

Memorandum of SUPPORT

Deferred Action for Childhood Arrivals & Education of All Students Regardless of Background

The New York State School Boards Association (NYSSBA) supports the passage of legislation that would protect the legal status of individuals who currently participate in the Deferred Action for Childhood Arrivals (DACA) program, and ensure that they are on a path to citizenship. NYSSBA also supports access to public education for all students, regardless of background, housing situation or immigration status.

School districts have a clear obligation to all students to provide them with access to a free, appropriate public education. In fact, the Supreme Court's landmark decision in *Plyler v. Doe* holds that states cannot constitutionally deny students a free public education on account of their immigration status. When a child presents him or herself for enrollment, we enroll and educate that child. Questions about district residency are addressed later. Questions about citizenship and immigration status are not asked at all.

Since its establishment in 2012, DACA has provided a framework for families, communities and school districts to uniformly understand the rights and responsibilities of the students protected by this program. Of the 800,000 individuals covered by DACA, one-third (more than 200,000) are in high school. Additionally, more than 20,000 are actually serving as teachers in schools around the country.

The looming concern that the DACA program will phase out has led to a growing sense of anxiety and uncertainty in our schools. Without immediate congressional action that would inscribe this program into law, that sense of fear and anxiety will continue and have adverse effects on both the mental and physical health of hundreds of thousands of individuals. One study showed that after DACA was implemented, there was a surge in enrollment of kids 5 and younger born to parents with DACA status in the national Special Supplemental Nutrition Program for Women, Infants and Children benefit program. These U.S. born children will soon enter our schools. Teaching physically and emotionally healthy children not only warrants higher rates of success throughout that student's academic career; it is also more financially viable for school districts. Reacting to physical and mental distress later in life is more costly than preparing children for a healthy life from the start.

Finally, NYSSBA is extremely concerned about children being separated from their families. The emotional stress and trauma that results from such experiences will only have adverse effects on these children moving forward. These children may be our future students whom districts care for and educate. The adverse childhood experiences occurring now will make the jobs of our educators much harder in the future.

Congress must act now, and alleviate the anxiety and potential disruption that this uncertainty will cause. Please take formal legislative action now to protect the legal status of DACA recipients and provide them with a path to citizenship, and permanently end the practice of separating family members at the border.

For these reasons, NYSSBA strongly supports legislation to protect the legal status of individuals who currently participate in the DACA program, and ensure that they are on a path to citizenship.