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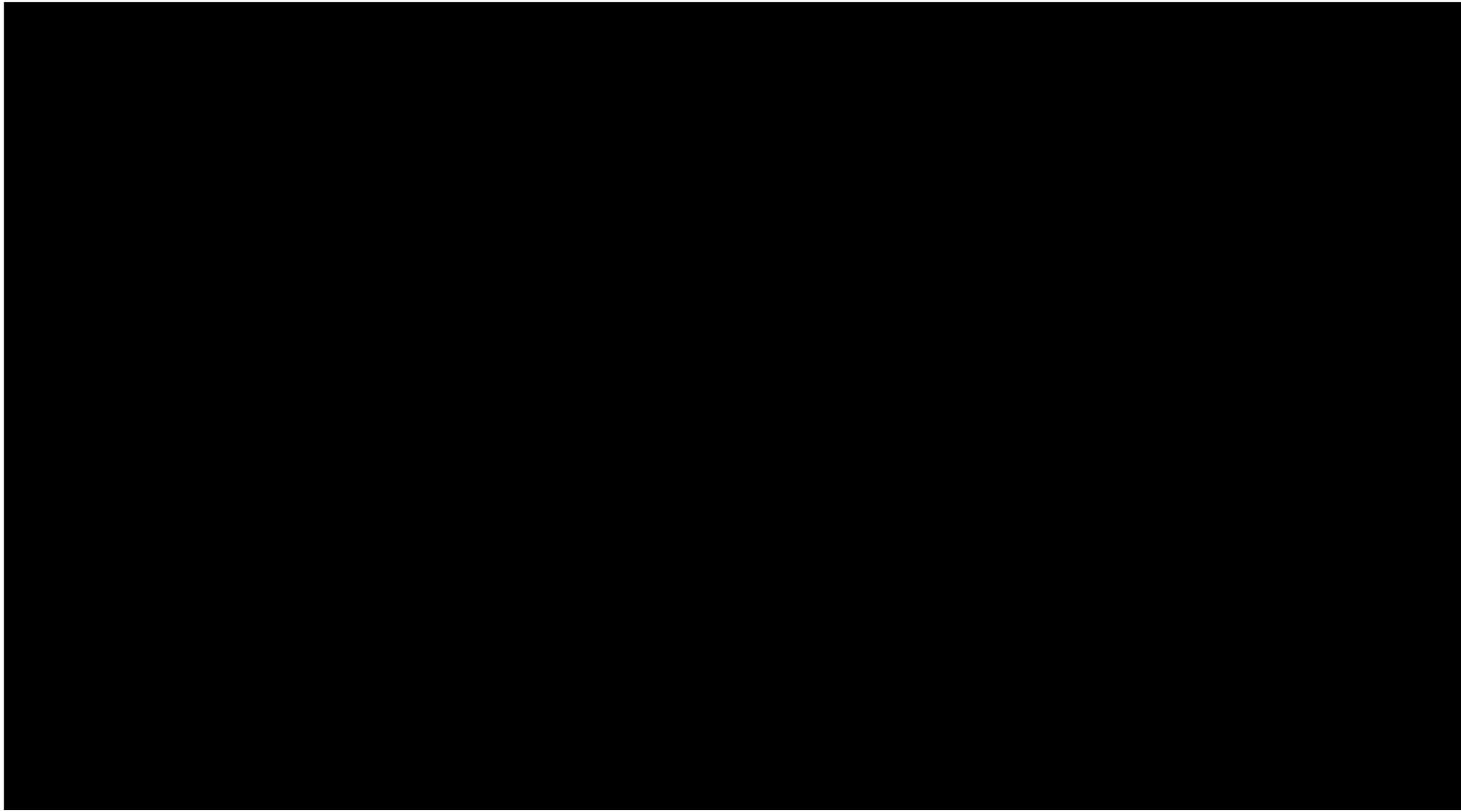
Photo Credit: Griselda Nevarez/Arizona Center for Investigative Reporting

# Educating and Supporting Children From Immigrant Families: What Educators Need to Know

October 4, 2017

Panorama Village Building, Room A

# Why Are We Here?



# Center for Immigrants' Rights Clinic





CENTER FOR EDUCATION AND CIVIL RIGHTS



**PennState**  
College of Education

- Works to promote racial and ethnic equality in education through work three areas:
  - **Generate and Disseminate Knowledge**
  - **Support Networks of Collaboration**
  - **Facilitate Change**



CENTER FOR EDUCATION AND CIVIL RIGHTS



**PennState**  
College of Education



**PennState Law** Center for Immigrants' Rights Clinic

# The Goal of the Event

Provide the basics of immigration law and policy

Provide an overview on the recent developments: DACA, raids and enforcement, and travel ban

Provide information about relevant federal standards and educators' responsibilities

Provide tools and strategies for how to work with immigrant students and their families.

# Disclaimer

- This presentation does NOT serve as legal advice.
- If you have an individual question, please contact the clinic or consult an immigration attorney.

# Immigration and Nationality Act



Photo Credit: CBS News

# What are the Key Terms?

- “Alien”
- Nonimmigrant (temporary)
- Immigrant (permanent)
- Lawful Permanent Resident
- DACA
- DACAmented
- Undocumented
- “illegal”



Photo Credit: Immigration Daily

# The Administration's Policies, Executive Orders, and Proclamations



Seal of the President of the United States

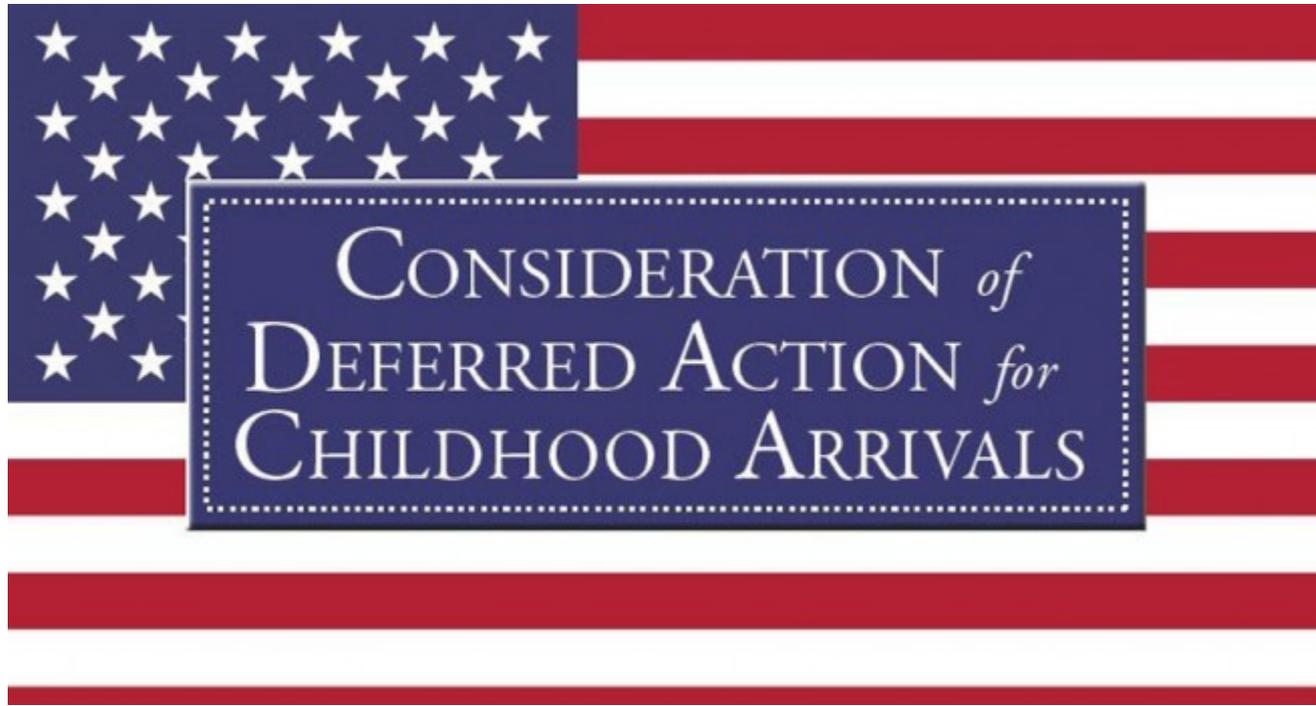


Photo Credit: USCIS; Asian Journal

## BENEFITS

- Two year renewable period of deferred action from deportation, after extensive criminal background checks
  - Eligible for a work permit and obtain a social security number
- \*DACA does not grant legal status.**

# What Does the Current DACA Policy Mean for K-12 Students?

- **September 5, 2017:** U.S. Attorney General Jeff Sessions announced the end of the Obama era created program (**Note:** DACA has never been held unconstitutional)
- **Keep in Mind:** DACA affects more people than the nearly 800,000 DACA beneficiaries



Photo credit: Ms. Magazine

# The Executive Orders On Enforcement

- Enhancing Public Safety in the Interior of the United States
- Border Security and Immigration Enforcement Improvements



Photo credit: Latino USA

# Sensitive Locations: Where Immigration Enforcement Cannot Take Place

- **Schools** (e.g., preschools, primary schools, secondary schools, post-secondary schools, colleges and universities);
- **Hospitals**
- **Places or Worship** (e.g., churches, synagogues, mosques, or other institutions of worship, such as buildings rented for the purpose of religious services);
- **Public demonstrations** (e.g., march, rally, or parade).



Hospitals

Hospitals



Schools

Schools (all levels from preschool through college, also vocational and trade schools)



Places of Worship

Places of worship or buildings rented for religious services



Funerals

Public religious ceremonies, such as funerals



Weddings

Public religious ceremonies, such as weddings



Demonstrations

During a march, rally, parade or other public demonstration

Photo Credit: Catholic Legal Immigration Network, Inc.

# Travel Ban: How Did We Get Here?

- President signed a travel ban January 27, 2017
- On March 6, 2017, the President signed the travel ban 2.0 (challenged in court)
- On September 24, 2017, the President released a proclamation



Photo Credit: News2Share

# Proclamation: Travel Ban 3.0 (Released September 24, 2017)

- **Chad, Libya and Yemen:** all immigrant and those entering as tourists or business travelers
- **Iran:** all immigrants and nonimmigrants, EXCEPT F, J, and M visa holders (extra scrutiny)
- **North Korea and Syria:** all immigrants and nonimmigrants
- **Somalia:** immigrants (and nonimmigrants subject to extra scrutiny)
- **Venezuela:** certain government officials and their family members

# Pending Litigation

- **DACA:** lawsuits by NY AG and 15 other states (additional lawsuits by DACA beneficiaries and University of California)
- **Travel Bans:** Supreme Court has cancelled oral arguments on the case (scheduled for October 10) challenging the original travel ban and asked both sides to explain whether the case is still relevant.



Photo credit: JT Legal Group

# Who is vulnerable?



Photo Credit: Idreamz Media



Photo credit: CNN



Photo credit: Illien Adoption



# Legal Basis for Undocumented Students' Access to K-12 Schools

- Titles IV & VI of 1964 Civil Rights Act
  - Prohibit discrimination on the basis of race, color, and national origin in public schools and institutions receiving federal funds
- U.S. Supreme Court: *Plyler v. Doe* (1982)
  - Undocumented children have the same right to free public education (& mandate to attend public schools until certain age) as U.S. citizens and permanent residents
  - Public schools and school personnel are prohibited from adopting policies or taking actions that would deny students access to education based on immigration status

# Dear Colleague Letter, 2014

- “The immigration status of a student (or his or her parent or guardian) is irrelevant to that student’s entitlement to an elementary and secondary public education.”
  - Review information requested of families to reduce “chilling effect”
  - Review enrollment data for sharp drops by certain groups of students that may suggest barriers to enrollment that should be investigated
- A district may not deny enrollment to a student if he/she (or parent/guardian) chooses not to provide social security no. or birth certificate
  - If information is requested, a school/district must state disclosure is voluntary, give rationale for such request, & explain how it will be used.
  - Requests for information must be done uniformly.

# FERPA & Immigration Status

- Written consent is needed before providing identifiable information from students' educational records
  - Requesting consent may have chilling effect
- There are “narrow, enumerated circumstances” where laws require districts to provide information about a student to another govt. entity.
- There are no specific exemptions to FERPA that would allow for records to be released to ICE agents.
  - Districts may release what they have designated as “directory information” but they do not have to.

# A Few Additional Notes

- Responsibility for compliance with federal law rests with states and districts, and may require training to ensure that educators are not inadvertently preventing students from exercising their right to an education.
- Federal guidance recommends that districts proactively notify all parents of the right to send their child(ren) to public schools.
  - This could include outreach to specific communities to inform them that all residents in a district can attend the district's schools.
- All students have the right to be safe at school, and schools should take action to prevent bullying or harassment on the basis of their actual or perceived race or national origin.

# Actions by School & District Leaders

- School officials have no responsibility to enforce immigration law.
- Letters to Parents
- Resolutions (Institutional Policy)
- Guidance for educators on how to help their students within the bounds of the law
- Statement of Diversity and Inclusivity
- Safety Planning
- Consider reducing information required for enrollment
  - 2015 [guidance](#), including on compliance with federal education laws for unaccompanied students

## For teachers

- **Guiding principle:** Teachers should always be able to justify classwork in the context of their discipline's curriculum. Age-appropriateness is also a consideration. Consult Board policy and local collective bargaining agreements.
- Teaching resources available from *Teaching Tolerance*, AFT, and other sites
- Talk honestly with your students, share facts, affirm their right to be in the school, acknowledge confusion

# For guidance counselors and other school leaders

- Being on the lookout for signs of trauma
  - [Mixed status families](#) (webinar)
  - Help students manage anxiety and threat of trauma
  - White teachers/administrators may be distrusted
- Educate faculty, and connect with families
  - PTAs can add to this support ([resources](#))
- Provide [additional academic and higher education](#) support to students
- Be patient, establish trust; know that language matters

# Questions?



Picture Credit: BoBaa22 (Shutterstock)

# Thank you!!

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