



March 13, 2017

Christina School District Board of Education
600 North Lombard Street
Wilmington, DE 19801

Dear School Board Members,

On behalf of the ACLU of Delaware, I write to support proposed amendments to Christiana School District's policies that would require that U.S. Immigration and Customs Enforcement (ICE) direct requests for information or access to students through the Superintendent's Office and that would forbid inquiry into a student's immigration status.

President Trump's actions and proposals on immigration have spread fear among immigrant families. The Administration's executive orders and the conduct of ICE in other states have led to concern that previous policies forbidding enforcement operations in schools will no longer be followed, and that ICE may seek student records for the purpose of deporting students or their family members. As a result, families are worried about sending their children to school or participating in school benefit programs. Policies like the one being considered by the Christiana School Board have been adopted by school boards across the country to help assuage those fears and ensure that immigrant children continue to receive educational services.

Concerns that this policy creates legal exposure or hassles for site staff are unfounded. School districts are not and cannot be required to assist in the enforcement of immigration laws. It is perfectly legal and appropriate to refuse consent to ICE requests, and to ask that ICE contact appropriate district officials to determine whether ICE has the appropriate legal authority to contact students or access student data.

In fact, rather than creating legal exposure, this policy reduces it. School districts have long been constitutionally obligated by a United States Supreme Court ruling to ensure that undocumented students are not denied access to education based on their immigration status. Consenting to immigration enforcement activities around schools creates significant barriers to that access, affecting children who have a status but whose family, friends, or schoolmates do not, as well as those students who are themselves undocumented. Moreover, federal law, the Family Educational and Privacy Rights Act, forbids the disclosure of student records and personal information except to those school officials who have been determined to have legitimate education interests.

AMERICAN CIVIL LIBERTIES
UNION FOUNDATION
of DELAWARE
100 W 10TH ST, SUITE 603
WILMINGTON, DE 19801
T/302-654-5326
F/302-654-3689
WWW.ACLU-DE.ORG

ELIZABETH LOCKMAN
PRESIDENT

KATHLEEN M MacRAE
EXECUTIVE DIRECTOR

RICHARD H MORSE
LEGAL DIRECTOR

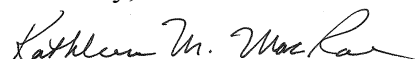
There are additional steps that a school district can take to protect student privacy and students' constitutional right to receive educational services. These include: ending the collection of information about when a student arrived in the U.S. or where the student was born; not requiring submission of social security numbers or birth certificates; requiring that police officers in schools will not report students to ICE; and ensuring that police are not arresting or referring students unless necessary to protect the immediate physical safety of the school community.

The proposed policy is a good first step by Christiana School District to comply with its constitutional and federal law obligations to protect students and their privacy, and would make significant progress in ensuring the safety and comfort of students in the District. If you have any questions, or if I can provide further information, please do not hesitate to contact me.

AMERICAN CIVIL LIBERTIES
UNION FOUNDATION
of DELAWARE

March 15, 2017
Page | 2

Sincerely,

A handwritten signature in cursive script that reads "Kathleen M. MacRae".

Kathleen M. MacRae
Executive Director