



Public Schools of Robeson County

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Office of the Superintendent

June 20, 2018

Parents and Community Members:

The Public Schools of Robeson County is committed to educating and protecting children in local communities, regardless of immigration status. We affirm undocumented immigrant children DO have the same right to attend public primary and secondary schools, as do U.S. citizens and permanent residents. Currently, Public Schools of Robeson County administrators are seeking additional guidance from the North Carolina Department of Public Instruction and the US Department of Education as it pertains to educational services rendered to undocumented immigrant children. We do not want to violate any grant conditions, laws, policies, regulations and/or procedures when it comes to educating and supporting undocumented immigrant children. Any violation could risk or jeopardize funding the district receives.

The Public Schools of Robeson County may not:

- Deny admission to a student during initial enrollment or at any other time on the basis of undocumented status.
- Treat a student differently to determine residency.
- Engage in any practices to "chill" the right of access to school.
- Require students or parents to disclose or document their immigration status.
- Make inquiries of students or parents that may expose their undocumented status.

Require social security numbers from all students, as this may expose undocumented status. (Adults without social security numbers who are applying for a free lunch and/or breakfast program on behalf of a student need only indicate on the application that they do not have a social security number.)

A school district may not request a student's or parent's social security number unless it (1) informs the individual that disclosure is voluntary, (2) provides the statutory or other legal basis for why the district is requesting the number, and (3) explains how the district will use the number.

Districts are strongly discouraged from requesting social security numbers to avoid any chilling effect that this request may have on the enrollment of students because of their race, color, national origin, citizenship, or immigration status.

Finally, school personnel -- especially building principals and those involved with student intake activities -- should be aware that they have no legal obligation to enforce U.S. immigration laws. (U.S. Supreme Court, 1982)

PSRC is considered a safe zone and will continue to offer protections for students who are undocumented immigrants. To be very clear, the Public Schools of Robeson County does not provide assistance to US Immigration and Customs Enforcement (ICE) in the enforcement of federal civil immigration law. Therefore, ICE should not be permitted access to PSRC school campuses, facilities or personnel except in the rare instance in which we are provided with a criminal warrant.

PSRC school staff, central office employees and administrators will carefully examine any warrant, subpoena or court order presented by federal immigration agents. Any request by immigration agents to enter a campus, or obtain information about students, would have to be approved by the superintendent, superintendent's designee or the school district's board attorney.

We stand behind ALL of our students by taking the necessary steps to ensure that no child is denied a public education. We will continue our hard work each day to create a safe and welcoming environment in our schools by promoting tolerance and inclusion.

Respectfully,

A handwritten signature in black ink that reads "Shanita Wooten". The signature is written in a cursive, flowing style.

Dr. Shanita W. Wooten,
Superintendent

*Under a federal policy, U.S. Immigration and Customs Enforcement (ICE) agents are prohibited from making arrests at "sensitive locations," which include schools, churches, hospitals and protest rallies, except under circumstances they consider urgent or with permission from a site supervisor, according to the ICE website.

LEGAL ISSUES:

Help Ensure that Immigrant Students Have Access to Educational Opportunities

There is a strong concern with equality in education. Within states this leads to efforts to assure that each child no matter where he or she is situated receives an adequate education. The Equal Education Opportunities Act of 1974 provides that no state shall deny equal educational opportunity to an individual on the basis of race, color, sex, or national origin.

At the beginning of each school year, millions of Latino students look forward to embarking on what they hope will be a challenging and interesting educational experience. Unfortunately, there are still some school systems that choose to place unnecessary barriers in their way. For example, some schools and school districts have been asking Latino parents to show proof of U.S. residency before they could enroll their children in public schools. These actions may be illegal if they have the effect of discouraging parents from enrolling their children. Immigrant parents and their children should not have to experience this type of harassment.

However, many students are not receiving any education services because their parents are afraid to go through an enrollment process that is being carried out in a threatening manner. Many schools will begin classes soon. Please spread the word to school personnel and Latino parents that all students, regardless of immigration status, are entitled to a public education.

The U.S. Supreme court has ruled in the Supreme court case Plyler Vs. Doe [457 U.S. 202 (1982)] that undocumented children and young adults have the same right to attend public primary and secondary schools as do U.S. citizens and permanent residents. Like other children, undocumented students must, under state law, attend school until they reach a mandated age, usually 18. As a result of the Plyler ruling, the chart below explains some of the Do's and Don'ts:

Do's	Don'ts
<ul style="list-style-type: none">• Enroll all migrant students in a timely manner.• Assign a number generated by the school for students without social security numbers.• Provide services to each migrant student that are comparable to services offered to other students in the school district.• Adopt policies and practices to ensure that migrant students are involved in the regular school program.• Be aware that you have no legal obligation to enforce U.S. immigration laws.	<ul style="list-style-type: none">• Deny admission to a student during initial enrollment or at any other time on the basis of immigration status.• Treat a student disparately to determine residency.• Engage in any practices to "chill" the right of access to school.• Require students or parents to disclose or document their undocumented status.• Ask questions to students or parents that may expose their undocumented status.• Require social security numbers from all students, as this may expose undocumented status.

Asuntos Legales:

Ayude a asegurar que los estudiantes migratorios tengan acceso a las oportunidades educacionales.

Hay una preocupación fuerte con respecto a la igualdad en la educación. Dentro de los Estados Unidos esto conduce a esfuerzos de asegurar que cada niño no importa dónde lo o la sitúan recibe una educación adecuada. El Acto de Igualdad de Oportunidades en la Educación de 1974 proporciona que ningún estado negará oportunidad educativa a un individuo en base de su raza, color, sexo, o su origen nacional.

A comienzos de cada año escolar, millones de estudiantes latinos tienen la esperanza y la idea de que se van a embarcar en una experiencia educacional estimulante e interesante. Desafortunadamente, existen todavía sistemas escolares que deciden poner barreras que no son necesarias en el camino de los estudiantes. Por ejemplo, acabamos de enterarnos que los distritos escolares de Pennsylvania y Hawaii están pidiendo a los padres latinos que muestren documentación que pruebe la residencia en los Estados Unidos para poder inscribir a sus niños en las escuelas públicas. Estas acciones podrían ser ilegales si tuvieran el efecto de desanimar a los padres a inscribirlos a sus hijos en las escuelas. Los trabajadores migratorios y sus hijos son particularmente vulnerables a este tipo de acoso.

Se estima que aproximadamente 800,000 niños migratorios son elegibles para participar en programas subvencionados por el gobierno federal tales como el Programa Educativo para Estudiantes Migratorios. Pero muchos estudiantes no están recibiendo ningún tipo de servicio debido a que sus padres tienen miedo a someterse a un proceso de inscripción intimidante. Muchos programas educativos para los estudiantes migratorios empezarán muy pronto. Por favor informe al personal escolar y a los padres latinos que todos los estudiantes tienen derecho a la educación pública sin importar su estatus legal.

En 1982, la Corte Suprema de los Estados Unidos decidió en el caso titulado Plyler vs. Doe[457 U.S. 202] que los niños y los jóvenes indocumentados tienen el mismo derecho de asistir a las escuelas públicas primarias y secundarias que tienen sus contrapartes de nacionalidad estadounidense. Al igual que los demás niños, los estudiantes indocumentados están obligados bajo la ley del estado a asistir a la escuela hasta que lleguen a la edad escolar requerida por la ley, generalmente hasta los 18 años. A raíz del caso titulado Plyler, la tabla siguiente indica que hacer y no hacer.

Hacer:	No Hacer:
<ul style="list-style-type: none"> • Matricular a todo estudiante migratorio lo antes posible. • Asignar un número de identificación para los estudiantes que no tienen tarjeta de seguro social. • Proveer servicios a cada estudiante migratorio que sean comparable a aquellos de otros estudiantes del distrito escolar. • Adoptar normas y prácticas que aseguren que estudiantes migratorios están incluidos en el programa de educación regular. • Saber que no tienen ninguna obligación legal de imponer a otros las leyes de inmigración de los Estados Unidos. 	<ul style="list-style-type: none"> • Negarles admisión a la escuela a estudiantes indocumentados basados en su estatus de ser indocumentados, ya sea al momento de la matriculación o en cualquier otro momento. • Tratar a un estudiante en forma desigual o discriminatoria para determinar su situación legal y/o de residencia. • Tomar medidas o reglamentos que pudieran atemorizar a la comunidad indocumentada, con el resultado de que ellos no acudan a su derecho de acceso a las escuelas públicas. • Requerir que el estudiante o sus padres revelen o documenten su situación legal y/o inmigratoria. • Investigar la situación legal y/o inmigratoria del estudiante o de sus padres, aún cuando sólo sea por razones educativas, esto quede poner en evidencia dicha situación. • Exigir que el estudiante obtenga un número de seguro social como prerrequisito de matrícula para un programa escolar.