



STATE OF MICHIGAN
LANSING

AGUSTIN ARBULU
DEPARTMENT OF CIVIL RIGHTS

BRIAN J. WHISTON
STATE SUPERINTENDENT

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**A Letter from Michigan Department of Civil Rights Director Agustin Arbulu
and State Superintendent Brian Whiston**

In the past thirty (30) days, the federal government has taken increased actions aimed at finding, detaining, and deporting undocumented immigrants. Both reports and rumors are circulating that federal officers from the U.S. Department of Homeland Security are enlisting the help of local law enforcement agencies and schools in this work. As school administrators, it is important that you consider how this could affect you and your school, and plan now for the possibility that law enforcement might one day seek your school's assistance in their efforts.

Like our schools, immigration enforcement is an important government function in which we all have a vested interest. However, these two important interests do not always operate in harmony. Law enforcement agencies that seek to use schools and students as a means to locate or access undocumented immigrants may violate the civil rights of students and, in some cases, parents, under Michigan's Elliott-Larsen Civil Rights Act (ELCRA) as well as other state and federal civil rights laws.

All children, regardless of citizenship and immigration status, have the right to equal access to a free public education in our K-12 system. The United States Supreme Court ruling in *Plyler v. Doe* (457 U.S. 202 (1982)) and subsequent U.S. Department of Education guidance prohibit schools from denying undocumented children and young adults access to a public education on account of their immigration status. In fact, Michigan law requires that undocumented students attend school until they reach a mandated age.

Within Michigan's schools, ELCRA expressly forbids discrimination based on race or national origin and guarantees the full and equal enjoyment of public services and accommodations.

When the public interest in our education system and immigration enforcement meet, it can present complicated issues and much confusion. In light of the recent expansion of immigration enforcement activity, we encourage all school districts to review their policies and seek legal advice before taking any steps that would result in violations of ELCRA and other related state and federal law.

As a principal or school administrator, we urge you to take the following preemptive actions to prevent, or at least minimize, any disruptions immigration enforcement efforts might cause to your schools, your students and their families:

- Seek legal advice and ensure that your legal counsel is well prepared to quickly evaluate and advise you on your obligation to cooperate or comply with any request for information, assistance, or cooperation from agencies of the Department of Homeland Security, especially where you feel an immediate demand is being made.

- Educate yourself and your staff in all buildings about [Immigration and Customs Enforcement's \(ICE\) Sensitive Community Locations policy](#) and be prepared to ask relevant questions about compliance with the policy in the event of any enforcement activity.
- Seek information and ascertain the degree to which your local law enforcement agencies are cooperating with the Department of Homeland Security, ICE, or Border Patrol in your community. Understanding whether or not local law enforcement intends to act on behalf of immigration agents in or near your school could help you plan accordingly.
- Engage local law enforcement to share your perspective about the way that their collaboration with immigration officials might jeopardize your district's mission and relationship with local law enforcement.
- Engage local leaders to ensure that your school is a physically and psychologically safe environment for all children, regardless of their immigration status.
- Educate your staff and your broader community about your obligations under *Plyler v Doe* and the ways in which you will ensure full compliance.
- Communicate clearly with immigrant communities in your school district about the priority you place on student and family access to education and safety at school.
- Share educational resources with families in your district that enhance family emergency preparedness, in the event of an abrupt separation of a family unit, including a list of available resources with expertise in the applicable laws. Under no circumstances provide students or families with any legal advice.
- Monitor your attendance data when immigration enforcement activity takes place in your community and ensure that students in your district have expanded access to counseling services if enforcement activity is taking place.
- Contact the Michigan Department of Civil Rights and ask to speak to one of the managers of the Community Outreach Division to learn more about the ELCRA or assist with your training needs for staff, parent, and community audiences.

The Michigan Department of Education and the Michigan Department of Civil Rights offer our assistance to any school facing situations that threaten the civil rights of the children they are obligated to serve.

Respectfully,



Brian J. Whiston
State Superintendent
Michigan Department of Education



Agustin Arbulu
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Michigan Department of Civil Rights

