Nichols*, the U.S. Supreme Court held that, by failing to provide English-language instruction to children who do not

kids," a parent told me, "I could see how much attention the teacher was giving them." The children themselves are aware and appreciative of their teachers' efforts. "My teachers would give me worksheets and bilingual books when the others were doing things that were too hard for me," recalled one fifth-grade girl. "Also, if there was something I didn't understand, they would finish explaining it to the others, and then they would explain it to me slowly." A fifth-grade boy reported, "My teacher would give me short assignments to do, and she would let me write them in Spanish."



The parents often are surprised and overwhelmed to learn how intelligent their children are. Many feel that their children already have far surpassed them in educational level.

Most of the parents consider themselves a part of the school and are comfortable in the school setting. "We feel welcome at Carrboro Elementary," says one parent. "Our children are happy because the teachers try to communicate with us. They call us and send us notes in Spanish. And if there is a meeting at the school, a translator comes to help us."

The families have warmly welcomed me into their homes, and they have been comfortable coming to my

speak English, a public school violates Title VI of the Civil Rights Act, which prohibits discrimination based on national origin. Such a failure denies these students a “meaningful opportunity” to participate in public education.<sup>4</sup>

Shortly thereafter, Congress passed the Equal Educational Opportunities Act.<sup>5</sup> This law prohibits states from denying educational opportunities to individuals on account of their race, color, sex, or national origin by failing to take “appropriate action” to overcome language barriers that impede equal participation in instructional programs.

An increasing number of students in North Carolina have limited English proficiency. The North Carolina Department of Public Instruction (DPI) counted 28,771 students in the 1997–98 school year who were enrolled in an LEP program. DPI estimates that, by the 1999–2000 school year, 35,771 students will be participating in such a program.<sup>6</sup>

Schools must take two basic steps to satisfy the requirement of “appropriate action.” First, they must identify and evaluate LEP students. Second, they must devise and implement a sound educational program that helps LEP students overcome language barriers. Such a program may take various forms, among them English as a second language (ESL), which removes LEP students from the regular classroom for a short time each day for instruction in English; and bilingual education, which essentially leaves LEP students in the regular classroom, where they receive instruction in both English and Spanish until they develop proficiency in English.<sup>7</sup>

There is no consensus on which kind of program is the most effective, and the courts give local education institutions latitude in meeting the needs of LEP students. Courts generally use a three-part test to determine whether a school has met its obligations:<sup>8</sup>

1. Is the program based on an educational theory recognized as sound by experts in the field, or at least as a legitimate experimental strategy?

2. Is the program reasonably calculated to implement that theory?
3. After being used for a sufficient trial period, has the program produced satisfactory results?

Ultimately the courts focus on whether schools have “made a genuine and good faith effort, consistent with local circumstances and resources, to remedy the language deficiencies of their students.”<sup>9</sup>—*Chad Ford*

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## NOTES

1. *San Antonio Independent School District v. Rodriguez*, 411 U.S. 1 (1973). The right to a free public education is guaranteed by the North Carolina Constitution, however. See *Leandro v. State*, 346 N.C. 336, 488 S.E.2d 249 (1997).

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

3. *League of United Latin American Citizens v. Wilson*, 908 F. Supp. 755 (C.D. Cal. 1995), *aff'd on reconsideration*, 997 F. Supp. 1244 (C.D. Cal. 1997) (finding additional support for holding in 1996 Welfare Reform Act).

4. *Lau v. Nichols*, 414 U.S. 563 (1974). Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000(d), prohibits exclusion from participation in, or denial of benefits under, any program receiving federal assistance, on the basis of race, color, or national origin.

5. 20 U.S.C. §§ 1701–1758.

6. Frances Hoch, section chief, English as a Second Language, DPI, telephone interview with the author, June 14, 1999.

7. For a more detailed description of such programs, see Ruth Dowling, “The Rights of Limited English Proficient Students,” *School Law Bulletin* 24 (Fall 1993): 11–25.

8. See *United States v. Texas*, 680 F.2d 356, 371 (5th Cir. 1982).

9. See *Castaneda v. Pickard*, 648 F.2d 989, 1009 (5th Cir. 1981).

office in the school. However, finding resources to meet their needs is often challenging. The circumstances of their presence in the United States frequently block access to community resources. Many of the traditional resources require a Social Security number or a “green card” (Immigration and Naturalization Service form I-551, the Alien Registration Receipt Card, which authorizes the cardholder to work). Some of the Hispanic adults with whom I work have neither.

To enroll their children in public school, families must understand the registration process and produce a birth certificate and proof of residence. Most of the

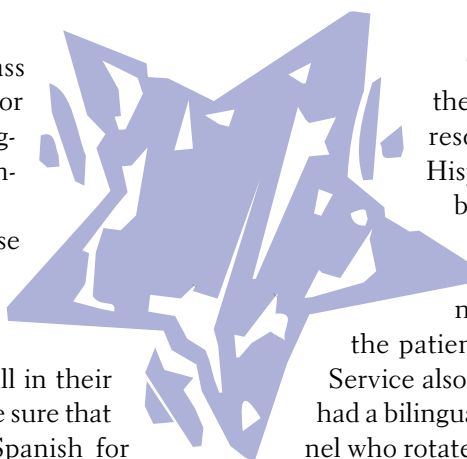
time, parents have a birth certificate. However, the registration process and proof of residence can be roadblocks. Word of mouth in the community seems to be effective in communicating how to register. Nonetheless, at times I learn about a family that has been in the community for several months and is keeping the children at home with their mother. For example, in an adult ESL class recently, the instructor was asking the students—all males, all fathers—about their families. One student described his children, and the instructor asked where they went to school. He replied that they did not. The family had been in the county for four



months, the father in the ESL class for four weeks. The ESL instructor notified me, and we arranged to register the children and take the family on a tour of the school.

As for proof of residence, because many families new to America move in with a relative, they do not have the necessary documentation, such as a lease or a bill in their name. The school system has made sure that it has information available in Spanish for these families about how to get an affidavit of their residency, an alternative form of proof. Sometimes, though, getting the children registered for school takes the creativity of a translator, a family specialist, and the registrar.

Helping students obtain adequate health care—a virtual prerequisite to their reaching their educational potential and sometimes a legal requirement—is a major challenge. For example, state law requires certain immunizations for school enrollment. Children may *register* for school without the immunizations, but to stay in school, children must be in the process of getting them. Because of the type of employment that many of the families have, they do not receive health benefits through their employer. Most of the families are either afraid to go to a government office to apply for services, or already have been informed that they do not qualify for a resource because they do not have the necessary information, such as verification of income (typically a pay stub). As a result, programs such as Medicaid are not being made available to them. Many health clinics also require information such as verification of income in order to extend financial assistance under their sliding-scale fees. Even a nominal fee of \$15 per patient per visit can be unrealistic for a family with a monthly income of \$1,000.



The Student Health Action Clinic in the Carrboro community has been a great resource for all families but especially for Hispanics. This UNC-CH clinic operated by medical students under the supervision of an attending physician is open on Wednesday evenings with no appointment necessary and no cost to the patient. The Inter-Faith Council for Social Service also offers an evening clinic and often has had a bilingual physician among the medical personnel who rotate through.

Transportation can be another roadblock to health care. If a family has a car, the father typically drives it to work. Frequently fathers work late hours and cannot go with their families to see a doctor. They hesitate to take a day off work because their families need the money they earn. Many of the mothers I work with prefer to have their husbands accompany them whenever they interact outside the home or the community. When the husbands cannot go, some mothers are uncomfortable about taking their children to a medical facility with which they are unfamiliar.

This year the Inter-Faith Council created a Hispanic division to ensure that Spanish-speaking families have access to all the council's services. Staffed by a bilingual person from AmeriCorps (a volunteer service organization created by the federal government in 1993), the division has been a tremendous support in locating resources of all kinds, translating, and physically helping families get to medical services.

There are similar roadblocks in obtaining other services that help children reach their educational potential—food, housing, legal assistance, and more. Once a family is comfortably connected with services, it will usually use them. However, the challenge is to connect the family and secure the level of comfort and trust necessary to support the connection.

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