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Safeguarding the Promise of Public Education

Statement by IDRA President and CEO Celina Moreno on Executive Actions Impacting Schools and Communities

In just the first days since the inauguration, the new presidential administration has already taken executive actions that threaten the safety and stability of students, families and public schools.

These actions create a dangerous climate of fear and chaos that could harm millions of children and families in U.S. public schools.

Some actions specifically target immigrant families and students, including removing limits on enforcement intrusion into schools, places of worship, and other spaces seen as “sensitive locations” because of the foundational role they play in our communities.

Other executive actions target diversity, equity and inclusion initiatives, the LGBTQ+ community and trans youth, and important programs for women, poor, Native American, AAPI, Black, and Latino people across the country.

Many of these actions are creating fear and confusion and will shift the functioning of federal agencies in very direct ways.

But executive actions cannot change the core protections guaranteed to every student by our Constitution and laws – including, and critically, the right to attend public school.

IDRA believes in the inherent value of all children, the power and promise of public educa-

tion as a critical public good, and the right of every child to attend an excellent public school that prepares all students to succeed in college and life.

As the nation transitions to a new presidential administration and Congress, IDRA will continue to pursue a vision for public education that values the academic and social well-being of all students, particularly those who are disproportionately impacted by harmful education policies and practices, including Black and Latino children, emergent bilingual students, immigrant students, and poor students.

We stand on the shoulders of those who taught us that building power requires us to recharge our spirit and draw courage from our communities.

As we remember how far we have come, we must boldly do the work our democracy requires to create an inclusive and high-quality education for all young people.

IDRA will continue to provide new resources on our main websites, www.idra.org, and advocacy tools on our SEEN site, www.idraseen.org. This includes information regarding Education of Immigrant Children (<https://idra.news/ImmigEd>) for educators, families and advocates. This statement is also available in Spanish (<https://idra.news/ImmigEd>).

Executive actions cannot change the core protections guaranteed to every student by our Constitution and laws – including, and critically, the right to attend public school.

Hear IDRA's *Plyler v. Doe* Reflections

See our interview launched on the 40th anniversary of *Plyler v. Doe* in 2022, featuring Dr. Albert Cortez, IDRA retired policy director who testified in one of the lower court cases that were later combined into *Plyler*. He sat down with IDRA chief legal analyst, Paige Duggins-Clay, J.D., to discuss the history of the case, the plaintiffs, the arguments, and the impact of the U.S. Supreme Court ruling.

The interview is available as a video and Classnotes Podcast.

Watch video

<https://idra.news/PlylerAt40>

Listen to Podcast

<https://idra.news/Pod224>



IDRA Classnotes Podcast #224

The Law in Education – *Plyler v. Doe*

U.S. Supreme Court ruling over four decades ago confirmed immigrant students' rights to attend public schools

Featuring
Paige Duggins-Clay, J.D.
IDRA's Chief Legal Analyst

Albert Cortez, Ph.D.
Retired IDRA Director of Policy



Watch video
<https://idra.news/PlylerAt40>

Listen to Podcast
<https://idra.news/Pod224>

Advocacy Network

IDRA has free tools & alerts to help you take a stand for students' freedom to learn

Visit IDRA's SEEN site

- ✓ Videos & infographics on how to testify
- ✓ Tips for talking with the media
- ✓ Updates on what's happening in Georgia & Texas
- ✓ Model policies
- ✓ Places to connect with other advocates

Check it out!

 www.idraseen.org

IDRA
Southern Education Equity Network



The Intercultural Development Research Association (IDRA) is a non-profit organization with a 501(c)(3) tax exempt status. Our mission is to achieve equal educational opportunity for every child through strong public schools that prepare all students to access and succeed in college.

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All Students, Regardless of Immigration Status, Belong in School

How the *Plyler v. Doe* U.S. Supreme Court Ruling Protects Students

By Paige Duggins-Clay, J.D.

This month, long-standing restrictions on immigration enforcement in “sensitive locations,” including schools, was terminated, spreading fear and confusion for educators and families.

Many school leaders took steps to reassure families. Others did the opposite, such as the Oklahoma Board of Education which voted to require its school districts to track and report the number of students whose families have not provided proof of citizenship or legal status. Such an action has an illegal chilling effect on those students’ rights to access education.

In 1982, the U.S. Supreme Court ruled in *Plyler v. Doe* that the right of undocumented students to attend public school is guaranteed under the U.S. Constitution. IDRA provided expert testimony and data in the lower court cases that were consolidated into the *Plyler v. Doe* case and has since helped schools protect the rights of immigrant students. This article presents highlights of the case and the implications of the ruling.

Background

In one of those last-minute backdoor tricks, an amendment slipped through the Texas Legislature without debate in 1975 setting off a chain of events that shoved a specific selection of children out of school. Undocumented immigrant children were suddenly excluded from education.

In multiple school districts, with the help of advocates, brave parents took a stand, risking their own futures to secure that of their children.

IDRA provided extensive information for one of the first court cases dealing with the education of undocumented children in Texas, *Plyler v. Doe* (1978) and others. IDRA founder, Dr. José A. Cárdenas, served as an expert witness for the Mexican American Legal Defense and Educational Fund (MALDEF) during the trial

in Tyler, and IDRA’s retired director of policy, Dr. Albert Cortez, testified in the trials in Houston and Dallas.

Then, on June 15, 1982, the U.S. Supreme Court ruled that public schools must serve all children, regardless of immigration status. The court concluded that denying students free enrollment in public schools based on immigration status violates the Equal Protection Clause of the 14th Amendment of the U.S. Constitution.

The court said denying immigrant students enrollment in public schools creates a class of marginalized youth with limited opportunities for education and social advancement. Thus, the U.S. Constitution requires states to provide all children with equal access to public K-12 schools.

This decision is vital. As a result of the *Plyler* ruling:

- Schools cannot deny admission to a student during initial enrollment or at any other time on the basis of immigration status;
- Schools cannot treat a student differently to determine residency;
- Schools cannot engage in any practices to “chill” the right of access to school;
- Schools cannot require students or parents to disclose or document their immigration status;
- Schools cannot make inquiries of students or parents intended to expose their immigration status; and
- Schools cannot require social security numbers from all students, as this may expose immigration status.

And like other students, undocumented children in fact are required under state laws to attend school until they reach a mandated age.

(cont. on Page 8)

Even with this month’s removal of long-standing restrictions on immigration enforcement in “sensitive locations,” including schools, school personnel – especially principals and those involved with student registration and enrollment – should be aware that they have no legal obligation to enforce U.S. immigration laws.

Immigrant Students' Rights to Attend Public Schools

IDRA is releasing our updated infographic as a reminder that public schools, by law, must serve all children.

Schools should not discourage students without certain documents from attending school. In fact, students are *required* to attend school under the state's compulsory education laws.

While the U.S. Department of Homeland Security, on January 21, 2025, removed long-standing restrictions on immigration enforcement in "sensitive locations," including schools, school personnel still have no legal obligation to enforce immigration law.

And schools should assure parents that the *Family Educational Rights and Privacy Act* restricts schools from sharing information with the U.S. Immigration and Customs Enforcement agency (ICE).

This infographic in color and bilingual is available on IDRA's website along with many other resources for schools, families and advocates. We encourage you to share them across your networks.

<https://idra.news/ImmigEd>



Welcoming Immigrant Students in School



Immigrant students are guaranteed access to free public education by the U.S. Constitution.

Certain procedures must be followed when registering undocumented immigrant children (and those whose parents are undocumented) in school to avoid violation of their civil rights as outlined in the *Plyler vs. Doe* decision.



Public schools cannot deny admission to a student on the basis of undocumented status.



Public schools cannot require students or parents to disclose their immigration status.



Public schools cannot ask students or parents questions intended to expose their undocumented status.



Public schools cannot require social security numbers from students or parents.



Public schools cannot demand that parents produce driver's licenses or other identification documents that are not required.



Public schools cannot engage in any practices that "chill" or hinder the right of access to school.

All children are required under state laws to attend school until they reach a mandated age.



While the U.S. Department of Homeland Security, on January 21, 2025, removed long-standing restrictions on immigration enforcement in "sensitive locations," including schools, school personnel still have no legal obligation to enforce immigration law.



The Family Education Rights and Privacy Act prohibits schools from providing any outside agency (including ICE) with any information from a child's school file that would expose the student's undocumented status.



The only exception is if an agency gets a court order (subpoena) that parents can then challenge.

What schools can do...

Focus on teaching all students.

Pro-actively show parents that their children are welcome.

Ensure teachers and staff are properly trained about protecting the rights of children and on culturally competency.

Communicate with parents in their language.

Share information about resources for students, families and educators (in English and other languages at the school).



Review all of your enrollment and registration documents (including forms, websites, and communications with parents) to be clear that the provision of the child's social security number, birth certificate, etc., is voluntary, and that not providing such information will not bar a child's enrollment.



Adults without social security numbers who are applying for a free lunch and/or breakfast program for a student need only state on the application that they do not have a social security number.



Get more info and resources:
<https://idra.news/IDRAigwWelcome>

Strong Schools Depend on Strong Partnerships with Families

Anti-Immigrant Policies Push Families Away

By Morgan Craven, J.D.

All families must be part of building excellent and equitable schools regardless of their racial or ethnic background or socio-economic status. IDRA's goal has always been bigger than family involvement in education.

We are focused on parent and family leadership in shaping the policies and practices in schools and the deep relationship building this requires. Our Family Leadership in Education model is a vision of all families as advocates for a high-quality and inclusive public education system, for their own children and for others.

Policies, including executive orders, that threaten families' access to public schools are extremely callous and harmful. In addition to the climate of chaos and fear that targeting specific families, like immigrant families, creates, there are real, practical dangers that exclusion causes.

Take just a moment to think about what it would mean for a parent to feel unwelcome or unsafe at their child's school. Excluded parents could face barriers to:

- Advocating for their child with disabilities and protecting that child's legal right to critical services;
- Understanding their child's academic progress and supporting their learning at home;
- Supporting their child if they were being bullied or harassed;
- Speaking with teachers about the personal or home challenges their child may be facing that could impact their learning;
- Responding quickly if their child became sick or experienced an emergency
- Providing support for their child if they were disciplined in school; and

- Attending extracurricular activities, school plays, sports, and other important milestones in their child's life.

Excluding immigrant families is detrimental to the academic and social well-being of children. Policies of exclusion are cruel. They terrify students, and they threaten to rob parents of the most basic and human need to protect and support their children.

Such policies also destabilize whole school communities. They threaten the safety of all teachers, students and families, including those who are not immigrants. These are not "common sense" policies. It is not in the interest of any child, family or teacher to be under constant threat of sudden and targeted law enforcement intervention.

School leaders must remember their mission to create safe and welcoming environments for all students and families, and the legal obligations they have to ensure there are no barriers that create a real or chilling effect on the right to access school.

For more information about school leaders' obligation to ensure access to all children, and strategies to ensure schools are safe and welcoming, see <https://idra.news/ImmigEd>.

Morgan Craven, J.D., is the IDRA national director of policy, advocacy and community engagement. Comments and questions may be directed to her via email at morgan.craven@idra.org.

It is not in the interest of any child, family or teacher to be under constant threat of sudden and targeted law enforcement intervention.

IDRA Parent Leadership in Education Model

IDRA's goal is bigger than parent involvement in education; rather it is parent leadership. This model is a vision of all parents as advocates of excellent neighborhood public schools. We consider leadership the culmination of activities in a spectrum of parent participation. The characteristics we support in the development of leadership are in contrast to some traditional parent leadership models that emphasize individual assertiveness and charismatic advocacy. Our process supports parents in learning to work in groups, planning and carrying out activities, speaking in front of groups, and developing other personal skills and traits that develop the individual. But, our emphasis is on collective action, listening to peers, and reviving leadership roles and tasks.

Parents as Teachers
Acknowledge families for what they have already contributed to the education of their children. Parents are validated for the informal ways they instruct their children in the home and pass on family values and wisdom.

Parents as Resources
Recognize that the prime asset parents bring to school is the knowledge and understanding of their child. Parents and primary caretakers are the experts on their children. Families are supported to contribute in the classroom in a variety of ways, including assisting with instructional support.

Parents as Decision Makers
Facilitate opportunities for parents to participate in groups and make decisions for the improvement and well-being of the school. Parents are supported in learning, planning, assessing options and arriving at collective solutions.

Parents as Leaders and Trainers
Support leaders as they begin to emerge. A leader is one who brings two or more others to a school conversation, meeting or event. Leadership is reflected in disseminating information, gathering others on school issues and participating in collective action to improve the school.

Learn about IDRA's Education CAFE model
<http://budur.com/IDRAedCAFE>

See our 6 Principles for Family Leadership in Education
<https://idra.news/6PrinciplesFamLeadership>

IDRA is an independent, non-profit organization. Our mission is to achieve equal educational opportunity for every child through public schools that prepare all parents to access and succeed in college.

www.idra.org [IDRA](#) [Facebook](#) [Twitter](#) [LinkedIn](#) [YouTube](#) [Instagram](#) [Pinterest](#)

See IDRA's Parent Leadership in Education Model - Bilingual Infographic
<https://idra.news/ParentLeadershipModel>

6 IDRA Principles for Family Leadership in Education

Family and community engagement in education is critical to school success in providing academic excellence and preparation for college of all students. Traditional notions of parent volunteerism – as free resources for schools and fundraisers – while important, are not enough. An alternative is to engage families in the improvement of teaching, learning and the ability of schools to hold on to the children we entrust to them. This means some educators may need to take a look at how they engage families in the education of their children. IDRA's model for family leadership involves building strong parent-educator partnerships to improve schools and raise students' academic achievement.

1

Families can be their children's strongest advocates.



2

Families of different races, ethnicities, languages and classes are equally valuable.



3

Families care about their children's education and are to be treated with respect, dignity and value.



4

Within families, many individuals play a role in children's education.



5

Family leadership is most powerful at improving education for all children when collective efforts create solutions for the common good.



6

Families, schools, and communities, when drawn together, become a strong, sustainable voice to protect the rights of all children.



The philosophy of asset-based practices is the most important and defining element underlying IDRA's Education CAFE model. Asset-based practices value the inherent intelligence, strength and knowledge within all families and students. Asset-based practices understand that...

- Families and students are integral parts of any solution to educational challenges;
- Traditionally underserved families have deep pockets of knowledge, experience and skills;
- Poverty is not the cause of educational underachievement;
- Schools must actively treat all students as college-going students;
- Families are to be treated with respect;
- Our linguistic and cultural differences are strengths; and
- Students and families are not labels, like "at-risk" or "impoverished."

Learn more: <https://idra.news/FamLeadModel>

How Schools Should Support Children Impacted by ICE Raids

When U.S. Immigration and Customs Enforcement (ICE) conducts raids in a community, students are deeply affected. Even the threat of a raid or news of one in another part of the country can have painful lasting effects. These 10 strategies help educators serving students affected by ICE raids.

1. Provide trauma-informed care

Provide trauma-informed care and services for students who experience or may experience trauma and post-traumatic stress disorder (PTSD). Ensure educators and staff are appropriately trained to recognize and respond to students' needs.

2. Provide counseling support

Have counselors, social workers and other professionals available to assist students, families, educators and staff. These professionals can respond directly to individual needs and can help to create a safe and positive school climate for everyone in a campus community.

3 Provide waiting space

Create a safe space, like a school gym, where students and families can wait if a parent is detained.

4 Identify bilingual liaison

Identify a bilingual parent liaison or family liaison to support students and families.

5. Connect with community

Connect with local community-based organizations that have expertise and resources. Distribute and post IDRA's alert on immigrant student rights "Welcoming Immigrant Students in School" (see Page 4).

6. Obstruct the school-to-deportation pipeline

Obstruct – do not facilitate – the school-to-deportation pipeline. Ensure police officers are not present on campuses unnecessarily as this can re-traumatize students and discourage

families from being on campus. Do not involve law enforcement needlessly or enforce criminal penalties against students that might trigger ICE intervention. Review codes of conduct to ensure they do not contain penalties or discipline procedures related to immigration status or English proficiency.

7. Affirm safe spaces

Affirmatively issue and post a statement that makes it clear that the district is a safe space for families. Many school districts have reaffirmed their policies to protect students' rights in light of uncertainty regarding federal immigration enforcement activities in their schools. Some districts have issued statements affirming the districts' mission to ensure all students have a safe and positive learning environment and outlining guidance to school personnel on how to, for example, respond to requests from ICE agents for data or access to their campus.

8. Help students who become homeless

Have the district's "McKinney-Vento" liaison ensure that any students who become homeless as a result of a raid are given supports and legal protections afforded by the federal *McKinney-Vento Homeless Assistance Act*.

9. Provide public resources

Make general public resources available to families. (For example, www.immigration-lawhelp.org has information about non-profit legal service organizations by state.)

10. Equip school staff

Equip school staff with training, resources and supports. School leaders have an important role in actively affirming the welcoming environment they intend to maintain. All staff should understand the district's non-discrimination policies, procedures for collecting student information, commitment to the communities they serve, and measures for communicating with students' families.

This text is from IDRA's infographic, "10 Strategies for How Schools Should Support Children Impacted by ICE Raids." Get the bilingual graphic to share: <https://idra.news/igHelp>

Educators and other adults in the school need to watch for students who are being teased or bullied by other students related to their real – or perceived – citizenship or immigration status or that of their family.

Schools should reassure families about the following...

- The *Family Education Rights and Privacy Act* (FERPA) prohibits schools from providing any outside agency (including ICE) with any information from a child's school file that would expose the student's undocumented status.
- While the U.S. Department of Homeland Security, on January 21, 2025, removed long-standing restrictions on immigration enforcement in "sensitive locations," including schools, school personnel still have no legal obligation to enforce immigration law.
- Schools should not ask for citizenship or immigration status when enrolling students or interacting with families.
- All students, regardless of immigration status, are entitled to a free public education under the U.S. Constitution precedent.

See samples in IDRA's resource: *School Districts Pass Resolutions on Responding to ICE* (<https://idra.news/IDRAakeA17ex>).

Focus: Supporting Immigrant Students

(All Students, Regardless of Immigration Status, Belong in School, continued from Page 3)

This Matters for Quality Education

All students deserve access to high-quality public schools. Programs that support early literacy and academic success, such as early education and bilingual and special education, prepare students for the rest of their educational careers and beyond.

Plyler v. Doe supports high-quality schools by:

- protecting basic access for all students to enroll in school;
- promoting trust and safety among schools, students and families; and
- ensuring that all eligible children get the educational services they deserve.

Threats to *Plyler* Harm Students

Actions like those taken by the Oklahoma State Board of Education (whose rule is not yet in practice) are not new. Some politicians, including the Texas governor, have suggested that the well-established precedent set by *Plyler v. Doe* be challenged despite that ruling's critical role in our educational and economic prosperity.

Disregarding *Plyler v. Doe* would lead to:

- denying children an education;
- discriminating against children based on their or their families' immigration status;
- creating a chilling effect that makes children and families feel unwelcome and unprotected at school; and
- creating an underclass of children without basic education or economic opportunities.

But no governor – or president – can override this ruling.

What You Can Do

Denying immigrant children access to a free public education is unconstitutional and against the law. At IDRA, we strengthen schools to work for all children, families and communities. Help make this goal a reality for every child.

- Affirm students' rights to attend public school.
- Openly and vocally oppose efforts to challenge *Plyler v. Doe* and corresponding guide-

lines for equal educational access.

- Ensure all educators create welcoming environments for all children and their families.
- Share IDRA's bilingual infographic, "Welcoming Immigrant Students in School," which has more information on what schools can do (see Page 4).
- Support local and state policies for safe and inclusive schools for students and teachers, including through inclusive curricula, investments in early education and bilingual education programs, and support for mental health and counseling staff who are knowledgeable of students' and families' rights.

Even with this month's removal of long-standing restrictions on immigration enforcement in "sensitive locations," including schools, school personnel – especially principals and those involved with student registration and enrollment – should know they have no legal obligation to enforce U.S. immigration laws.

Paige Duggins-Clay, J.D., is IDRA's chief legal analyst. Comments and questions may be directed to her via email at paige.duggins-clay@idra.org.

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