



Welcoming Schools Project

Volunteers interested in protecting the rights of immigrant, refugee and Muslim students and their families have an opportunity to help ensure that schools remain welcoming places by encouraging their local school district to issue Plyler statements of support.

The United States Supreme Court held in *Plyler v. Doe* that states “may not willfully deny a discrete group of innocent children the free public education that it offers to other children residing within its borders.”¹ The ruling means that states constitutionally cannot deny undocumented students a free public education. In response to threats to freedoms posed by recently announced Executive Orders, some school districts, like Ann Arbor Public Schools, have taken the initiative to announce publicly their support of the *Plyler* ruling and affirmed their commitment to protecting undocumented students from harassment and discrimination. The ACLU of Michigan and the Michigan Immigrant Rights Center (MIRC) would like to see more districts take similar measures and are encouraging volunteers to join the effort.

We have developed some tools that ACLU and MIRC volunteers interested in this project can use to encourage school boards across the state to adopt Plyler statements:

- Outreach Overview
- Talking Points
- Sample Letter to Parents from School Districts
- Sample Statement to Communities from School Districts
- Sample Resolution from School Boards to Communities
- Resources for Educators Regarding Immigrant Integration, and Bias and Intervention Strategies

Additionally, Michigan’s Department of Education (MDE) and Department of Civil Rights (MDCR) issued a joint statement in March 2017 that urges school administrators to take preemptive actions to prevent or minimize any disruptions immigration enforcement efforts might cause. MDE and MDCR warn that law enforcement agencies “that seek to use schools and students as a means to locate or access undocumented immigrants may violate the civil rights of students and, in some cases, parents, under Michigan’s Elliott-Larsen Civil Rights Act (ELCRA) as well as other state and federal civil rights laws.” The U.S. Department of Education has produced the “Resource Guide: Supporting Undocumented Youth,” that may be instructive to educators looking for additional information: <https://www2.ed.gov/about/overview/focus/supporting-undocumented-youth.pdf>. The Department of Homeland Security has issued policies for both Immigration and Customs Enforcement and Customs and Border Patrol agents to guide their actions around “sensitive” locations like schools, so that school districts know what they should expect in interactions with these agencies: <https://www.ice.gov/doclib/ero-outreach/pdf/10029.2-policy.pdf>.

The project toolkit and related resources are available online at www.aclumich.org. Please contact ACLU of Michigan Field Director, Rodd Monts, at rmonts@aclumich.org, or 313-578-6830, for additional information. Resources for this toolkit were provided by Welcoming Michigan, a project of the the Michigan Immigrants Right Center. For additional resources you can also contact Christine Suave at csuave@michiganimmigrant.org, or 734-845-8695.

¹ 457 U.S. 202 (1982)



Outreach to School Districts

To help you get a “Welcoming Statement” adopted by your local school district we have included templates that you can share with school board members and superintendents. We encourage you to call or write to your board members and request time to talk about your interest in having a Plyler statement adopted. You should also inform them that you have a template from which they can work. Most school districts post information on board members and board meetings online, and if they do not you can always call the district office. You might also make the request during the public comment portion of a school board meeting. What you are seeking is explicit affirmation of existing U.S. law protecting undocumented students from discrimination not a change in policy. Clearly communicating this intent to the school district will be critical to your success.

Both the U.S. Department of Justice (DoJ) and the U.S. Department of Education (DoE) have expressed concerns in recent years about “enrollment practices that may chill or discourage the participation, or lead to the exclusion, of students based on their or their parents’ or guardians’ actual or perceived citizenship or immigration status.” These practices violate federal law. Noticeable declines in enrollment for certain groups of students may be an indication of barriers to enrollment or attendance for certain students. DOJ and DoE suggest reviewing documents your district requires for enrollment to determine whether the requested data may alarm some families with members who are undocumented or non-citizens. You should also can review a few consecutive years of recent student population data for your district to determine whether there are evident trends in declining enrollment for vulnerable groups of students that warrant further exploration.

To effectively move the project forward you will need to work with both the school board and superintendent. Your school board is responsible for adopting education policy in the district and hires the superintendent. The superintendent acts as the CEO of the district and has executive oversight and administrative responsibility for operations. Because the school board oversees district policy the superintendent should be copied on your correspondence to the board so that the whole team is involved.

Remember, as a voting resident of your city you help elect school board members to represent your interest in providing the best possible education for all of the children in your local community. Through the Welcoming Schools project you are approaching your elected school board members as a constituent, just like you would your city council member, state legislator, etc., about any other issues you care about. You should demand their attention to the concerns you raise about protecting undocumented students and ensuring them access to public education in your district.

We include talking points you can use to help make your case in the section that follows.



Welcoming Schools Talking Points

Here are a few key messages you should highlight in your discussions with school officials:

- Every child in our community has the right, regardless of undocumented or non-citizen status, to access a free and appropriate public education. Our district should publicly declare that we have Welcoming Schools in our community.
- The United States Supreme Court held in *Plyer v. Doe* (1982) that no public school district has a basis to deny children access to education because they are undocumented, citing the harm caused to the child and society itself, and the equal protection rights of the Fourteenth Amendment. A student who has undocumented or non-citizen status (or whose parent or guardian has such a status) is entitled to a K-12 public education.
- Because some families may be fearful or confused about the degree to which our schools are ensuring children's physical safety and emotional wellbeing our district should take steps to communicate that we are welcoming of all students and attentive to their concerns.
- According to DoJ and DoE, school districts "may not request information with the purpose or result of denying access to public schools on the basis of race, color, or national origin."
- School districts that require residency within their borders should not demand that families produce documents that would not discourage or unlawfully ban students who are undocumented (or their parents/guardians) from enrolling. Inquiring about a student's citizenship or immigration status (or that of their parents/guardians) is not relevant to establishing residency within a district.
- Students cannot be barred from enrolling in a school district because they lack a birth certificate or because they have a foreign birth certificate. Similarly, while districts may request a social security number they are not to deny enrollment to a parent/guardian who choose not to provide the number.
- Immigration enforcement activities around schools create hardships and barriers to health and educational attainment, and a pervasive climate of fear, conflict and stress that affects all students in our District, regardless of their background or documented status. We want to clearly state where our district stands to mitigate any adverse impact potential enforcement actions in our district may cause.
- The longstanding policies of the U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP) agencies state that enforcement actions which are focused on sensitive locations such as schools, should generally be avoided, and that such actions may only take place with the prior approval of the appropriate supervisor or where exigent circumstances necessitate immediate action by agents without that required approval.



Sample Letter to Parents from Schools

Date

Name

Address

City

Dear Parents,

We at [School/District] pride ourselves on the diversity of our community. It is our belief that the rich cultures and languages of our students, faculty, and families are not only an asset, but an integral part of our shared identity and experience. As the [School/District] community, we share in the commitment to engage in respectful, productive, and nonpartisan civic engagement and communication in a safe and inclusive space.

The U.S. Supreme Court held in *Plyler v. Doe* that states cannot deny students a free public education because of their undocumented or non-citizen status. [School/District] is committed to ensuring that our students and staff feel welcomed, respected and safe at school. This means we will continue to provide an exceptional education to all our students regardless of their race, language, ethnicity, citizenship, or immigration status. To advance these efforts, we are issuing a public policy statement reflecting our school's commitment to providing free and public education to all the students in our community. This is not only our constitutional duty, it is our privilege.

All [School/District] students are brimming with promise and we recognize that they need our protection, advocacy, and reassurance now more than ever.

Sincerely,

[Administrator's Name]

[Title]

[School/District]



Sample Statement from School District to the Community

[School District/Board]

We Are Welcoming Schools: Affirming Our Support for All Students

Public education is a fundamental right and is a critical factor in the ability of all citizens to exercise their rights under the Constitution. Michigan's Constitution provides that "[t]he legislature shall maintain and support a system of free public elementary and secondary schools as defined by law. Every school district shall provide for the education of its pupils without discrimination as to religion, creed, race, color or national origin." (Const. 1963, Art. VIII, § 2, Eff. Jan. 1, 1964). Similarly, the United States Supreme Court held in *Plyler v. Doe* that no public school district may deny innocent children access to education based on their undocumented or non-citizen status.²

Our school is charged with the duty of providing a safe and inclusive educational environment for all our students. The [School District/Board] recognizes that every child is a valuable and contributing member of their educational community. To this end, no student shall have their education barred or impinged in any way because of their country of citizenship or immigration status. The best education occurs in a school comprised of students, teachers, and families drawn from diverse socio-economic backgrounds, cultures, races, religions, and sexual orientation.

[Name]

[Title]

[School District/Board]

² 457 U.S. 202 (1982)



Sample Statement from School District to the Community

[COMMUNITY] BOARD OF EDUCATION

RESOLUTION NO. ____

WHEREAS, it is the right of every child, regardless of immigration status, to access a free public K-12 education and the District welcomes and supports all students;

WHEREAS, the District has a responsibility to ensure that all students who reside within its boundaries, regardless of immigration status, can safely access a free public K-12 education;

WHEREAS, federal immigration law enforcement activities, on or around District property and transportation routes, whether by surveillance, interview, demand for information, arrest, detention, or any other means, harmfully disrupt the learning environment to which all students, regardless of immigration status, are entitled and significantly interfere with the ability of all students, including U.S. citizen students and students who hold other legal grounds for presence in the U.S., to access a free public K-12 education;

WHEREAS, through its policies and practices, the District has made a commitment to a quality education for all students, which includes a safe and stable learning environment, means of transportation to and from school sites, the preservation of classroom hours for educational instruction, and the requirement of school attendance;

WHEREAS, parents and students have expressed to the District fear and confusion about the continued physical and emotional safety of all students and the right to access a free public K-12 education through District schools and programs;

AND WHEREAS, educational personnel are often the primary sources of support, resources, and information to assist and support students and student learning, which includes their emotional health;

NOW, THEREFORE, BE IT RESOLVED that the U.S. Immigrations Enforcement Office (ICE), state or local law enforcement agencies acting on behalf of ICE, or agents or officers for any federal, state, or local agency attempting to enforce federal immigration laws, are to follow District Policy ____, attached to and incorporated in this Resolution, to ensure the District meets its duty to provide all students, regardless of immigration status, access to a free public K-12 education;

BE IT FURTHER RESOLVED, that the Board declares the District to be a Safe Zone for its students, meaning that the District is a place for students to learn, to thrive and to seek assistance, information, and support related to any immigration law enforcement that interferes with their learning experience;

BE IT FURTHER RESOLVED, that the District shall, within 30 days of the date of this Resolution, create a Rapid Response Team to prepare in the event a minor child attending school in the District is



deprived of adult care, supervision, or guardianship outside of school due to a federal law enforcement action, such as detention by ICE or a cooperating law enforcement agency;

BE IT FURTHER RESOLVED, it continues to be the policy of the District not to allow any individual or organization to enter a school site if the educational setting would be disrupted by that visit; given the likelihood of substantial disruption posed by the presence of ICE or state or local law enforcement agencies acting for ICE, any request by ICE or other agencies to visit a school site should be presented to the Superintendent's Office for review as to whether access to the site is permitted by law, a judicial warrant is required, or any other legal considerations apply; this review should be made expeditiously, but before any immigration law enforcement agent or officer appears at a school site;

BE IT FURTHER RESOLVED, in its continued commitment to the protection of student privacy, the District shall review its record-keeping policies and practices to ensure that no data is being collected with respect to students' immigration status or place of birth; and cease any such collection as it is irrelevant to the educational enterprise and potentially discriminatory;

BE IT FURTHER RESOLVED, should ICE or other immigration law enforcement agents request any student information, the request should be referred to the Superintendent's Office to ensure compliance with Family Educational Rights and Privacy Act (FERPA), student constitutional privacy, standards for a judicial warrant, and any other limitation on disclosure; this review should be conducted expeditiously, but before any production of information is made;

BE IT FURTHER RESOLVED, the District shall post this Resolution at every school site and distribute it to District staff, students, and parents using usual means of communication, and that the Resolution will be translated into all languages spoken by students at home;

BE IT FURTHER RESOLVED, the Superintendent shall report back on compliance with this Resolution to the Board at its next meeting;

BE IT FURTHER RESOLVED, the Board directs the Superintendent to review District policies and practices regarding bullying and report back to the Board at its next meeting and communicate to staff, students, and parents the importance of maintaining a bullying-free environment for all students;

BE IT FURTHER RESOLVED, the Board affirms that certificated District employees have the academic freedom to discuss this Resolution during class time provided it is age-appropriate; and students are to be made aware that District counselors are available to discuss the subjects contained in this Resolution; and

BE IT FURTHER RESOLVED, after-school providers and other vendors and service providers who contract with the District shall be notified of this Resolution within 30 days and required to abide by it.

[FOLLOWED BY SCHOOL BOARD SIGNATURE PAGE]



[COMMUNITY] **DISTRICT POLICY NO.** _____

ACCESS TO EDUCATION, STUDENT PRIVACY, AND IMMIGRATION ENFORCEMENT

School personnel must not allow any third party access to a school site without permission of the site administrator. The site administrator shall not permit third party access to the school site that would cause disruption to the learning environment.

The School Board, in Resolution No. _____, based on its educational experience and as part of its deliberative process as our governing body, has found that access to a school site by immigration law enforcement agents substantially disrupts the learning environment and any such request for access should be referred to the Superintendent's Office immediately.

School personnel must contact the Superintendent's Office immediately if approached by immigration law enforcement agents. Personnel must also attempt to contact the parents or guardians of any students involved.

The Superintendent's Office must process requests by immigration law enforcement agents to **enter a school site** or **obtain student data** as follows:

1. Request identification from the officers or agents and photocopy it;
2. Request a judicial warrant and photocopy it;
 - a. If no warrant is presented, request the grounds for access, make notes, and contact legal counsel for the District;
3. Request and retain notes of the names of the students and the reasons for the request;
 - a. If school site personnel have not yet contacted the students' parents or guardians, do so;
 - b. Do not attempt to provide your own information or conjecture about the students, such as their schedule, for example, without legal counsel present;
4. Provide the agents with a copy of this Policy and Resolution No. _____;
5. Contact legal counsel for the District;
6. Request the agents' contact information; and
7. Advise the agents you are required to complete these steps prior to allowing them access to any school site or student data.



The Benefits of Welcoming Schools

As a result of attending a welcoming school,

Students:

- Have higher self-confidence
- Have better overall well-being
- Achieve at higher rates academically

Schools:

- Achieve better attendance rates
- Lower dropout rates
- Improve rates of parental involvement

Tips for Engaging Students

- Host after school groups (Around the World, Diversity Club)
- Have students conduct tours of the school to newcomers
- Have students label parts of the classroom in English and their native language
- Pair bilingual students with newcomers
- Encourage students to share about their cultures and languages across subjects

Tips for Engaging Educators

- Professional development on cultural awareness and instruction of diverse learners
- Resources about cultures in the school
- Utilize language liaisons to translate documents and communicate with families
- Communicate with ESL staff, counselors and other support staff
- Observe to see if additional services are needed
- Protect students from teasing or bullying

Tips for Engaging Parents

- Hire parent and family liaisons
- Offer on-site ESL classes
- Conduct an orientation
- Prepare translated materials
- Host bilingual parent meetings
- Conduct parent tours of school

- Invite community speakers to parent info sessions (nurse, librarian, resettlement worker)
- Train parent volunteers to welcome new families, show how to navigate school system
- Connect PTO with newcomer parents e.g. via bake sale projects

Fostering School & Community Connections

- Invite the community into the school (health services, job fairs, adult ESL classes, etc.)
- Develop volunteer programs that engage diverse people in the community
- Partner with other community services to provide programming and supports
- Participate in community service projects initiated by the school, students, and/or families that bring people together to work on a shared interest

Resources for Educators: Immigrant Integration

Michigan Department of Education and Michigan Department of Civil Rights joint letter to schools: http://www.michigan.gov/documents/mdcr/2017-03-31+MDE+and+MDCR+Joint+Letter_556183_7.pdf

American Immigration Council – Lesson Plans by Grade Level
http://www.communityeducationcenter.org/resources/lesson_plans

Center for Applied Linguistics – Research & resources related to: English Learners, Testing & Assessment, Immigrant & Refugee Integration, Language Planning & Policy
<http://www.cal.org>

Cultural Orientation Resource Center – Learn about refugee backgrounds and culture profiles (includes Iraq, Syria, Congo, Hmong & more), and cultural orientation resources for refugees <http://culturalorientation.net>

The Immigrant Learning Center – Offers free annual online workshop on “Immigrant Student Success” (usually held in early July); past workshop materials are archived <http://www.ilctr.org/promoting-immigrants/ilc-workshops/educators>

Colorado Trust – Comprehensive Immigrant Integration Educator Resource Guide http://www.coloradotrust.org/sites/default/files/IIERG_final.2-08.optimized.pdf

Seal of Biliteracy Program - <http://sealofbiliteracy.org/>

Dearborn Public Schools example: <https://dearbornschools.org/news/343-students-can-earn-seal-of-biliteracy-upon-graduation>

Enrollment Guidelines – U.S. Dept. of Education & U.S. Dept. of Justice

<http://www.ed.gov/news/press-releases/secretary-duncan-and-attorney-general-holder-issue-guidance-school-districts-ens>

Resources for Educators: Bias & Intervention Strategies

Implicit Associations Test: <https://implicit.harvard.edu/implicit/takeatest.html>

What Is Implicit Bias, And How Might It Affect Teachers And Students? – Albert Shanker Institute

Part 1: <http://www.shankerinstitute.org/blog/what-implicit-bias-and-how-might-it-affect-teachers-and-students-part-i>

Part 2: <http://www.shankerinstitute.org/blog/what-implicit-bias-and-how-might-it-affect-teachers-and-students-part-ii-solutions>

Creating an Anti-Bias Learning Environment – Anti-Defamation League check-list, dos & don'ts <http://www.adl.org/education-outreach/curriculum-resources/c/creating-an-anti-bias-learning-environment.html?referrer=https://www.google.com/#.Vez0-dLBzGc>

Addressing Implicit Bias, Racial Anxiety, and Stereotype Threat in Education and Health Care – Perception Institute, Haas Institute, Center for Policing Equity. Topline findings on education:

- Studies show that, out of fear of appearing prejudiced, teachers may give students of color too little critical feedback. Teachers are in a bind: if they give only negative feedback, they could appear prejudiced; if they give only positive feedback, they could appear condescending. This report provides a way out: by making it explicit to students that teachers have high expectations and also believe the student is capable of meeting those expectations, students have been shown to be receptive to feedback and to view their teachers as unbiased.
- Higher rates of suspension amongst black and Latino youth cannot be explained by behavioral differences. Instead, black and Latino kids are more likely to be suspended for ambiguous reasons like “disrespect” or “loitering.” Clearer guidelines and standards help reduce opportunities for bias to affect us. Similarly many interventions, such as teachers imagining themselves to be part of a stereotyped group, have been shown to reduce bias.

- Stereotype threat contributes to underperformance of stereotyped groups by at least 62 points on the SAT.

<http://diversity.berkeley.edu/haas-institute-co-releases-science-inequality-report>