



## Dannel P. Malloy

GOVERNOR  
STATE OF CONNECTICUT

February 21, 2017

Dear Superintendents,

This letter and the attached documents provide guidance for school districts about how best to support students, how to respond to attempts on school grounds to question a child's immigration status or to obtain other information about students or their families, and how to provide educational resources for immigrant families regarding their rights.

All children residing in the United States have a right to public education regardless of race, color, national origin, citizenship, immigration status, or the status of their parents/guardians. The U.S. Supreme Court affirmed this right more than 30 years ago when it ruled, in *Plyler v. Doe*, 457 U.S. 202 (1982), that it is unconstitutional for states to deny students access to a free public education based on their immigration status.

In Connecticut, we take the responsibility for providing a free public education to all children very seriously. Our commitment to providing a welcoming, safe, and supportive school environment that fosters learning and personal growth for all our students and their families is unwavering.

We know that both real and perceived threats against undocumented persons and mixed-status families in our schools are causing trauma for students that affects their learning and well-being. We understand local concerns that some families might keep children out of school due to fear of immigration raids and deportation.

It is our understanding that U.S. Immigration and Customs Enforcement (ICE) is at this time continuing to follow the prior administration's "sensitive locations" policy, under which schools are generally treated as off limits for ICE enforcement activities, though there are some exceptions. Resources concerning this policy are included with this letter. We will of course inform you if we learn new information about this policy.

We encourage you to consider having a plan in place in the event that ICE agents come to one of your schools requesting information about or access to a student. In developing a plan for your district, you should consult with the district's attorney. Please consider reviewing the student privacy protections under the Family Education Rights and Privacy Act (FERPA) with your district's attorney. Please also consider implementing a protocol for handling requests and visits from ICE, possibly to include the following steps:

1. If an ICE agent approaches a school asking for student information or for access to a student, that agent should be referred to the Superintendent's Office or to the office of an appropriate administrator designated by the superintendent.
2. Generally, the superintendent or designee should immediately contact the district's attorney before taking any action or providing any information in response to a request or visit from an ICE agent. The superintendent or designee should ask the ICE agent to state the reason and authority for the visit, whether the sensitive locations policy is being followed, and, if so, why the sensitive locations policy permits the visit.
3. The superintendent or designee should ask the ICE agent to confirm that the agent has a warrant and to show the warrant. If the agent does not have a warrant, the school district official should decline entry.
4. If the agent does have a warrant, the school official should review it carefully to determine exactly what it authorizes ICE to do, and who issued it. Please note that, depending on the situation, ICE agents may have "administrative warrants" that are not court orders signed by a judge. School officials should **not** assume that an ICE agent has the authority to enter school facilities or obtain information or records based on an administrative warrant. In the Connecticut State Department of Education's view, a variety of situations could arise in the school setting, including when ICE agents demand records or information concerning a student, where a warrant signed by a judge or other appropriate court order likely would be required by law. In planning for interactions with ICE, districts should consult with their attorneys about these issues.

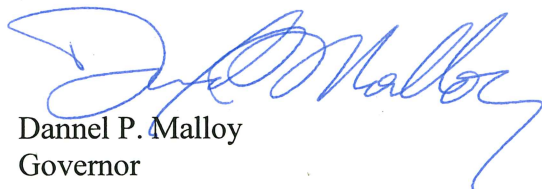
Additionally, please consider making resources translated into multiple languages available to families informing them of their rights regarding immigration and connecting them with legal and social services that are available within your community.


Please also note that if one or more of your schools is participating in the Student Exchange Visitor Program (SEVP), you must still comply with the specific requirements of that program.

We encourage you to consider making counselors and mental health support services available to students who are experiencing stress or anxiety stemming from the repercussions of the presidential executive order regarding immigration and recent news of immigration enforcement actions across the country.

Thank you for your attention and urgency in making sure all Connecticut children and families feel welcomed, respected, and valued in our schools. We are happy to answer any questions you have about these matters.

Sincerely,

  
Dannel P. Malloy  
Governor

  
Dianna R. Wentzell  
Commissioner of Education

## RESOURCES

### **For families:**

[ACLU - Know Your Rights: What to Do If Immigration Agents are at Your Door](#)  
\*\*\*Attached is a flyer in English and Spanish with instructions for families

[Connecticut Students for a Dream](#)

### **For districts and schools:**

[ICE Sensitive Locations Policy](#)

[U.S. Department of Education guidance for supporting undocumented youth](#)

[United We Dream – Deferred Action for Childhood Arrivals guide](#)

[School Counselors Working with Undocumented Students](#)

[U.S. Department of Health and Human Services information on the rights of unaccompanied children to enroll in school and participate meaningfully and equally in educational programs](#)

### **The following organizations provide direct legal services:**

[International Institute of Connecticut](#)

[Integrated Refugee & Immigrant Services](#)

[Catholic Charities Migration, Refugee, and Immigration Services](#)

[Center for Children's Advocacy](#)

[Connecticut Legal Services](#)

[New Haven Legal Assistance](#)

[UConn School of Law Asylum and Human Rights Clinic](#)

[Yale Law School Worker and Immigrant Rights Advocacy Clinic](#)