

Section

Section 2000: Students

Title

Protection of Undocumented Students' Right to a Public Education

Number

02.31

Status

Proposed

## I. PURPOSE

To establish uniform criteria to prepare staff for responding to requests for information about and/or access to undocumented students, to provide enrolled students and their families the promise and reassurance that their right to a public education will be enforced and free from disruption by enforcement efforts related to their undocumented status because it would be unconstitutional for CSD not to protect this Supreme Court case law right (*Plyler v Doe*, 1982). In addition, Delaware school board member oath requires fidelity to Federal and State Constitutions (<http://delcode.delaware.gov/title14/c010/sc03/#1053>)

## II. ISSUE

Undocumented students have the constitutionally protected Supreme Court case law right to a public education (*Plyler v Doe*, 1982). However, undocumented students do not have absolute protection from enforcement actions brought forth by ICE officials or agencies acting on their behalf. These actions range from requests for information to apprehension. These actions could impede the lawful delivery of the protected right to public education for all students in our care.

## III. POLICY

A. If an ICE agent, or agency acting on behalf of ICE, presents a request for access or for information regarding a student or staff member, all Christina School District employees assigned to that location are not empowered to accept the request nor block access. Christina School District employees assigned to that location are solely permitted to declare that ICE requests fall under the purview of the office of the Superintendent for the purposes of obtaining legal review to determine the validity of the order. Furthermore, Christina School District employees assigned to the location are not permitted to make imminent threat determinations and therefore not permitted to resist if ICE agents breach the facility under those alleged circumstances. If, in the rare instance ICE agents, or coordinating agents, refuse to accept the process that Christina School District employees assigned to that location are presenting to them, all Christina School District employees assigned to that location are to work with ICE agents in such a manner that disruption on campus is minimized, and are to contact the Superintendent's office to inform that Board Policy 2.31 was executed. Importantly, this policy asserts that board policy 2.22 provisions that permit access absent the above described process when the law enforcement action are solely based on immigration status are not applicable.

**B. In the event the request for access is predicated on an alleged imminent threat, the office of the Superintendent is charged with providing an expeditious response.**

**C. The Board affirms that certificated district employees have the academic freedom to discuss this policy during class time provided it is age appropriate; and students are to be made aware that counselors are available to discuss the subjects contained in this policy.**

**D. District staff shall not inquire about or record a student's immigration status, or the immigration status of the student's parent(s), guardian(s) or family members.**

**E. The Christina School District will provide annual professional development to all support and building personnel regarding this policy and provide an annual report to the Board of Education every October.**

**F. Under this policy, the Christina School District Board of Education reaffirms our commitment to a safe, welcoming, and inclusive environment for every student without regard to their race, religion, national origin or immigration status to provide enrolled, undocumented students their legal right to a public education.**

**IV. REVIEW AND REPORTING:**The Superintendent or his/her designee will report each year to the Board on the status of this policy.

**V. REFERENCES:**

<https://www.oyez.org/cases/1981/80-1538>

<http://www.edweek.org/ew/articles/2017/03/01/how-much-can-schools-protect-undocumented-students.html>

<https://www.americanimmigrationcouncil.org/research/plyler-v-doe-public-education-immigrant-students>