



May 29, 2018

The Honorable Betsy DeVos
Secretary
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Dear Secretary DeVos,

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 200 national organizations to promote and protect the civil and human rights of all persons in the United States, and the 165 undersigned organizations, we urge you to clarify that you understand, and the U.S. Department of Education and the U.S. Department of Justice will continue to enforce, the Supreme Court's landmark case of *Plyler v. Doe* and subsequent caselaw, as well as Title VI of the Civil Rights Act of 1964.

On May 22, 2018 during your testimony before the House Education and the Workforce Committee, in response to a question about educators potentially reporting a child to Immigration and Customs Enforcement (ICE), you erroneously testified, "I think that's a school decision, it's a local community decision." These comments and their misrepresentation of the law have caused fear and confusion for children, families, and educators, all of whom are owed accurate information about their rights and the law. Schools may not deny access to a basic public education to any child residing in the state, regardless of the child's, parents', or guardians' immigration status. To comply with the U.S. Constitution, federal civil rights laws, as well as the mandates of the Supreme Court, schools must ensure that they do not discriminate on the basis of race, color, or national origin, and that students are not barred from enrolling in public schools at the elementary and secondary level on the basis of their own citizenship or immigration status or that of their parents or guardians. This is the law; it is not optional.¹

It is imperative that you immediately make clear publicly, to children, their families, and educators in every public school in multiple languages and through all of the Department's communication channels that **all children in this country have a right to a public education from kindergarten through 12th grade regardless of their immigration status. Schools may not do anything to deny or chill access to that constitutional right, including by reporting, or threatening to report, children to ICE. This right is protected by the Supreme Court and federal law and cannot be changed by the Secretary of Education, the Attorney General, any state, district, school, or any individual.**

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AAJC

Policy and Enforcement
Committee Chair
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Anti-Defamation League
President & CEO
Vanita Gupta

We urge you to act swiftly to ameliorate the harm your earlier statement caused. Please contact Liz King, Leadership Conference director of education policy, at (202) 466-3311 with any questions.

Sincerely,

National Organizations (97)

The Leadership Conference on Civil and Human Rights

ACCESS

Alliance for Excellent Education

American Association of University Women (AAUW)

American Federation of Teachers

American-Arab Anti-Discrimination Committee

Anti-Defamation League

Asian Americans Advancing Justice | AAJC

Augustus F. Hawkins Foundation

Autistic Self Advocacy Network

Avanza Strategies

Camelback Ventures

Campaign for Youth Justice

Center for Law and Social Policy (CLASP)

Children's Defense Fund

Clearinghouse on Women's Issues

Council for Native Hawaiian Advancement

Council of Administrators of Special Education

Democrats for Education Reform

Disability Rights Education & Defense Fund

Diverse Charter Schools Coalition

EdNavigator

Education Leaders of Color (EdLoC)

Equal Justice Society

Families In Schools

Feminist Majority Foundation

Herd on the Hill

Hispanic Federation

Human Rights Campaign

Immigrant Legal Resource Center

ImmSchools

Innovare - Social Innovation Partners

Internationals Network for Public Schools

Japanese American Citizens League

Justice Strategies

KIPP

LatinoJustice PRLDF
Latinos for Education
Lawyers' Committee for Civil Rights Under Law
League of United Latin American Citizens (LULAC)
Learning Disabilities Association of America
LSA Family Health Service
LULAC
MALDEF
MANA, A National Latina Organization
NAACP
National Action Network
National Alliance for Partnerships in Equity (NAPE)
National Asian Pacific American Women's Forum (NAPAWF)
National Center for Transgender Equality
National Congress of American Indians
National Council of Jewish Women
National Crittenton
National Domestic Workers Alliance (NDWA)
National Education Association
National Employment Law Project
National Immigrant Justice Center
National Indian Education Association
National Network for Arab American Communities
National Organization for Women
National PTA
National Urban League
NEA Educators for Our Revolution
Network of Arab-American Professionals
New Leaders
New Profit
OCA - Asian Pacific American Advocates
Offor Walker Group
Partners for Each and Every Child
PFLAG National
Poverty and Race Research Action Council
Relay Graduate School of Education
Sargent Shriver National Center on Poverty Law
School Social Work Association of America
Southeast Asia Resource Action Center
Southern Poverty Law Center
Stand for Children
Strategies for Youth, Inc.
Students for Education Reform

TASH
Teach For America
Teach For America DACA Alumni Board
Teach Plus
Teach To Lead
The Advocacy Institute
The Arc of the United States
The Education Trust
The Fellowship: Black Male Educators for Social Justice
The National Council of Asian Pacific Americans (NCAPA)
The Opportunity Institute
The Opportunity Network
The United Methodist Church - General Board of Church and Society
TNTP
Treatment Communities of America
UnidosUS
Wayfinder Foundation
Youth Justice Project of the Southern Coalition for Social Justice

State/Local Organizations (69)

A.C.D.P Inc.
Access California Services
Advocates for Children of New York
African American Attorneys Hawaii
Aliento
Arkansas United Community Coalition
Asian Americans Advancing Justice - Atlanta
Atlanta Neighborhood Charter School
Baltimore's Coalition of Black Leaders in Education
Bard Early College in New Orleans
CABE
Camino Nuevo Charter Academy
Campaign for School Equity
Center for Health Progress
Children Now
Children's Defense Fund - California
Children's Defense Fund - Minnesota
Children's Defense Fund - New York
Children's Defense Fund - Ohio
Children's Defense Fund - Texas
City Charter Schools
Coalition for Asian American Children and Families
Coalition for Educational Justice

College Beyond
College Goal New York
Colorado Association for Bilingual Education
Colorado Children's Campaign
Deep South Cherokee Keetoowah Foundations Foundations
Down Syndrome Association of Connecticut
Education Justice Alliance
Education Law Center - PA
El Sol Science and Arts Academy
Envision Education
Equality California
FATHUM: Learning Solutions
Gestalt Community Schools
Hawai'i Friends of Civil Rights
Hispanic Federation - CT
Hispanic Federation - FL
Innovate Public Schools
Isac Amaya Foundation
Kids in Tech, Inc.
Maryland Center for Developmental Disabilities
Muncie Human Rights Commission
NAACP CO MT WY State Conference
Native Hawaiian Education Council
New Abolitionist Association
New York Civil Liberties Union
North Carolina Justice Center
OneGoal, Massachusetts
oneTILT
Opportunities for a Better Tomorrow
Otero Strategy Group
Our Voice Nuestra Voz
Pacific Gateway Center
Palestinian American Community Center
Parent Advocate Group for an Equitable, Quality Education (PAGE QE)
Parent Revolution
Project Hospitality
REACH
ReGeneration Schools
South Bronx Preparatory
Tennessee Educational Equity Coalition
Tennessee State Conference NAACP
The Chesapeake Language Project
The Education Trust-NY



The Trinidad Center
UnLocal, Inc.
Western Connecticut Association for Human Rights – WeCAHR

ⁱ See: 42 U.S.C. § 2000c-6, 42 U.S.C. § 2000d., 28 C.F.R. § 42.104(b)(2) and 34 C.F.R. § 100.3(b)(2)., *Plyler v. Doe*, 457 U.S. 202 (1982)., *Brown v. Board of Education*, 347 U.S. 483 (1954)., and The U.S. Department of Education & the U.S. Department of Justice. “Dear Colleague Letter on the Rights of All Children to Enroll in Public Schools.” May 8, 2014.