

# **A Guide to Creating Safe and Welcoming Schools for Immigrant and Refugee Students in California**

Californians Together

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## PART I. INTRODUCTION

In order for students of all backgrounds to succeed and to thrive, a safe and inclusive learning environment is essential. Recent policy developments, including the Muslim travel ban and a ramping up of immigration enforcement activities, have created an atmosphere of xenophobia not seen in the United States for many decades. Bullying, harassment, intimidation, and other hate-based incidents in schools have risen sharply—and this disturbing trend is creating anxiety and fear for children, youth, and families from immigrant and refugee backgrounds, including those who are second- and third-generation Americans. Schools are witnessing firsthand the impact of these developments, and many are grappling with how best to respond.

Across California and the country, school districts, schools, and school staff are taking affirmative and proactive steps to ensure that immigrant students and families feel safe and welcome within their schools and communities. In late 2016, the California State Superintendent of Public Instruction Tom Torlakson sent a [letter](#)<sup>1</sup> to all school districts and charter schools, reminding them of existing laws that protect student records and publicly supporting districts declaring themselves “Safe Havens.” As of September of 2017, over [140 school districts](#)<sup>2</sup> across the state have passed resolutions affirming their districts as safe havens for immigrant students.

This toolkit highlights resources and best practices available to educators in order to create safe and welcoming schools for all students, including immigrants and refugees.

## CALIFORNIA’S IMMIGRANT AND REFUGEE STUDENTS

According to the most recent U.S. Census Bureau data, half of all children in California have at least one immigrant parent, and that percentage rises to as high as 75% in some parts of Los Angeles and the San Francisco Bay Area (Source: [Kidsdata.org](#)<sup>3</sup>). Additionally, the Center for the Study of Immigrant Integration at the University of Southern California reports in [Keeping Families Together](#)<sup>4</sup> that almost two million children in California live in “mixed status” households, in which at least one family member is unauthorized. According to a report released by the Education Trust-West, [Undocumented Students in California: What You Should Know](#)<sup>5</sup>, approximately 250,000 children enrolled in California schools are undocumented, and at least one in eight students have at least one undocumented parent.

Given the demographics of California’s students, changes in immigration policies and practices impact not only the students themselves, but also their immediate and extended family members who may possess a range of different immigration statuses.

## SCHOOLS AS SAFE SPACES

Schools hold a unique position in our society, where anti-immigrant rhetoric and fear-mongering is on the rise. A growing number of schools and districts have realized that their engagement with students and their families—including those who are immigrants and refugees—must go beyond academics if they want to create a safe and inclusive environment for all learners. And in today’s political climate, schools must address fears and concerns related to immigration status in order to achieve this goal.

There are many different elements that contribute to creating safe, welcoming, and inclusive schools for immigrant students and their families. However, priority should be placed on three main areas: **(1) school district policies and procedures, (2) classroom and educator support, (3) resources and information for families.**

## PART II. FEDERAL AND STATE LEGAL CONTEXT

### RIGHT TO A FREE PUBLIC EDUCATION

Under the United States Supreme Court’s landmark decision in [Plyler v. Doe<sup>6</sup>](#), all K-12 students in the United States are guaranteed a free public education **regardless of citizenship or immigration status**. This right includes other services and programs provided through the public school system, such as free lunches and special education programs. Additionally, [Article IX, Section 5 of the California Constitution<sup>7</sup>](#) guarantees a right to a free education for all children, and there is compulsory education for all children of ages 6-18 under [California Education Code Section 48200<sup>8</sup>](#).

### ANTI-DISCRIMINATION

All schools must comply with federal and state anti-discrimination laws. No student should be subject to discrimination, harassment, and/or bullying under Title VI of the Civil Rights Act of 1964 and other federal anti-discrimination laws. (See the U.S. Department of Education Office

of Civil Rights [‘Dear Colleague’ letter<sup>9</sup>](#).) California also guarantees the rights of all students to attend school free of discrimination, bullying, violence, and intimidation (Cal. Educ. Code Section [220](#) and [234](#)). Enacted in October 2017, California [Assembly Bill 699<sup>10</sup>: Educational equity: immigration and citizenship status](#) added “immigration status” as a protected status for anti-discrimination.

## DATA PRIVACY AND PROTECTIONS

School districts are also required to comply with the privacy requirements under the federal [Family Educational Rights and Privacy Act \(FERPA\)<sup>11</sup>](#), which strictly limits the sharing of student records. Under FERPA, education records are defined as:

“[R]ecords that are directly related to a student and that are maintained by an educational agency or institution or a party acting for or on behalf of the agency or institution. These records include but are not limited to grades, transcripts, class lists, student course schedules, health records (at the K-12 level), student financial information (at the postsecondary level), and student discipline files. The information may be recorded in any way, including, but not limited to, handwriting, print, computer media, videotape, audiotape, film, microfilm, microfiche, and e-mail.” ([34 CFR § 99.2<sup>12</sup>](#))

FERPA also requires that valid written consent for the disclosure of educational records (1) is signed and dated; (2) specifies the records that may be disclosed; (3) states the purpose of the disclosure; and (4) identifies the party or class of parties to whom the disclosure may be made. Oral consent for educational records does not meet FERPA’s consent requirements.

In addition, schools can share directory information with the public. Schools determine what constitutes directory information, and can include information such as addresses, phone numbers, and birthdays. Parents can opt out of having their information included as directory information; however, it is important that schools are mindful about the types of information they make public and their procedures for allowing parents and families to opt out of directory information.

FERPA does allow the disclosure of educational records without consent when it is in compliance with a lawfully issued subpoena or judicial order. However, a school must make a reasonable effort to notify the parent or eligible student of the subpoena or judicial order

before complying with it to allow the parent or eligible student the opportunity to seek protective action, unless certain narrow exceptions apply.

## CONSTITUTIONAL PROTECTIONS

As a foundation to these federal and state laws, there are certain constitutional rights that are important for students, families, teachers, educators, staff, and districts to know. Every person within the United States has certain basic rights that apply to everyone, regardless of immigration status. No law, practice, or regulation enforced by the government can unreasonably interfere with a person's constitutional rights. This rule applies to immigration agents, as well as state and local police officers.

Additionally, if a person knows and exercises their constitutional rights, this places a limit on, and sometimes thwarts, ICE actions. Often ICE relies on people being unaware of or waiving their rights. This makes their jobs easier because they do not have to fully comply with due process and other constitutional protections if a person does not assert their rights.

*Fourth Amendment: Searches and Arrests.* Every person has the right not to be “unreasonably” searched or “seized” (detained or arrested) by the government. A warrant for arrest or search can only be issued if there is “probable cause” (good reason to believe) that a person has violated the law.

*What this means in practice for immigrants:*

- If ICE comes to a person's home, immigrants do not have to open the door to ICE agents.
- ICE officers are required to have judicial warrants (a warrant signed by a judge) in order to enter a home and they rarely—if ever—have them (ICE warrants are not real, judicial warrants).
- Immigrants can ask the ICE agents to slip any document that they have under the door, but they should never open the door (not even a little to see a document) and they should never sign anything without first speaking to an attorney.

*What this means in practice for schools:*

- Without permission or a judicial warrant, ICE agents cannot enter parts of campus that are not open to the public.

- If a portion of the campus is open to the public, then ICE has a right to enter that area of campus. However, school staff and administrators can ask ICE agents to leave, but they should not use force if ICE agents refuse to comply.
- If ICE agents ask for school or student records, the school does not have to comply with this request unless there is a signed judicial warrant asking for that specific record.

*Fifth Amendment: Right to Remain Silent.* Under the Fifth Amendment, every person has the right to remain silent. A person does not have to answer questions that ICE or other law enforcement officers might ask because people cannot be required to provide self-incriminating testimony.

*What this means in practice for immigrants:*

- If ICE comes to a person's home, they do not have to answer ICE's questions.
- If ICE stops someone while on the street or at work, they do not have to answer ICE's questions.
- People should not sign anything without first speaking with an attorney.
- A person can tell ICE they are exercising their Fifth Amendment right to remain silent and ask if they are free to leave.

*What this means in practice for schools:*

If ICE comes to campus, school staff, teachers, and administrators do not have to answer ICE's questions.

## EFFECTIVENESS OF PROTECTIONS

Federal and state laws provide significant rights and protections to immigrant students and families. However, awareness of and compliance with these legal obligations varies widely among school districts and staff, and local policies and practice have a significant impact on the experience of immigrant and refugee students and their families.



## PART III. SCHOOL DISTRICT POLICIES AND PROCEDURES

### “Safe Haven” or “Sanctuary” Resolutions

Some California school districts have responded to concerns about the safety of immigrant students and families by adopting “Safe Haven” or “Sanctuary” resolutions. These resolutions specify how a district plans to implement policies, procedures, staff training, and community engagement on a range of issues, including sharing students’ information and responding to school-based immigration enforcement activities. Several civil rights groups have jointly released [model resolution language](#)<sup>13</sup>. Both [Educators for Fair Consideration](#)<sup>14</sup> and the [American Federation of Teachers](#)<sup>15</sup>, in collaboration with the National Immigration Law Center, United We Dream, and First Focus have released comprehensive [guides](#) for educators.

### Implementing AB 699: Increasing Protections for Immigrant Students

California [Assembly Bill 699: Educational Equity](#)<sup>16</sup> was signed into law in October of 2017 by Governor Brown. Under AB 699, all school districts in California must update enrollment and complaint policies and adopt policies that limit immigration enforcement on school campuses. Under AB 699, California’s attorney general will develop model policy language by April 1, 2018 and school districts must adopt this model policy or an equivalent policy by July 1, 2018.

The Lawyers Committee for Civil Rights, the California Teachers Association, and the College for All Coalition, have jointly released an [AB 699 Implementation Factsheet and Infographic in English and Spanish](#)<sup>17</sup>. As school districts adopt or update policies related to AB 699, they are encouraged to think beyond the minimum requirements of the legislation to pursue other steps that improve immigrant students’ access to and success in school. The seven main components of AB 699 and recommendations for implementation are described below.

#### *1. Discrimination based on a student’s immigration status is prohibited.*

##### Required:

AB 699 adds “immigration status” to the list of currently protected characteristics, such as race, gender, disability, and religion that are prohibited under discrimination law districts must:

- Update their policies that prohibit discrimination, bullying, harassment, and intimidation to include actual or perceived immigration status

- Update their complaint process, often referred to as the “Uniform Complaint Procedure,” to include complaints related to discrimination based on actual or perceived immigration status

Recommended:

Districts should ensure that:

- All staff are updated and trained not only on the inclusion of “immigration status” as a protected characteristic but also on how to recognize and address overt and implicit discrimination, harassment, bullying or intimidation based on all protected characteristics
- The complaint process is simple and accessible to students and families
- The complaint process and form(s) are accessible in the languages spoken within the community
- Parents understand their rights to make complaints
- Formal oral complaints will be accepted and/or staff will assist in completing the required written form, especially in light of language or literacy barriers.

*2. The collection of immigration information is prohibited.*

Although there is no state or federal requirement for schools to collect information regarding citizenship or immigration status, a recent audit by the Lawyers Committee on Civil Rights found that at least 75 school districts in California were inquiring about immigration status in the school enrollment process. AB 699 expressly forbids collection of this information.

*3. Inquiries by law enforcement to enforce immigration laws must be reported.*

All superintendents must report to their governing boards in a timely manner about any requests for information or access to a school site by law enforcement for the purposes of immigration enforcement.

*4. Schools must take steps to avoid referrals to child protective services.*

Required:

If a parent becomes unavailable due to immigration enforcement action, schools must exhaust parental instructions related to a child’s care (and custody) and attempt to avoid referrals to Child Protective Services.

Recommended:

Schools should:

- Train staff on new requirements to comply with parental instructions and attempt to avoid referrals to Child Protective Services
- Inform parents of the new rights and protections through multiple channels of communication that are language accessible beyond the “annual communication” notification required by law
- Encourage families to develop an emergency preparedness plan (see Family Preparedness Plans section below), including instructions regarding guardianship
- Encourage families to keep emergency information and parental instructions up-to-date at all times.

5. *School boards must inform immigrant parents about their children’s rights to a free public education.*

Required:

School districts must provide information to parents and guardians, as appropriate, regarding their children’s right to a free public education, regardless of immigration status or religious beliefs. This shall:

- Include “know your rights” information established by the Attorney General related to immigration enforcement.
- Be provided in the annual notification to parents and guardians pursuant to [Education Code Section 48980<sup>18</sup>](#) or any other cost-effective means determined by the local educational agency

Recommended:

School districts should review and update current enrollment procedures for accessibility for immigrant students, such as:

- Ensure enrollment forms do not contain questions related to immigration status or sensitive information like Social Security numbers.
- Ensure that the enrollment information in print and on school district websites are language-accessible.
- Ensure that print and electronic enrollment forms are language-accessible.
- Ensure that district student information systems do not identify students as “undocumented” or include other identifiers related to immigration status.

- Adopt clear procedures and/or protocols for documents required to establish a child's age, including but not limited to a certified copy of a birth record, a baptism certificate duly attested, a passport, or in certain instances, an affidavit of the parent, or previously verified school records.
- Ensure district staff are trained and understand how to use an affidavit to prove a child's age when other documentation is lacking.
- Adopt clear procedures and/or protocol for reasonable documents to prove residency, including but not limited to property tax payment receipts, rental property lease, pay stubs, declaration of residency ([CA Education Code Section 48204.1<sup>19</sup>](#)).
- Ensure district staff are trained and understand how to accept a declaration of residency as proof of residency.
- School districts should share "know your rights" information throughout the school year, in addition to the required annual notification (See Information and Resources for Families section below).
- School districts should share "know your education rights" information (see <https://myschoolrights.com>)

*6. Adopt policies limiting immigration enforcement in schools.*

Required:

The California Attorney General is required to publish model policies by April 1, 2018, and school districts, county offices of education, and charter schools are required to adopt model policies or equivalent language by July 1, 2018. These policies must include:

- Procedures in response to requests for access to school grounds for immigration enforcement purposes.
- Procedures for district employees to notify the superintendent of the school district or his or her designee if an individual requests or gains access to school grounds for purposes related to immigration enforcement
- Procedures in response to requests for personal information about students or their family members for purposes of immigration enforcement.

Recommended:

Districts can and should:

- Adopt policies related to the above requirements above as soon as possible, instead of waiting until the July 1, 2018 deadline (see sample language developed by [civil rights groups<sup>20</sup>](#) and the [California School Boards Association<sup>21</sup>](#))

- Adopt a clear protocol for staff regarding any and all requests they receive for information or access to student records for immigration purposes. (see Los Angeles Unified School District Reference Guide ([LAUSD Campuses as Safe Zones and Resource Centers](#)<sup>22</sup>)
- Ensure that all staff, especially site front office staff and school site administrators, are trained in protocols regarding immigration -related requests and actions.
- Prohibit campus security from collaborating with federal immigration authorities for the purposes of immigration enforcement
- Work with local law enforcement to ensure that school resource officers (SROs) do not share school-related information with federal immigration authorities and understand the forthcoming requirements in AB 699 as well as [Senate Bill 54: California Values Act](#)<sup>23</sup>

## Other Policies to Consider Beyond AB 699 Requirements

### *Limited School Directory Information Policy*

In compliance with the Family Educational Rights and Privacy Act (FERPA), school districts generally must keep student records private, except when they are only required to share records in compliance with a valid judicial warrant. Instead, a school district should adopt a limited directory information policy ([34 C.F.R. § 99.37\(d\)](#)<sup>24</sup>) that may or may not include information such as a “student's name, address, telephone number, date and place of birth.”. To protect student and family privacy, districts should evaluate what information it considers critical to include in a school directory. If a district adopts a limited directory information policy, it must inform parents of the information that will be included and allow them to opt out of sharing some or all of the information. (See [sample letter language](#)<sup>25</sup> provided by the U.S. Department of Education.) Districts should consider including a simple language accessible opt-in/opt-out form in the annual school registration packet, and parents should also be educated about their right to opt-out if the district is including personally identifiable information which could be requested and released to an immigration enforcement agency.

### *Volunteer Fingerprinting Policy*

School districts are encouraged to review their volunteer fingerprinting policies. If fingerprinting is required for all school volunteers, a district may be hampering parental involvement, especially for undocumented parents and caregivers. Some districts have had success adopting volunteer fingerprinting policies that only require fingerprinting if the

volunteer will be responsible for supervising children alone (e.g., during an overnight school trip).

## PART IV. CLASSROOM AND EDUCATOR SUPPORT

There are many things that educational systems can do to create environments in which students can thrive socially, emotionally, and academically. Teachers, in particular, can create inclusive and safe learning environments for all students by incorporating lesson plans and classroom activities that are designed to cultivate empathy and trusting relationships, create a sense of belonging, and reduce discriminatory stereotypes and actions. The California Teachers Association has created an [online social justice toolkit<sup>26</sup>](#) to empower teachers to create safe zones, know their rights as teachers, respond to hate, and create a positive school climate.

Californians Together and Loyola Marymount University's Center for Equity for English Learners (CEEL) have developed grade-span lesson modules (K-2, 3-5 and 6-12) (see pages X-X) and a guide to address the social-emotional and educational needs of students experiencing stress and worry due to family immigration status or their experience as refugees.

### IN EARLY CHILDHOOD EDUCATION

For very young children, schools and caregivers should focus on creating environments that are supportive and that allow students to connect meaningfully with teachers, staff, and other students. Sesame Street in Communities and First 5 California have created [Care, Cope Connect<sup>27</sup>](#), a booklet for families, and Abriendo Puertas has published a [video<sup>28</sup>](#) that provides insights for parents about how to comfort a young child who faces bullying or potential family separation.

### IN ELEMENTARY SCHOOL

Elementary and middle schools can affirm school support for immigrant families by engaging students and families in activities, lessons, and displays that reflect and celebrate diversity, like the [Building Welcoming Schools Toolkit<sup>29</sup>](#) and this [online guide<sup>30</sup>](#) from Colorín Colorado. Schools and districts can also provide families with easy-to-understand information about their rights and immigration legal services in their primary language, host family events and trainings with

local nonprofit organizations, and ensure that teachers and other staff know about such resources.

## IN MIDDLE SCHOOL AND HIGH SCHOOL

Secondary schools can create welcoming and inclusive environments through targeted lessons and leadership activities. There are a number of high-quality materials and lesson plans available online through [Beyond Differences](#)<sup>31</sup>, [Teaching Tolerance](#)<sup>32</sup>, and [Colorín Colorado](#)<sup>33</sup>. A recent report released by UCLA’s Institute for Democracy, Education & Access (IDEA), [Teaching and Learning in the Age of Trump: Increasing Stress and Hostility in America’s High Schools](#)<sup>34</sup>, documents a marked increase in student anxiety and hostility since the 2016 presidential election. The report also outlines recommendations for teachers to enhance civility, such as building relationships, establishing norms and models that allow time for student practice, structuring opportunities to express their ideas, and monitoring and responding to students’ needs.

High school students can also be provided with tools to initiate at-home conversations about family preparedness planning in the event that they are impacted by immigration enforcement or deportation.

## POST-SECONDARY PREPARATION AND SUPPORT

Students and parents in immigrant and refugee families should receive counseling support about preparing for college, financial aid, and career pathways. In California, there are significant supports to enable undocumented students to enter and complete post-secondary education.

### *College/Career Preparation*

K-12 schools should help prepare all students and parents on the basics of college preparation, including the University of California and California State University entrance requirements, usually referred to as the UC/CSU A-G requirements, as well as the requirement to have at least a “C” grade or better in all required courses. Ideally, school districts should adopt these standards as a requirement for high school graduation to ensure that all students graduate “college and career ready.” If they are not part of current graduation requirements, districts and schools should track and inform students and families on progress toward completing the

A-G requirements, and schools should provide and strongly encourage students to utilize multiple options to stay “on-track,” such as online courses and summer school. All students regardless of immigration status should have access to college.

#### *Understanding LCFF+ Schools*

Schools with 75 percent or higher of low-income, English-learner, and/or foster youth are considered Local Control Funding Formula+ (LCFF+) schools. California [Senate Bill 1050<sup>35</sup>: Postsecondary education: college readiness](#) increased University of California (UC) enrollment slots by 2,500 and established a requirement to increase enrollment from LCFF+ schools where a majority of immigrant, low-income and foster youth students attend. The College for All Coalition has produced an [SB 1050 factsheet and infographic<sup>36</sup>](#), and LCFF+ school eligibility is available via the [California Department of Education website<sup>37</sup>](#).

#### *Financial Aid Counseling*

California provides more financial aid support for undocumented students than any other state. [Educators for Fair Consideration<sup>38</sup>](#) has published many resources related to financial aid for undocumented students, including a [Quick Guide to College Access for Undocumented Students in California<sup>39</sup>](#). The guide outlines residency requirements and in-state tuition eligibility, [California Dream Act<sup>40</sup>](#), and state-based financial aid and scholarships that do not require proof of citizenship. Schools districts and high schools should ensure that guidance and college/career counselors are familiar with these resources, that they understand the unique challenges facing undocumented students, and that they proactively educate immigrant families about support to allow undocumented students to pursue higher education at both public and private institutions. High schools can also track FAFSA, Cal Grant, and Dream Act completion through the California Student Aid Commission (CSAC). CSAC has created a friendly [Race to Submit<sup>41</sup>](#) competition to encourage high schools to track and increase financial aid applications of all students.

#### *DREAMer Resource Centers*

Most public colleges and universities in California provide spaces and/or resources to support immigrant and first-generation students, including those who are undocumented. High school guidance counselors, teachers, and administrators should encourage matriculating undocumented students to utilize these resources and supports. In 2017, Fresno Unified School



District opened a [Dream Resource Center<sup>42</sup>](#), which provides student services and community resources to immigrant students and their families.

#### *Employment Opportunities through Entrepreneurship*

As high school graduates, many undocumented students and young adults struggle to find employment opportunities in the formal economy. [Immigrants Rising<sup>43</sup>](#), a project of Educators for Fair Consideration, seeks to provide resources and information for “all immigrants, regardless of legal status, to create their own opportunities, earn a living, and thrive through entrepreneurship.”

## PART V. RESOURCES AND INFORMATION FOR FAMILIES

In the current political climate, many immigrant families and communities are afraid and unsure of what the future holds. Empowering immigrants with reliable tools and accurate information can help them grapple with this uncertainty and regain a sense of control over their lives—and as trusted institutions, schools are in unique position to play this role. The Immigrant Legal Resource Center’s (ILRC) [Help for Immigrant Families: Guidance for Schools<sup>44</sup>](#) provides a comprehensive overview.

### EFFECTIVELY ENGAGING IMMIGRANT FAMILIES

Engaging immigrant families in a culturally sensitive manner can strengthen trusting relationships and enable educators to learn about parents’ and caregivers’ concerns and aspirations. Effective practices include: establishing direct lines of communication with students and families in English and other languages spoken at home; partnering with immigrant-serving community organizations to inform families about their rights and options; involving bilingual family resource center staff, family liaisons, and trained parent volunteers to engage and support families on a range of issues; and widely communicating all school and district policies and resolutions related to inclusivity, student safety, and records confidentiality.

## IMMIGRATION-RELATED RESOURCES

### *Family preparedness plans*

In general, families should be prepared and have a plan of care for their child(ren) in place in the event of an emergency, including a natural disaster or other unforeseen circumstances, including the detention or deportation of a parent or caregiver. These plans should include the designation of an alternate caregiver, if needed, important documents, and updated emergency contact information. A family preparedness plan is a useful tool that should be tailored to meet each family's unique circumstances and address their specific needs. However, if not presented correctly, these plans may overwhelm families already experiencing high levels of stress and fear. The ILRC has developed a model [Family Preparedness Plan](#)<sup>45</sup> and accompanying [webinar](#)<sup>46</sup> to help explain families' choices to advocates and other stakeholders. School districts can also [order or download templates](#)<sup>47</sup> to print in-house "Know Your Rights" cards in multiple languages.

### *Hosting Know Your Rights and family preparedness workshops at your school*

School and district officials can help to ensure that immigrant students and families are prepared and informed by hosting and/or advertising presentations and workshops conducted by reputable nonprofits. Undocumented immigrants may be hesitant or fearful to attend a public event intended only for immigrants without legal status, so make sure events are geared toward all individuals who may be interested in general updates on immigration law and policy. Many immigrant-serving community-based organizations will conduct free "Know Your Rights" presentations to inform families and educators about the basic rights of noncitizens, and there are also several high quality [online resources](#)<sup>48</sup>. In California, community events and legal services workshops are listed by [Ready California](#)<sup>49</sup>.

### *Help Families Find Qualified Immigration Legal Services*

Educators can play a key role in directing students and families towards expert legal advice and away from fraudulent and exploitative services, which are prevalent. The vast majority of immigrant families live in "mixed status" household that include U.S. citizens, lawful permanent residents (or "green card" holders), and individuals who are undocumented. All non-citizen immigrants, but particularly those who are undocumented, should get an immigration

“checkup” to learn about possible protections and options. Local legal service providers may offer clinics or drop-in hours where a person can quickly speak confidentially with an attorney or accredited representative about their individual circumstances and to access a range of services. Schools and districts can help identify reliable, low-cost nonprofit immigration legal services organizations through the following online sources: [Ready California](#)<sup>50</sup>, [National Immigration Legal Services Directory](#)<sup>51</sup>, the [Catholic Legal Immigration Network](#)<sup>52</sup>, and the State of California [Immigrant Guide](#)<sup>53</sup>. They can also distribute [flyers](#)<sup>54</sup> about avoiding fraudulent immigration services and practitioners.

## HEALTH-RELATED RESOURCES

### *Healthcare Access*

In California, all children regardless of immigration status are [eligible for Medi-Cal](#)<sup>55</sup>, but not all families may be aware of this potential benefit or may be afraid to take advantage of it. [All in for Health](#)<sup>56</sup>, a project of the [Children’s Partnership](#)<sup>57</sup> has developed a school toolkit to enable schools to promote health coverage and care. The website includes customizable flyers as well as the ability to order free flyers for distribution. The National Immigration Law Center has [several resources](#)<sup>58</sup>, for both families and organizations working with families, that address the very real concerns that families have with utilizing Medi-Cal and other public benefits.

### *Providing Behavioral Health Services*

As outlined in [this brief](#)<sup>59</sup> from The Children’s Partnership and the California Immigrant Policy Center, children’s emotional and physical wellbeing is negatively affected by threats of deportation and anti-immigrant scapegoating. Schools can provide essential support by increasing district-based behavioral health services and/or referring families to affordable, culturally sensitive mental health specialists and counselors. The National Alliance on Mental Illness has developed [resources](#)<sup>60</sup> for mental health for the Latino Community, including a bilingual brochure: [Compartiendo Esperanza: No Hay Salud Sin Salud Mental](#)<sup>61</sup>.

### *School-Based Health Centers*

With the adoption of the Affordable Care Act and the expansion of healthcare access across the state, some school districts are partnering with local healthcare providers to create school-based health centers. School-based health centers provide increased access to healthcare

services for students and their families as well as the local community. School-based health care includes programs such as school nurses, comprehensive school-based health centers (SBHCs), mental health care services, oral health services, and more. The [California School Based Health Alliance](#)<sup>62</sup> has [toolkits](#)<sup>63</sup> and [resources](#)<sup>64</sup> on how to plan and establish school-based health centers.

For resources on what SBHC can do to better protect their students, please visit the following links:

- [Navigating the Current Climate: Having a Preparedness Plan](#)<sup>65</sup>
- [Module: Supporting Undocumented Students](#)<sup>66</sup>
- [Sanctuary for SBHCs Poster](#)<sup>67</sup>
- [Sanctuary for All Poster](#)<sup>68</sup>

## INCREASING INCLUSIVE LEARNING ENVIRONMENTS THROUGH LANGUAGE DIVERSITY

Following the passage of [Proposition 58, the California Multilingual Education Act](#)<sup>69</sup> in 2016, school districts now have more flexibility in delivering different types of language access programs for English and dual language learners. Following 20 years of English-only policies, all California school districts should be actively engaging and educating parents of English learners and dual language learners to assess various program and service choices and options. Families should be educated on the benefits of bilingualism to students and to creating positive and inclusive learning environments. Additionally, the California State Board of Education has adopted an [English Learner Roadmap](#)<sup>70</sup> that was developed by a diverse committee of educators. The California Department of Education is also developing forthcoming guidance highlighting best practices to assist school districts in implementing the Roadmap.

### *Right to Request Dual Language/Bilingual Programs*

Under Proposition 58, parents now have the right to request that a school district consider implementing a dual language program. If twenty grade-level parents or thirty parents school site-wide request a dual language program, the district must take steps to the extent practicable to create one. Parents should be educated about their rights, including the right to request a dual language program, and understand different program options. For example, Los

Angeles USD has created [brochures and videos](#)<sup>71</sup> to explain dual language program options and it shares this information through various channels multiple times a year. For districts looking to bring back bilingual programs, the [California Association for Bilingual Education](#)<sup>72</sup> (CABE) and [Californians Together](#)<sup>73</sup> have released a [Proposition 58 Implementation Guide](#)<sup>74</sup> in English and Spanish.

#### *Access to Early Childhood Education*

According to the Migration Policy Institute (MPI), more than sixty percent of all children (ages 0-8) in California come from families who speak a language other than English at home—and there is a growing body of research that demonstrates the benefits of cultivating the educational potential of dual language learners. A report by the National Academies of Sciences, Engineering and Medicine, [Promoting the Educational Success of Children and Youth Learning English: Promising Futures](#)<sup>75</sup>, documents the success of programs that place dual language learners in bilingual settings where they can utilize their native language skills to learn both their primary language and English.

Districts that provide early childhood education (e.g., preschool, Headstart, etc.) to immigrant and refugee students should adopt developmentally appropriate dual language programs to capitalize fully on young children’s natural ability to learn language. [California’s Gold: An Advocacy Framework for Young Dual Language Learners](#)<sup>76</sup> by Dr. Marlene Zepeda outlines comprehensive steps that California schools should take in order to better and more fully serve dual language learners across the state.

## PARENT EMPOWERMENT AND LEADERSHIP DEVELOPMENT

To fully include immigrant and refugee parents in school communities, schools and districts should think beyond “parental engagement” and seek ways to empower parents to serve as advocates for their children, for their schools, and for public education in general—regardless of their immigrant status or English language ability. Schools should provide training and support to develop the leadership skills that immigrant parents need to be school leaders. For example, Anaheim Union High School District has developed a [Parent Leadership Academy](#)<sup>77</sup> that trains volunteer parent leaders. The district engages parents on “parent learning walks,” in which parents and administrative teams observe classroom activities. Other districts have had success building immigrant parent leadership with focused training for both staff and parents, like CABE’s [Project 2-Inspire](#)<sup>78</sup> and [Families in Schools](#)<sup>79</sup>.

## PART VI. SPECIAL IMMIGRANT POPULATIONS

This section outlines certain populations of immigrants that merit additional consideration.

### DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA)

Deferred Action for Childhood Arrivals (DACA) offers [an estimated 2.3 million immigrants](#)<sup>80</sup> across the United States access to the American Dream. The program has allowed qualifying Dreamers—immigrants who have lived in the U.S. since they were children but lack legal status—to earn temporary protection from deportation and a work permit. [One study found](#)<sup>81</sup> that three out of five successful applicants earned a new job, half opened their first bank account, and a third obtained their first credit cards after receiving DACA.

Approximately 200,000 DACA recipients live in California. Additionally, it is [estimated](#)<sup>82</sup> by the Migration Policy Institute that nationwide approximately 20,000 DACA recipients are teachers, one quarter of whom are located in California.

On September 5, 2017, President Trump announced that he was [rescinding DACA](#)<sup>83</sup> and no more renewals would be made beyond March 2018 and that any DACA recipients eligible for renewal before the March 2018 deadline must submit their renewal application by October 5, 2017. In light of the fact that many school districts employ DACA recipients both as teachers and classified employees, school districts should confer with their Human Resources departments and legal counsel to understand the steps that should be taken when an employee's work authorization expires. The Association of California School Administrators has released a [factsheet](#)<sup>84</sup> on the impact of DACA's rescission on school districts. In light of the growing teacher shortage, Sacramento City School District is currently exploring the possibility of [sponsoring DACA teachers for work permits](#)<sup>85</sup>.

For high school students who have DACA or who were planning on applying for DACA when they became eligible, it is important that schools, teachers, guidance counselors, and others provide support, including mental health resources, to students who are grappling with the stress and trauma associated with the loss of this critically important resource. Further, they should advise them on existing opportunities to attend public universities and colleges in California and pursue higher education.

## UNACCOMPANIED MINORS

In recent years, high numbers of unaccompanied refugee minors have continued to enter the United States, primarily from violence-ravaged Central American countries, including Honduras, El Salvador, and Guatemala. These vulnerable minors are often housed in detention facilities, but others are placed with family members in local communities and enrolled in public schools. Many of these students have interrupted formal education and are recovering from violence or trauma associated with the conditions they were fleeing in their home countries and/or the journey to the United States.

The website [Colorín Colorado](#)<sup>86</sup> has compiled resources and a [guide](#)<sup>87</sup> for schools to meet the needs of unaccompanied minors. Additionally, the Migration Policy Institute has recently released a report, [Beyond Teaching English: Supporting High School Completion by Immigrant and Refugee Students](#)<sup>88</sup>, which highlights promising practices to help high school arrivals successfully complete high school.

## REFUGEES

In 2016, the United State welcomed almost 85,000 refugees, and California received the largest number, 7,909. Refugees are generally [resettled](#)<sup>89</sup> either with family or where there is an existing immigrant community. This means that there is often a disproportionate impact on a local school districts within resettlement communities. According to a CALmatters [article](#)<sup>90</sup>, three counties in California settle a large percentage of refugees: San Diego (1,455), Los Angeles (1,198) and Sacramento (1,121). School districts impacted by refugee resettlement are eligible to apply for [Refugee School Impact grants](#)<sup>91</sup>, and California made a [one-time allocation of an additional \\$10 million](#)<sup>92</sup> in the 2017-18 budget to expand services to refugee students. The website Colorin Colorado has compiled a [list of resources](#)<sup>93</sup> that districts can use to support refugee students.

## ENDNOTES

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