



NEW YORK STATE ASSOCIATION FOR BILINGUAL EDUCATION

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February 18, 2017

Dear Commissioner Elia, Chancellor Rosa, and Members of the New York State Board of Regents,

Considering recent Executive Orders signed by our new President that affect immigrant and refugee populations, we, the members of the New York State Association for Bilingual Education (NYSABE), together with several partner organizations, are writing to urge the New York State Education Department to take immediate action to protect the wellbeing and safety of our students. On the heels of a temporary ban that disproportionately affects Muslim refugees and Immigration and Customs Enforcement (ICE) actions that led to the arrest of 40 people in the New York City area and many more arrests in other parts of New York State, there is an urgent need to communicate with school and district leaders regarding best practices. In order that students and families feel safe and schools have a clear protocol, we recommend the NYSED to encourage districts to set-up clear protocols around ICE entry into schools, address instances of bullying and hatred, and continue to create a safe, constructive learning environment within schools and communities.

New York State has welcomed over 35,000 refugees in the decade from 2005 – 2014 and is the third largest destination state for refugees in the United States according to a 2016 report by the Bureau of Refugee and Immigrant Assistance (BRIA). Three of the most prominent countries of origin, Somalia, Iraq, and Syria, are on the list of countries involved in the proposed ban by the U.S. President.

According to the Migration Policy Institute (2016), approximately 1.5 million immigrants from across the world settled in NYS in the same time period. Over 50% have become naturalized U.S. citizens and a large percentage have become lawful permanent residents. It is estimated that there are over 850,000 unauthorized immigrants in NYS, (with more than 350,000 being school-aged children) although for obvious reasons, the numbers are difficult to verify.

Given these statistics and the current political climate, we strongly support the New York Immigration Coalition (NYIC) and Advocates for Children (AFC) letter of February 2, 2017 which calls on you to, “send a strong message to districts across the state about their obligations to serve all students and welcome all families into their communities.” It furthermore states that, “Districts should be reminded that discrimination, bias, harassment and bullying on account of immigration status, religion, national origin, race or ethnicity will not be tolerated.” We further wish to acknowledge that the New York Immigration Coalition, in conjunction with Advocates for Children and the Internationals Network for Public Schools, developed recommendations and contributed critical language which we have included in this letter.

Since February 2, 2017, we have seen a marked increase in activity by Immigration and Customs Enforcement (ICE) with at least 41 people detained in New York City. In the Buffalo area, at least 30 people have been arrested in the past week. In Seattle, a dreamer was detained and in El Paso, a woman was detained after appearing in court in a case of domestic violence. Her abuser called upon ICE to arrest her. Unfortunately, these ICE arrests are just a taste of what is to come. With ICE actions being highly unpredictable, and with no certainty that ICE will not target schools with high immigrant populations, whether to detain unauthorized adults who come to school or meet school buses to pick up their children, or to detain unauthorized public school students, there needs to be guidance to schools and districts about the ways in which they can ensure a safe learning environment for students. This must include an understanding that ICE does NOT have carte blanche to enter schools or review school records.

We request that districts be advised that they can do the following:

1. Specify that ICE agents must obtain prior written approval from the Superintendent's office and district legal counsel before being admitted to schools. Districts can specify that the Superintendent's office and district legal counsel must provide prior written approval for any release of information related to a student. This will ensure that districts know that it is within their authority to do this, and will take the burden off individuals in schools and put those in charge of assessing ICE paperwork, etc. rightly at the front of the process.
2. Make student/parent notification part of the Superintendent's process well before potential approval goes to the Principal to allow access to/release of any student.
3. Make the protocol being followed available to the public, to minimize parental concerns about sending their children to school.
4. Ensure that there are clear criteria being used to make determinations regarding ICE access and information release, and make those criteria publicly available.
5. Provide this written protocol to school and district leaders, as well as school security agents.
6. Provide information on "Know Your Rights" to school personnel and to parents and families.

There is a very strong feeling among impacted immigrant community members and leaders that schools must be havens that safeguard students and families. The above steps - fully consistent with federal law – provide NYSED with guidance regarding critical immediate actions that can be taken to address the tremendous anxiety and confusion and keep the focus on learning in this very challenging context. NYSED has always been a leader in responsive and just practices and can now play a leadership role in ensuring a safe learning environment for immigrant and refugee children. Doing so will require that it go above and beyond current policy in ensuring the full protection of our students' rights. Thank you for taking the time to consider this urgent request.

Sincerely,



Dr. Tamara Alsace, President
New York State Association for Bilingual Education

The following partner organizations have participated in the development of this letter and/or have indicated their agreement with and support of its contents:

Advocates for Children
Internationals Network for Public Schools
New York State Immigration Coalition
Association of Dominican-American Supervisors and Administrators (ADASA)
Foreign Language Association of Chairpersons and Supervisors (FLACS)
NYS Association of Foreign Language Teachers (NYS AFLT)
NYS Teachers of English to Speakers of Other Languages (NYS TESOL)