



American Federation
of Teachers, AFL-CIO

AFT Teachers
AFT PSRP
AFT Higher Education
AFT Public Employees
AFT Nurses and Health
Professionals

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The American Federation of Teachers is a union of professionals that champions fairness; democracy; economic opportunity; and high-quality public education, healthcare and public services for our students, their families and our communities. We are committed to advancing these principles through community engagement, organizing, collective bargaining and political activism, and especially through the work our members do.

To: AFT Affiliate Leaders and Counsel

From: Randi Weingarten, President

Date: October 9, 2018

Subject: Standing United to Protect the Rights of Immigrant Students and Their Families

It is more important than ever that we stand united to defend the rights of immigrant children to safely attend school. The increased community enforcement actions by U.S. Immigration and Customs Enforcement and the hostile rhetoric around immigration policy are threatening the educational success of millions of immigrant children. AFT members who work in schools—from teachers, school support staff and nurses, to bus drivers—can play a critical role in helping end the cruel criminalization, detention and deportation of students and families. Our members are often the first responders to potential threats in schools and are the frontline protectors of our students. That’s why we are in a unique position to partner with community-based organizations and school districts to ensure our laws requiring immigrant children be permitted to safely attend school are followed.

The law is clear. Denying children who reside in the United States a K-12 public education based on their immigration status, or the perceived status of their parent and or legal guardian, is illegal. K-12 schools may not do anything to deny, deter or chill access to education, including by reporting, or threatening to report, children to ICE. These principles were established by the Supreme Court in *Plyler v. Doe*¹ and by federal laws, and cannot be changed by the secretary of education, the attorney general, states, local law enforcement, school districts, a single school or any individual.

Even Secretary of Education Betsy DeVos had to admit, after initially stating it was a school’s decision whether to report immigrant students to ICE, that in fact schools **could not do so** under the law. But it is this kind of misunderstanding or ignorance of the law that could encourage unlawful conduct by school district officials and could have a severe chilling effect on immigrant students and their families. It is imperative all school district officials and employees understand that if they report students to ICE, or otherwise discriminate against students on the basis of national origin, they could face liability for violating the Family Educational Rights and Privacy Act, Titles IV and VI of the Civil Rights Act of 1964, and the constitutional rights of their students.²

¹ 457 U.S. 202 (1982).

² In 2006, the Mexican American Legal Defense and Educational Fund filed a lawsuit against Albuquerque Public Schools as well as the U.S. Border Patrol (a division of U.S. Customs and Border Protection) when school police officers detained three teenage students without probable cause, discovered they had committed no crime, and nonetheless held them for 1 ½ hours until they could be turned over to Border Patrol custody. MALDEF won a settlement that led to

The AFT and its partners are committed to assisting you in working with school districts to ensure they understand, and are in compliance with, the applicable laws. That's why we have created a toolkit with resources to help you engage in the following actions:

- Sending a letter to your district officials to remind them of their obligations.
- Proposing that your school district adopt safe zone/sanctuary policies. These policies provide safeguards and protections for undocumented students, including clear guidelines for interacting with immigration enforcement agencies and providing support and resources to students, their families and their communities. Several AFT affiliates have been instrumental in moving their school districts to adopt these policies.
- Hosting "know your rights" trainings for educators, students and their families.
- Providing resources for Deferred Action for Childhood Arrivals (DACA), Temporary Protected Status (TPS) renewal, or other kinds of immigration benefits.
- Negotiating contract language that protects immigrant employees.
- Connecting with organizations and rapid response networks in your area that help support children and families who have been affected by an ICE raid. These organizations can assist in verifying raid/enforcement activity and connecting those affected with emergency legal support and support services.

If school districts do violate the applicable legal guidelines, we need to push back with all the resources we can mobilize. If your members become aware of a school district discouraging students from enrolling or attending school, collaborating with ICE in any way, or taking any other action that makes immigrant students feel unsafe due to their immigration status, please immediately contact the AFT human rights department at afthumanrights@aft.org or the AFT legal department at 202-393-7472. These departments will work with you to assess possible community and legal responses.

We are so proud to be standing united with our community partners to protect our students and their families, and we stand ready to assist you in your local efforts to do the same.

List of Partner Organizations:

1. Mexican American Legal Defense and Educational Fund (MALDEF)
2. Lawyers' Committee for Civil Rights Under Law
3. Hispanic Federation
4. League of United Latin American Citizens (LULAC)
5. National Immigration Law Center (NILC)
6. American Association of University Women (AAUW)
7. Asian Pacific American Labor Alliance (APALA)

Albuquerque's resolution that school police would no longer cooperate with immigration officials or detain students based on immigration status or perceived immigration status.

8. Labor Council for Latin American Advancement (LCLAA)
9. National Association of Latino Elected and Appointed Officials (NALEO) Education Fund
10. Hispanic Heritage Foundation
11. UnidosUS (formerly National Council of La Raza)
12. Pride at Work (PAW)
13. Coalition of Labor Union Women (CLUW)
14. United States Hispanic Leadership Institute (USHLI)
15. Voto Latino
16. Georgia Association of Latino Elected Officials (GALEO)
17. New York Immigration Coalition
18. MANA, a National Latina Organization
19. Kids in Need of Defense (KIND)
20. National Latina Institute for Reproductive Health (NLIRH)
21. National Association for Bilingual Education (NABE)
22. American-Arab Anti-Discrimination Committee (ADC)
23. UndocuBlack Network
24. National Korean American Service & Education Consortium (NAKASEC)
25. United We Dream (UWD)
26. National Migrant and Seasonal Head Start Association (NMSHSA)
27. American Civil Liberties Union (ACLU)
28. Advancement Project
29. Center for Community Change
30. Fair Immigration Reform Movement (FIRM)
31. Association of Latino Superintendents and Administrators (ALAS)
32. National Association for Equal Opportunity in Higher Education (NAFEO)
33. National Hispanic Caucus of State Legislators (NHCSL)
34. National Immigration Forum
35. Gay, Lesbian & Straight Education Network (GLSEN)
36. Center for Law and Social Policy (CLASP)
37. TESOL International Association
38. Alabama Coalition for Immigrant Justice
39. Promise Arizona
40. Arkansas United Community Coalition
41. Coalition for Humane Immigrant Rights
42. Consejo de Federaciones Mexicanas
43. Services, Immigrant Rights, and Education Network
44. Colorado Immigrant Rights Coalition
45. Colorado People's Alliance
46. Junta for Progressive Action
47. Florida Immigrant Coalition
48. Illinois Coalition for Immigrant and Refugee Rights
49. Iowa Citizens for Community Improvement
50. Sunflower Community Action
51. Maine People's Alliance
52. Massachusetts Immigrant and Refugee Advocacy Coalition

53. Michigan United
54. Nebraska Appleseed
55. Progressive Leadership Alliance for Nevada
56. New Hampshire Alliance for Immigrant Rights
57. Somos Un Pueblo Unido
58. El Centro de Igualdad y Derechos
59. Make the Road NY
60. Latin American Coalition
61. Causa Oregon
62. Pineros y Campesinos Unidos del Noroeste
63. Pennsylvania Immigration and Citizenship Coalition
64. Tennessee Immigrant and Refugee Rights Coalition
65. Workers Defense Project
66. Texas Organizing Project
67. Comunidades Unidas / Communities United
68. OneAmerica
69. Voces de la Frontera
70. CASA
71. Center for Popular Democracy
72. People's Action
73. National Partnership for New Americans
74. Alliance to Reclaim Our Schools (AROS)
75. Gamaliel
76. National Women's Law Center (NWLC)
77. Leadership Conference on Civil and Human Rights (LCCHR)