

# Supporting Our Immigrant Students During Challenging Times



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**Los Angeles County  
Office of Education**

# Statewide



- 1 in 13 Californians is undocumented
- 1 in 8 children in California schools has an undocumented parent
- 250,000 undocumented students ages 3 – 17 are enrolled in California schools

SOURCES: EDUCATION TRUST WEST & LOS ANGELES ALMANAC



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# Nationally



- An estimated 3.9 million students in K-12 schools are either undocumented or have a parent who is **undocumented** (“mixed status”)
- 6 states account for about 60% of undocumented immigrants: California, New York, Texas, Florida, New Jersey and Illinois

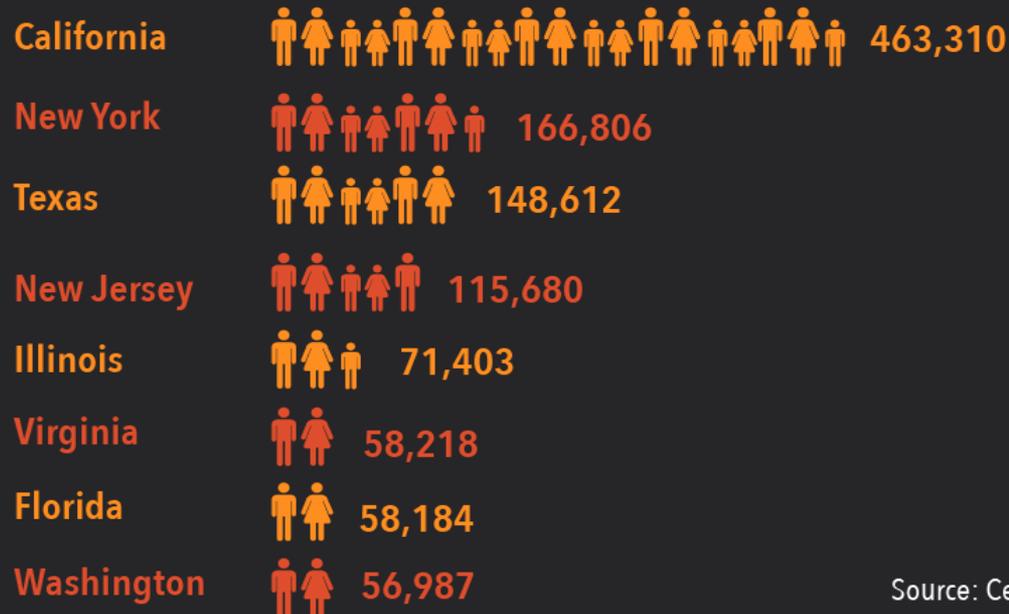


# Undocumented Asian Immigrants



2<sup>nd</sup> largest undocumented population in U.S.

## WHERE DO THE **1.7 MILLION** ASIAN AMERICAN UNDOCUMENTED LIVE?



**A A P I**  
**D A T A**

Source: Center for Migration Studies, 2015

# Presidential Election Impact on Safety



- Half way through 2016 there was already an 11.2% spike in hate crimes over 2015 in CA
- November 2016 had the most hate crime reports last year in California
- Schools were a particularly common location for hate incidents



# “The Trump Effect”



According to SPLC's study, the result of negative comments the President has publicly made about immigrants & minorities, which have emboldened politicized bullying in schools

- Immediately following the election there was **an increase in racial and religious bullying** at schools, even between young children
- Muslim children, in particular, have been **primary targets for hate incidents**
- Teachers and school officials have **participated in 1 in 4 bullying incidents** involving Muslim students

<https://www.npr.org/sections/codeswitch/2017/03/29/515451746/muslim-schoolchildren-bullied-by-fellow-students-and-teachers>





# Teaching Tolerance Survey



Findings from a post-election survey of over 10,000 U.S. educators include:

- 80% of administrators and school staff reported more anxiety and fear among students
- 1000 of these educators named deportation or family separation as a central concern





# UCLA Civil Rights Project Survey



Administrators, teachers and school staff of 730 schools in 12 states across the U.S. surveyed

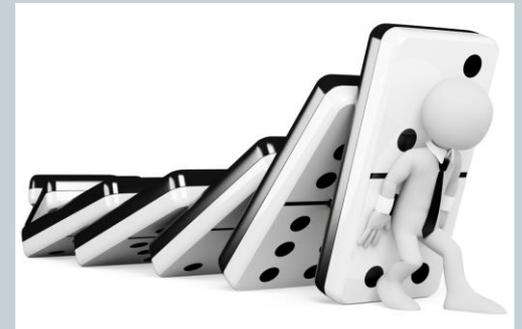
- 64% said immigration enforcement was having a negative effect on their schools
- 90% noticed behavioral or emotional problems among immigrant students
- 70% reported academic decline
- 68% observed uptick in absenteeism



# Effects of Increased Enforcement



- ✓ Parents afraid to take kids to school, access services
- ✓ Families making plans to address removal of a member, tearing apart the fabric of families
- ✓ Students experiencing overwhelming anxiety & fear
- ✓ Educators feel unprepared



# Impact on Schools



- ✓ Decreased enrollment in free/reduced lunch, early learning and after school programs
- ✓ Drop in daily attendance
- ✓ Increase in bullying and student discipline
- ✓ New legislation requiring schools to develop additional policies and practices



# Headline News



“**Lawsuit**: former Pasadena Unified principal threatened to call immigration on parents who challenged **him**”

PASADENA STAR NEWS

“**South** L.A. Teacher Caught On Audio Telling Students Their Parents Would Be **Deported**”

CBS LOS ANGELES

Video appears to show Orange County professor telling Long Beach couple **to ‘go** back to your home **country**’

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# Head Start in the News



## “**Exclusive: Trump’s draft plan to punish legal immigrants for sending US-born kids to Head Start**”

- The Trump administration wants to expand federal **government’s** ability to label immigrants as “**public charge**”
- The government only considered use of cash benefits in “**public charge**” determinations but the new proposal would add use of Head Start for children as **a strike under “public charge”**



# Other Proposed Additions



- **Children's** Health Insurance Program (CHIP)
- Use of any subsidies, or purchase of subsidized insurance, under the Affordable Care Act
- Food stamps
- Women, Infants, and Children (WIC) assistance
- Housing benefits, like Section 8
- Low-Income Home Energy Assistance Program
- Transit vouchers



# Student Right to Education



- Undocumented students must be provided with a free public education

*Plyler v. Doe*, 457 U.S. 202 (1982)

- Right to an education is a fundamental right under California Constitution

*Butt v. State of California*, 4 Cal.4th 668 (1992)



# AB 699: Pupil Protection Based on Immigration Status



- ✓ Prohibits discrimination and provides added protections based on student immigration status or religious beliefs
- ✓ Requires all LEAs in California to develop *safe locations policies* and anti-bullying policies based on immigration status

**LEA's must be compliant by July 1, 2018**



# Safe School Policies



Safe School Policies can provide protections for *both* students and staff

**LACOE's** Safe Locations policy includes:

- Its schools
- Official school activities, including those occurring in public places and adjacent areas
- All LACOE property, including but not limited to, facilities owned, controlled, or leased by LACOE
- Staff trained on what to do if ICE comes on to the premises





# California “The Sanctuary State”



- SB 54 *limits* how state & local law enforcement agencies *can share info* and cooperate with federal immigration authorities
- Bars state & local law enforcement agencies (including SROs) from inquiring about immigration status
- AG to publish model policies limiting assistance with ICE by Oct. 1, 2018, public schools must also adopt these or equivalent polices



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SB 54 went into effect January 1<sup>st</sup> 2018

# Immigration and Customs Enforcement (ICE)



- Since 2011 Immigration and Customs Enforcement (ICE) has maintained a policy of avoiding enforcement activities at schools
- ICE still maintains this policy, though could change
- No campus incidents reported in L.A.



# FERPA



The Family Educational Rights and Privacy Act is a federal law protecting the privacy of student records

- FERPA protects against sharing student information, which includes citizenship status
- Requires schools to ask for written consent before disclosing **a student's** personally identifiable information



# Exceptions to FERPA



May schools comply with a subpoena or court order for education records without the consent of the parent or eligible student?

Yes. FERPA permits disclosure of education records without consent in compliance with a lawfully issued subpoena or judicial order.

Schools must generally make a reasonable effort to notify parent or eligible student of subpoena or judicial order before complying with it in order to allow parent or eligible student the opportunity to seek protective action.



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Schools have 5 days to respond to any request for records

# Deferred Action for Childhood Arrivals (DACA)



Federal program under Obama to allow people brought to US illegally as children the *temporary right* to live, study and work legally

- An estimated 20,000 teachers nationwide are DACA eligible — many possessing key Spanish-language skills
- Los Angeles County is home to over 120,000 DACA registrants - **almost 1/3 of California's total**



# Temporary Protected Status (TPS)



DHS may designate a country for TPS due to the following temporary conditions:

- Ongoing armed conflict (such as civil war)
- Environmental disaster (such as earthquake or hurricane)
- Other extraordinary and temporary conditions

Trump administration recently ended TPS for over 400,000 Salvadorans, Hondurans, Haitians, Nicaraguans and Sudanese



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# Essentials for Childhood



3 critical qualities of *relationships and environments* that can reduce occurrence, negative effects of adverse childhood experiences:

- Safety: Extent that child is free from fear, secure from physical or psychological harm within his or her social/physical environment
- Stability: Degree of predictability **and consistency** in a child's social, emotional, and physical environment
- Nurturing: Extent that child can sensitively, *consistently get their needs met* by parent



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Child Welfare Information Gateway



# CLASP Report



Over 150 EC educators and parents across 6 states

- Findings suggest ***children as young as three*** are deeply aware of the anti-immigrant sentiment and possibility of losing a parent
- Children are showing disturbing new behaviors – increased aggression, separation anxiety, withdrawal
- Expressions of fear not limited to mixed status or immigrant children





**Do!**

# Supporting Students & Parents



- Let them know they are welcome and belong at school
- Understand children may be experiencing significant trauma
- Distribute information and share resources



# The “Don’ts”



- Assume you know what it means to be undocumented
- Disclose any personal or confidential student information
- **“Overpromise”** protections provided to undocumented students and families



# Immigration Legal Resources



California allocated \$45 million to legal aid, includes deportation defense for both legal residents and undocumented immigrants



Low/No Cost Legal Services:

<https://www.immigrationlawhelp.org>

<http://oia.lacounty.gov/legal-resources/>



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**FREE “immigration screenings” are available!**

# Thank you!



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