

PETER SHUMLIN
Governor



State of Vermont
OFFICE OF THE GOVERNOR

November 17, 2016

Dear Education Leaders,

In recent days, I have heard from many Vermonters concerned about the impact of changes in federal leadership on Vermont, and our schools. My office and the Agency of Education have received requests for clarification on the rights of immigrant students. I hope this letter provides helpful guidance and information.

Our first responsibility is to the safety and support of our students. This only occurs when we work proactively to create school cultures that are responsive to the needs of the children in our care, as well as our families.

First and foremost, under Federal law undocumented children and young adults have the same right to attend 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. This is consistent with a belief that children have no influence over where they live, have a basic right to education and must be educated well in order to grow up as productive adults.

Again, I would like to emphasize that meeting this obligation goes beyond telling students to enroll; it includes working proactively to ensure they feel safe, supported and welcomed.

That said, consistent with this obligation to ensure all students attend school until age 16, public schools may not:

- Deny or terminate a student's enrollment on the basis of actual or perceived immigration status.
- Treat a student differently to verify legal residency in the United States. (This does not preclude verifying physical residency for the purposes of paying tuition.)
- Engage in any practices that have the effect of discouraging students from enrolling or attending school based on their immigration status.
- Require students or their parents to disclose their immigration status or inquire of students or parents in ways that may expose their undocumented status.
- Deny or terminate a student's enrollment due to a student's or parent's failure to provide a social security number.

I have heard that families who are legal residents are expressing concerns about their safety. The situation of children who are undocumented is even more precarious, and something over which

these children have no control. Please work with me to protect the rights of these children, as affirmed by the U.S. Supreme Court.

In addition, I have attached here links to two documents prepared by my Agency of Education:

MODEL POLICY ON THE PREVENTION OF HARASSMENT, HAZING AND BULLYING OF STUDENTS

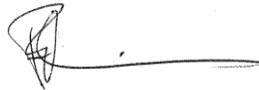
<http://education.vermont.gov/documents/healthy-safe-schools-hhb-model-policy>

MODEL PROCEDURES ON THE PREVENTION OF HARASSMENT, HAZING AND BULLYING OF STUDENTS

<http://education.vermont.gov/documents/healthy-safe-schools-hhb-model-procedures>

To remind you, this policy and associate procedures were revised to provide consistent procedures for investigating allegations of hazing, harassment and bullying. We hope your good work in our schools on culture building, social skill development and restorative practices will keep incidents of hazing, harassment and bullying to a minimum. However, when incidents occur, please follow policy carefully to ensure the rights and safety of our students are protected. That is our first priority. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to be 'Peter Shumlin', with a long horizontal line extending to the right.

Peter Shumlin
Governor