



## NSBA Advocacy Institute 2017 CALIFORNIA BACKGROUND

### *Deferred Action for Childhood Arrivals Program*

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California's public schools have a unique mission to help all students succeed in college, career and civic life. This responsibility is reinforced, in a legal context, by the landmark Supreme Court decision in *Plyler v. Doe*. In that ruling, the Court held that school districts must not discriminate on the basis of race, color, or national origin, and that students not be barred from enrolling in schools on the basis of their immigration status or that of their parents.

Immigration status can create emotional stress and fear for both undocumented students and students who are citizens or residents but have family members or friends who are undocumented. The rights and responsibilities of school districts to educate students impacted by immigration status have received renewed attention due to recent developments at the federal level.

Roughly 5,000 teachers in California are caught in the crosshairs of President Trump's plan to cancel the Deferred Action for Childhood Arrivals (DACA) program, joining hundreds of thousands of individuals across the state and the country facing an uncertain future. DACA, established under the Obama Administration, provides undocumented immigrants who were brought to the United States at a young age by their parents with temporary protection from deportation and permission to legally work.

Under the federal roll-back of DACA, program recipients with permits set to expire by March 5, 2018 had to apply for a renewal by October 5, 2017. New applications are not being accepted. Teachers and others who already have a work permit under DACA have until 2019 before they expire.

Meanwhile, 20,000 DACA-eligible K-12 and postsecondary teachers nationally are in limbo, the Migration Policy Institute has found, with the largest share in California (generally, about one in 10 California workers is undocumented, according to the Pew Research Center). Some organizations have already taken steps to proactively support their teachers. Teach for America, for example, is offering free legal assistance to about 100 undocumented members currently teaching, and to TFA alumni.

California leaders have enacted programs to assist DACA participants, including pledging \$30 million in aid. Governor Jerry Brown and the state legislature have agreed to provide \$20

million on immigration legal services and \$10 million on college financial aid through One California, a state program that funds non-profit legal centers for immigrants.

Along with increased emotional stress and fear experienced by undocumented people, the DACA cancellation has economic implications. The sudden loss of staff could hit some California districts hard due to a worsening teaching shortage.

A 2016 survey from CSBA and the Learning Policy Institute found that 75 percent of surveyed districts said there are too few qualified teachers to fill their vacancies. Economically, the center-left think tank The Center for American Progress estimates that the elimination of the program could cost California \$11.6 billion annually. Research has shown that DACA participants are better educated, employed in higher earning jobs and far less likely to be incarcerated than undocumented immigrants.

### TALKING POINTS

- **CSBA is very concerned that the uncertainty over DACA has created a “chilling effect” that discourages some undocumented students from attending schools, as is their legal right.**
- **Further, diminished attendance jeopardizes the ability of schools to prepare all students for the demands of the 21<sup>st</sup> century and success in college, career and civic life.**
- **CSBA strongly encourages Congress to enact legislation prior to March 2018 that would, at a minimum, continue the existing DACA program and provide DACA recipients with a pathway to permanent residence and eventually to US Citizenship.**