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IDRA Lauds Supreme Court Decision to Keep DACA Alive, Urges Schools to Affirm Immigrant Rights

San Antonio, June 18, 2020 - Today, the [U.S. Supreme Court ruled](#) that the Trump Administration improperly rescinded DACA, keeping the program alive for about 650,000 undocumented U.S. youth seeking employment opportunity and temporary protection from deportation.



"Today's Supreme Court decision is a momentous victory not only for immigrant youth and their families but also for this nation that relies so heavily on their contributions," said IDRA President & CEO Celina Moreno, who previously served as co-counsel at MALDEF for 22 undocumented youth to protect DACA against several states that sued to end it.

"But now is not the time to relent: We must continue to call on Congress to pass the Dream and Promise Act that gives our youth the permanent status they deserve and to urge schools to actively protect the rights of immigrant youth."

In the absence of Congressional enactment of humane federal immigration policy, DACA has enabled undocumented young people to access higher education and work opportunities since it began in 2012. More than 200,000 DACA recipients live, work and serve communities in the Southern states where IDRA focuses its work (MPI, 2019).

Over 20,000 teachers and school counselors across the country hold DACA work permits and educate and support students every day.

Though several southern states have led attacks on DACA and supported other anti-immigrant litigation and legislation, IDRA urges public school leaders and educators to remember their continuing [legal obligations under *Plyler v. Doe*](#).

Schools must enroll and educate all eligible students regardless of immigration status and comply with existing laws in states that offer in-state tuition rates and state financial aid for eligible immigrant students.

IDRA offered expert testimony in *Plyler* and supported the group of Mexican American students and their families who acted as plaintiffs (IDRA, 2017; IDRA, 2019).

We continue to advance policies that support and expand undocumented students' access to K-12 and higher education; promote hiring and providing professional support for educators who are DACA recipients; and protect K-12 schools and colleges as community centers for families of all immigration statuses to safely obtain appropriate resources and information.

Schools can take several steps to promote the safety and well-being of their students, families, teachers and staff (Sikes, 2020):

- **Pass a bilingual school board resolution supporting immigrant students, teachers and communities.** Resolutions influence the district's school culture and combat the "chilling effect" from anti-immigrant state and federal policies. They clarify schools' responsibilities to serve all students and pave the way for programs for and outreach to immigrant communities. They can also be a vehicle to support district programs, initiatives and decisions that take actionable steps to support immigrant students' educational access, safety and success.
- **Conduct equity audits and training for leaders and educators.** Equity audits help school leaders identify inequities in their policies and practices. Schools should follow audits with appropriate training for all district personnel to ensure everyone understands the implications of the court decision, their legal responsibilities under *Plyler v. Doe*, and how today's decision differentially impacts students of color, particularly Latino students. The [IDRA EAC-South](#) offers [equity audits, assessments and trainings](#) to interested districts.
- **Partner with community-based organizations to connect families with additional support.** Schools can better communicate and serve their families when they partner with other community-based organizations, e.g., early childhood centers, community health clinics, legal aid organizations, food banks, community activity centers and local businesses. School leaders can leverage school-community networks to provide legal resources, educational information and essential materials to families. Schools can

Welcoming Immigrant Students in School

Immigrant students are guaranteed access to free public education by the U.S. Supreme Court.
Certain procedures must be followed when registering undocumented immigrant children (and those whose parents are undocumented) in school to avoid violation of their civil rights as outlined in the *Plyler v. Doe* decision.

- Public schools cannot deny admission to a student on the basis of undocumented status.
- Public schools cannot require students or parents to disclose their immigration status.
- Public schools cannot ask students or parents questions intended to expose their undocumented status.
- Public schools cannot require social security numbers from students or parents.
- Public schools cannot demand that parents produce driver's licenses or other identification documents that are not required.
- Public schools cannot engage in any practices that "chill" or hinder the right of access to school.

All children are **required** under state laws to attend school until they reach a mandated age.

School personnel have no legal obligation to enforce U.S. immigration laws.

U.S. Immigration and Customs Enforcement (ICE) agents are to refrain from enforcement actions at certain sensitive locations, which include schools, as detailed in ICE's own policies.

The Family Education Rights and Privacy Act prohibits schools from providing any outside agency (including ICE) with any information from a child's school file that would expose the student's undocumented status.

The only exception is if an agency gets a court order (subpoena) that parents can then challenge.

What schools can do...

- Focus on teaching all students.
- Pro-actively show parents that their children are welcome.
- Ensure teachers and staff are properly trained about protecting the rights of children and on cultural competency.
- Communicate with parents in their language.
- Share information about resources for students, families and educators (in English and other languages at the school).

Review all of your enrollment and registration documents (including forms, websites, and communications with parents) to be clear that the provision of the child's social security number, birth certificate, etc., is voluntary, and that not providing such information will not bar a child's enrollment.

Adults without social security numbers who are applying for a free lunch and/or breakfast program for a student need only state on the application that they do not have a social security number.

Get more info and resources, including IDRA's School Opening Alert Flyer & eBook: <https://idra.news/IDRAInfoWelcome>

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also serve as sites for DACA clinics, where eligible recipients may seek assistance to apply for and renew their DACA.

- **Support programs that serve immigrant communities.** Amid the pandemic and the Court's decision, schools can support impacted students by ensuring adequate resources for: district bilingual education programs; pre-kindergarten and early childhood education programming; college readiness and access programs; and family engagement efforts.
- **Demand that Congress enact a pathway to citizenship for undocumented immigrant youth.** Now is the time for school leaders - school boards, superintendents and other educators - to use their voices and political power to demand that Congress afford these young people, who contribute so much to our nation, the path to citizenship they deserve. Leaders should also [voice opposition](#) against Department of Education rules that exclude non-U.S. citizen college students from the CARES Act and any other emergency relief funds for higher education.
- **Urge state legislatures to protect immigrant youth.** Educators should advocate protection of laws in southern states, such as Arkansas, Florida and Texas, that ensure undocumented resident students' eligibility for in-state tuition at public colleges and universities. Educators in states, such as Alabama, Georgia and South Carolina, that preclude undocumented resident students from college admission or in-state tuition rates should advocate changes in state laws to promote the educational opportunities of immigrant youth. Educators at the college level must ensure that federal COVID-19 emergency relief funds are [accessible to undocumented students](#) , who are already disproportionately impacted by the pandemic and resulting economic crisis.

Now more than ever, schools are our communities' hubs for timely and accurate resources and information. IDRA stands in solidarity with immigrant communities, students and educators impacted by today's decision. We are available to provide equity assistance trainings and resources for districts and educators interested in better supporting immigrant youth in their communities.

[See IDRA's web hub: DACA Student Access to Education](#)

[See the Supreme Court decision](#)

References

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IDRA. (2019). [Timeline: A History of IDRA Policy Work to Secure Excellent and Equitable Schooling for All Children.](#)

Other Resources

MALDEF. [Immigrants' Rights](#)

National School Board Association (2017). [Lifting the Lamp Beside the Schoolhouse Door: A Legal Guide to serving Undocumented Students in Public Schools](#)

[United We Dream - DACA](#)

[Using Equity Audits to Assess and Address Opportunity Gaps Across Education](#) , by Paula N. Johnson, Ph.D., IDRA Newsletter

[Commentary: Not aiding DACA students merciless](#), by Celina Moreno, for the San Antonio Express-News, May 14, 2020

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We are committed to the IDRA valuing philosophy, respecting the knowledge and skills of the individuals we work with and build on the strengths of the students and parents in their schools.