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MEMORANDUM

TO: Superintendents, Principals, Headmasters and All Educators
COPY: VSA, VPA, VCSEA, VT-NEA, VSBA, VISA
FROM: Rebecca Holcombe, Ed.D., Secretary of Education
SUBJECT: Deferred Action for Childhood Arrivals (DACA) Program
DATE: September 7, 2017

As you know, President Trump indicated he will end the Deferred Action for Childhood Arrivals program, which protects undocumented individuals who arrived in the United States as children, and who have pursued education or served in the military, and who have avoided conviction. This means that as soon as March, some members of our community could be eligible for deportation. In the interim he has called on Congress to act.

I have said before and will say again: we have a responsibility to ensure that all of our students feel safe and supported. Under Federal law, undocumented children and young adults have the same right to attend and enjoy public primary and secondary schools as do U.S. citizens and permanent residents (*Plyler vs. Doe*, 457 U.S. 202 (1982.)). And, under state law, all Vermont children, including undocumented children are required to attend school until the mandated age of 16. (*Please see* 16 V.S.A. §1075(f) which defines residence for school purposes of alien, immigrant or refugee children in Vermont.)

Meeting this obligation means going beyond telling families to enroll their student(s). It includes working proactively to **ensure these children feel safe, supported and welcomed.**

This occurs when we create school cultures that are responsive to the needs of the children in our care, and our families. These children are our responsibility, and they count on us to provide them care and education, in a world in which they have almost no control over their own circumstances. Like these children, many of our ancestors arrived in this country as children with uncertain status. All evidence suggests that these children will grow up to be productive citizens who are educated and contribute to our communities and economic growth. In a state in which one of our biggest challenges to economic growth is that we cannot find enough workers to fill existing jobs, there is no evidence to support the claim that these children will deny Vermonters jobs.

You have certain legal responsibilities with respect to these children. First and foremost, public schools may not:

1. Deny or terminate a student's enrollment on the basis of actual or perceived immigration status.
2. Treat a student differently to verify legal residency in the United States.
3. Engage in any practices that have the effect of discouraging students from enrolling or attending school based on their immigration status.
4. Require students or their parents to disclose their immigration status or inquire of students or parents in ways that may expose their undocumented status.
5. Deny or terminate a student's enrollment due to the student's or parent's failure to provide a social security number.

Beyond that, please remember that these children are amongst the most vulnerable in Vermont, because of the high level of uncertainty and instability this recent decision injects into their lives. For some, the school may be the only constant source of stability in their lives. They have only one chance to grow up, and your school may be their best or only chance at a good education. Please envelope these children in the support that we know they need and which human decency demands.

Thank you.