

How School Districts Can Take Action to Protect Their Immigrant Students



Here we go again. President-elect Donald Trump has threatened to deport millions of immigrants as soon as he takes office. As of mid-November, he vowed to use the military to deliver on this promise, and for those states and cities so bold to defy his orders, he'll cut their federal funding. All of it.

What does this mean for schools? Well, with more immigrant students enrolling in more districts across the country, these proposals bring the threat of immigration enforcement closer to the school gates than many school leaders realize. It's time to act. Fortunately, school leaders have morality, financial logic, and the law on their side. In this commentary, we'll outline why, and then present an example of how.

Our Public Schools Need Immigrant Students

Advocates have argued for years that immigrant students make our schools better. From the academic and behavioral benefits to U.S.-born peers and English learners, to the enormous economic, cultural, social, educational, and linguistic assets they bring, schools stand to benefit significantly from protecting their students from government overreach. After all, they're just kids, and we have a duty to educate every single one of them.

Beyond the moral argument, immigrant students have helped to keep public school district budgets from shrinking due to declining enrollment. Public schools in the United States lost more than 1 million students between 2019 and 2022. New York City schools have lost over 100,000 students in the past few years, and Chicago Public Schools saw eight years of enrollment dips before picking up slightly in 2023. These enrollment losses can lead to significant layoffs, school mergers, or closures. However, in both districts, English learner enrollment has grown significantly, making up for some losses and bringing enrollment-dependent funds back to public schools. Even former New York City Schools Chancellor Banks called the arrival of migrant students a "godsend" for public school budgets. Further financial hits to districts will occur if immigrant students stay home because they are afraid to come to school.

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Moreover, protecting immigrant students while they're in school not only makes financial sense: it is also the law.

Undocumented children, like U.S. citizen children, have the right to attend school full-time as long as they meet the age and district residency requirements established by state law. Indeed, the U.S. Supreme Court established this right in the critical 1982 *Plyler v. Doe* decision, establishing that school districts may not deny students a free public education on the basis of their undocumented or non-citizen status, or that of their parents or guardians. Further, federal Department of Homeland Security

guidance prohibits immigration enforcement actions in “protected areas,” including schools. This means that schools cannot cooperate with immigration enforcement officers without proper reason (such as a judicial bench warrant, court order, or subpoena).

New York City Schools Demonstrate One Method of Protection

Thankfully, this strong legal basis for protecting immigrant children in schools creates options for school districts in shielding their students. While none of these options can completely remove the fear of deportation, district leaders can still help their students to both feel and be safe from immigration enforcement overreach in their schools. One established method involves creating a solid, specific, and district-wide policy to centralize legal assessment of any immigration enforcement documentation. In 2017, New York City Schools did just that.

In that year, a chancellor’s regulation titled “Protocols for Non-Local Law Enforcement Actions and Inquiries” was put in place. This regulation, which remains in effect, outlines step-by-step what school principals should do if an Immigration and Customs Enforcement (ICE) officer approaches a school “for any reason.” Those steps, simplified for a general audience, are as follows:

1. Meet the ICE officer at the school entrance, where all visitors are screened for entry.
2. At the entrance, request the ICE officer’s name and ID, the phone number of the officer’s supervisor, and the reason for the visit during school hours.
3. Obtain any documentation from the officer (e.g., subpoena; search warrant; arrest warrant).
4. Advise the officer that you, the school official, are required by district protocols to notify and obtain guidance from the district legal counsel.
5. Advise the officer to wait outside the school building while you obtain guidance from district legal counsel.
6. Notify district legal counsel and provide them with the details and documentation obtained from the officer.
7. Wait while legal counsel reviews the materials provided. Do not take action until you obtain clear instructions from district legal counsel.
8. Contact the parents or guardians of the student(s) in question immediately after consulting with district legal counsel.
9. Ensure the school security person notifies their supervisor(s), as appropriate. (In New York City, those are the local police precinct and the New York Police Department’s School Safety Division.)

10. If the ICE officer fails to comply with instructions, do not physically attempt to interfere with any enforcement action. In these situations, obtain as much information as possible from the officer and notify the legal counsel and security supervisors.

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Crucially, this policy does not operate in isolation from the rest of the city: New York City educators and advocates secured a strong partnership between New York City Schools and the New York City Mayor's Office of Immigrant Affairs. This partnership aligned protocols across city government and schools so that responses were similar city-wide. Further, the clear step-by-step process provided a roadmap for all frontline stakeholders.

Act Early, Prepare Effectively

The policy in place in New York City demonstrates a philosophy in responding to this crisis that is worth underlining. We are unlikely to develop a single, top-down policy approach at the national level; but through tenacity, ingenuity, and coordination, municipalities can still make a world of difference. In response to the renewed threats of mass deportations, other cities and large school districts, such as Los Angeles and Chicago, have declared or reaffirmed sanctuary status. This is an excellent measure—but it is not sufficient on its own. School leaders, district leaders, and city policymakers who are working to establish sanctuary policies should also develop clear guidance for school-based personnel in order to ensure stated sanctuary values are implemented consistently to protect all students.

In order to implement a granular policy like New York City's, school districts must adopt and provide training on these protocols as quickly as possible. It can be very traumatic to a school community and to the school leaders in a stressful situation if officers arrive to detain or request information about students. Swift adoption of a protective policy and training on that policy prepares frontline stakeholders—such as school gatekeepers, school leaders, front desk staff, and security agents—before immigration personnel arrive at a school. Importantly, the policy also allows school leaders time to notify the student and their parents or guardians of the issue. Further, educators and security personnel are not lawyers, and they cannot be expected to determine the validity of legal documents. New York City's protocol provides specific language and steps that will guide frontline personnel to redirect these requests to district legal counsel and respond appropriately to both protect their students and ensure compliance with the law, preventing enforcement overreach. Local education leaders elsewhere should follow suit.

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While this is just one example of a protective protocol, it's a solid one. Educators collaborated with community and legal advocates as well as the leadership of the New York City Public Schools and New York City Mayor's Office to develop this clear legal process. Similarly, any community can work to create locally (and legally) appropriate policies with strong partnerships between educators, policymakers, and community members.

The task is simple. Keep students in school, maintain enrollment and funding, and, most importantly, protect the children in your communities so that they can learn and grow into thriving adults. That's the commitment we make as educators. This is one way school and district leaders can do just that.



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