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He Could Be Undocumented: Striving to Be Sensitive to Student Documentation Status in a Rural Community

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Emily R. Crawford[1] and Sarah L. Hairston[1]

Abstract

This case study takes place in a Midwestern, politically conservative rural community shortly after a highly contested presidential election. Like other communities, Paisano has experienced demographic change in a relatively short time. Meat processing plants and construction jobs proliferate, attracting migrant workers. One day, secondary school Principal Kate Robertson notices a sign that reads, "Illegal aliens are TERRORISTS. Deport them!" Rumors that immigration enforcement authorities are in the community have started circulating. A parent soon removes her son from school, and he does not return. Principal Robertson seeks information about the family but hesitates to draw attention to their potential lack of legal status.

Keywords

leadership, undocumented students, changing demographics, inclusive education, immigration policy

Case Narrative

Secondary school Principal Kate Robertson watched the 2016 political debates and paid attention to the candidates' positions on immigration reform. It is a prominent issue for the nation and her state, community, and school. Similar to other rural Midwestern communities, the once-sleepy, agricultural town, Paisano, has experienced a startling amount of change in a relatively short time. Meat processing and packing plants, construction, and service industry jobs are proliferating and attracting migrant workers. While a small number of Mexican immigrant families have

[1]University of Missouri, Columbia, USA

Corresponding Author:
Emily R.Crawford, University of Missouri, 202 Hill Hall, Columbia, MO 65211, USA.
Email: crawforder@missouri.edu

established roots in Paisano for two generations or more, new immigrants are arriving from Central and South America. There has also been an influx of workers laboring for Chinese companies, which have purchased land for development. Most people in the close-knit community know that not all of the recently arrived immigrants "have papers" to show they are in the country legally, but there has been minimal community grumbling, as far as Principal Robertson is aware.

The burgeoning immigrant population has contributed to the steadily increasing class sizes during the past 2 years across the Paisano School District. There was already strain on the six-decade-old buildings and resources. Principal Robertson knows that the likelihood of a tax increase to help expand buildings, hire new teachers, and train her faculty to adequately teach English language learner (ELL) students is slim due to the economically strapped community. The new industries in town receive large tax breaks, so their presence is not enough to financially aid the school district. Lately, Principal Robertson has been spending more time trying to figure out how to attend to both the needs of her diverse student population and the local community. She feels overwhelmed at times, but across the district, Robertson and her administrative peers are proving resourceful. District administrators are using nontraditional spaces like cafeterias for classrooms and are asking parent volunteers to work as teachers' aides to meet the needs of growing classes.

Although the increased student population has presented challenges, fluctuations in school attendance has been an even larger issue. Administrators are concerned how gaps in attendance might eventually affect their budgets if the problem persists. Throughout the school year, due primarily to immigration, there has been growth in long-term student absenteeism, mid-semester enrollments, and some mid-semester drops. In the past, Principal Robertson has accurately assessed school needs based on enrollment trends and the size of feeder schools. Unfortunately, enrollment fluctuations and absenteeism have rendered it difficult to plan appropriately. This has led to increased stress on teachers as they attempt to accommodate migrant students with transient living situations and students who leave for several weeks to visit family in another country.

Change has been hard at times, and it has been a frequent topic at professional development meetings. Principal Robertson is thankful to have teachers and staff who work hard and clearly care about the students; she cannot think of a single educator, office support personnel, or other professionals at the school who do not seek the best for students. Even so, she has observed and heard from many teachers that they feel underprepared and overwhelmed as they struggle to adapt to teaching and working with students whose first language is not English and who are new to the community. Teachers are worried about the ELL students taking the three annual state tests that Paisano students take, and teachers' fears are heightened by the fact that test scores have dipped slightly in the past 2 years. Principal Robertson knows that her teachers are especially worried about their end-of-the-year evaluations, which are partially tied to student achievement.

The Paisano School District has traditionally performed similar to other districts in the state with regard to achievement tests and has met attendance qualifications for

state funding. However, the influx of new immigrant students and the inability to fully and properly address their needs has begun to affect the district's overall performance. During the last 2 years, the district has barely met state requirements for performance in testing. This, coupled with their attendance issue, could affect funding and potentially result in probationary measures. Principal Robertson understands that test scores and attendance correlate to the fact that they are a district with a 64% free and reduced lunch rate, and the increase in the number of ELL students. The district has been unable to address both the poverty issue and getting additional resources to serve the ELL population. Recent trends indicate Paisano will serve more and more culturally and linguistically diverse students. Robertson has repeatedly petitioned for more funding to help students and teachers, but additional funding is unavailable. This is a growing concern for the entire district. She expects some of the pressure will ease as the state gains more control over testing with the Every Student Succeeds Act (ESSA), but does not expect the government to solve all the challenges in the community.

When reflecting on all the changes that have occurred, Principal Robertson cannot deny that, in the last 5 years, her school's population and community have gone through a big amount of change. They are struggling to be successful. In the past couple of months, while out in town at the grocery store or running errands, she has overheard snippets of conversations with townspeople discussing how the community is "no longer what it used to be." On a couple of occasions, Robertson heard complaints about "those immigrants taking jobs from local community members who pay taxes." Once, after engaging in small talk, a parent speculated that children of immigrants drain the school district's resources, and local schools are burdened by educating children who do not speak English at home. Principal Robertson quickly responded that immigrant families had not added stress to the district's ability to fully serve all students. Unemployment in Paisano has reached 8%, and Robertson attributed the disturbing comment to the parent's frustration at the community's unemployment rate.

While Principal Robertson is sympathetic to school parents seeking work, she does not share the views of some local residents who view immigrant newcomers as interlopers. Furthermore, Robertson does not buy politicians' sweeping claims about undocumented immigrants streaming over the border, or that building a higher, longer wall with Mexico is a workable solution for immigration reform. When she thinks of immigrants in Paisano, several families with a savvy, entrepreneurial spirit come to mind: One sophomore student's family owns a small market that sells baked goods and dry foods from Mexico and Central American countries. Another student's family has a highly frequented dry cleaning store known for excellent customer service and an uncanny ability to remove stains or spots from every kind of fabric. There is also a senior girl in Miss Wills's advanced placement biology class whose family's Mexican restaurant is always packed on Friday nights after football games. Despite some frustrations within the community, Principal Robertson is not aware of any immigrant students making reports of having been bullied by peers, though she has read that schools across the country have reported increasing incidents of bullying and harassment since the 2016 presidential election.

The town has stayed pretty quiet on the issue of immigrants without official government documentation. Robertson is not aware of any reports of federal, state, or local authorities seeking out or detaining undocumented workers and families, although she has heard stories about undocumented immigrants being deported from the city 3 hrs from the town. She knows that agents from Immigration and Customs Enforcement (ICE), a agency that is part of the Department of Homeland Security, have been sighted recently on multiple occasions in the city. ICE has never visited Paisano, to her knowledge, but rumors of their impending presence have occasionally circulated around town and in school. Furthermore, for the first time a few weeks ago at a faculty meeting, a concerned teacher stated she heard a rumor was circulating around town that ICE was likely to raid a nearby chicken processing plant known for hiring undocumented workers. Another teacher added that some students had shared a growing concern about ICE; several are worried as their parents are without "papeles" or papers. Principal Robertson has never heard of ICE activity in Paisano, and her understanding of ICE's behavior and the school's legal rights in regard to ICE is very limited. She tried to assuage teachers' fears by simply encouraging them to promote a safe and inclusive environment and sharing that there is no evidence that ICE's presence in the community is more than a rumor.

Two weeks after the aforementioned faculty meeting, Principal Robertson notices a sign in a private yard just minutes from her building, which reads, "Illegal aliens are TERRORISTS. Deport them!" Later that week, a parent arrives at midday to take her son, Ramón, out of school. This is not an entirely atypical occurrence at the school, but Principal Robertson knows Ramón's dad works at the chicken processing plant rumored to employ undocumented workers. It is also the first time Ramón's family has made this request. She wonders if there is a correlation between the sign and the parent's actions, so she decides to track the number of days Ramón is absent. Days pass, and she becomes disconcerted when front-office personnel attempt to call home and find the line disconnected. A few of Ramón's teachers also come to Robertson to emphasize that states' achievement tests are fast approaching and are worried about Ramón's absence from class.

Principal Robertson decides to gather work from Ramón's teachers and visit him at home herself. Both visits, 2 days apart, end the same way. No car in the drive way. All the blinds closed. No sound of life emanating from the home. Days go by, and Robertson does not know if Ramón's family has moved, which would not be totally abnormal. However, her instinct tells her Ramón and his family may be gone due to fear of ICE and their family's susceptibility to deportation. Enough time has passed where she knows she should call local authorities and the district's central office, but she hesitates. She has no hard evidence Ramón and his family are undocumented, but she does not want to draw attention to their potential lack of legal status.

Before calling central office or requesting a welfare visit, the principal settles on quietly speaking to a few of Ramón's friends and those who live in his neighborhood. The conversations are surprisingly uncomfortable, and none of the five students, also from immigrant families, reveal helpful information about their friend's whereabouts. She does not press for information because of their obvious discomfort. The following

day during lunch duty, a teacher relays to Principal Robertson that Xiomara, one of the five students, came to class in tears after the conversation in the principal's office and stayed quiet during class. The teacher overheard Xiomara's classmates begin to speculate through whispered conversations that Xiomara was undocumented and that ICE was going to deport her family. They also surmised that ICE was the reason why Ramón and his family had disappeared. The teacher sent Xiomara to the counselor's office and attempted to squelch the rumors about ICE—but she also warned Robertson that she is hearing increased fear throughout the building about the current president's promise to deport as many undocumented immigrants as possible. Robertson heads to the counseling office and immediately sees a distressed-looking mother and Xiomara, who is clearly upset and holding tissues in her hand. Joe, the school counselor, sits in the office, quietly talking to the mother. He glances at Xiomara with concern.

Principal Robertson understands her attempts to locate Ramón have unintentionally created severe discomfort in students and their families. She is worried that the network of undocumented immigrants in the community will misinform each other that the school is trying to learn who in the community is undocumented and that the school might report this information to local authorities. This was not Principal Robertson's intent, and she knows she must protect her students and attend to her families' needs, as well as support her teachers and address the growing concern around immigration in the school and community.

Teaching Notes

Politicians and the U.S. public are struggling to make sense of how to maintain national identity while balancing compassionate responses to undocumented immigrants who seek safety, shelter, and opportunities to create meaningful lives. While many in the nation agree that the 11.3 million undocumented immigrants in the United States should have some path to legalization (Pew Research Center, 2015), fears remain high that attacks like those that occurred in Brussels and Paris in spring 2016 or another 9/11 could happen in the United States. Donald Trump, elected president in November 2016, has actively promoted building the wall on the U.S.–Mexico border, promising the public, "We will break the cycle of amnesty and illegal immigration.There will be no amnesty (Politico Staff, 2016). Within days of winning the presidential election, Trump stated that immigration policy and securing the border are a top priority (Kopan, 2016). Yet, undocumented immigration to the United States has nearly reached a standstill, and more Mexicans are returning to Mexico than seeking opportunities north of the border (Passel & Cohn, 2016).

Permeable borders are blamed for putting the nation at risk of a terrorist attack, and undocumented immigrants are painted as security threats. U.S. immigration policies have historically been designed to "[select] the traits of the nation's inhabitants, determining how many of which groups were to be included" (see Zolberg, 2006, in Mettler & SoRelle, 2014, p. 156). Undocumented immigration falls outside this category, upending control over selecting immigrants with "preferred" traits (i.e., high levels of education, specialized skill sets, etc.). It also ignores that this population has

historically been exploited for cheap labor (Alba, 2013) while being depicted as taking jobs from U.S. citizens (see Federation for American Immigration Reform, n.d.).

Undocumented Mexican immigrants, in particular, are often subject to gross stereotypes. During the 2016 presidential election, Trump promulgated the anti-immigrant, racist idea that Mexican immigrants are drug dealers and rapists (Gabbitt, 2016). He advanced the belief that Latino/a immigrants are "invading" the United States (Massey & Sanchez, 2012), heightening a sense that policy change is urgent to block a torrent of people coming over the border. More recently, Trump has proposed to deport between 2 and 3 million undocumented immigrants (Hirschfeld & Preston, 2016). Broadly speaking, Trump's immigration policy platform is a commitment to a policy of attrition, or making life so unbearable in the U.S. that undocumented immigrants "self-deport" to their countries of origin. With increased international acts of terrorism and fear rhetoric playing out across all forms of media on repeat, xenophobic discourses are unlikely to subside. In an increasingly transnational world, nativist attitudes will stand in contest against changing demographics and new notions of national membership and citizenship.

Reverberations are already being felt in schools. Whether or not proposed immigration policy change manifests, fear and uncertainty are widespread in undocumented immigrant communities. A report from the Southern Poverty Law Center (2016) stated that of the 10,000 teachers, administrators, and counselors surveyed after Trump's election, eight in 10 educators reported "heightened anxiety on the part of marginalized students, including immigrants, Muslims, African Americans and LGBT students" (p.4). This political context coincides with nationwide demographic change. Educators may have students from households where legal status varies. Although nearly 7% of K-12 students have at least one undocumented parent (Krogstad, Passel, & Cohn, 2017; Zong & Batalova, 2015), leaders may be unaccustomed to having undocumented students in their school population or having students with undocumented parents. There is concern among undocumented immigrants that schools are not safe places for their children and that their information could be shared with ICE (Von Hoffman, 2016). This presents a potential conflict for leaders and schools, as undocumented children have the legal right to an education like any other child (see the "*Plyler v. Doe*" section). For many educators, there will be new experiences and questions about the nexuses among immigration policy, delivery of educational services, undocumented immigrants' rights, and sensitively handling issues concerning documentation status (Crawford, 2017b).

Plyler v. Doe (1982)

In 1975, a Texas Education Code permitted Texas public schools to charge undocumented children to pay tuition for their education. The statute also stated in part that a U.S. citizen or "legally admitted alien" aged 5 to 21 could attend public school free of charge in their district of residence (Olivas, 2012, p. 9), thus differentiating the legal statuses of students for educational purposes. Several districts near the U.S.–Mexico border and Dallas Independent School District (ISD) chose to deny

undocumented children from enrolling in school. Tyler ISD created a policy to enroll undocumented children but sought to charge them $1,000 in yearly tuition (López & López, 2010; Olivas, 2012). With the support of the Mexican American Legal Defense and Education Fund (MALDEF), by 1977, 16 undocumented Mexican American students from Tyler filed a class action lawsuit in challenge (López & López, 2010). The litigation traveled through the trial court, which ultimately decided that "federal law preempted the Texas legislation as immigration law is federal law, and the Texas law was inconsistent with the 'objectives of Congress'"; the federal government had an interest in growing educational opportunities (López & López, 2010, p. 17).

Districts other than Tyler went on to contest the constitutionality of the Texas statute. The cases were consolidated, and trial courts determined the statute violated the Equal Protection Clause of the Fourteenth Amendment. Texas appealed the United States Circuit of Appeals for the Fifth Circuit's decision to uphold the trial courts' position on equal protection for undocumented students (López & López, 2010). Texas then brought its appeal to the U.S. Supreme Court.

The Supreme Court heard *Plyler v. Doe* (1982) and affirmed that withholding state funds from public schools to deny undocumented children an education violates the Equal Protection Clause. *Plyler* upholds that an undocumented immigrant is a "person" who shall be afforded the rights provided by the Fourteenth Amendment. The Fourteenth Amendment extends to "anyone, citizen or stranger, who is subject to the laws of a State, and reaches into every corner of a State's territory." Undocumented students are to be treated like any other student, and the *Plyler* ruling protects children from being accountable for their parents' decision to emigrate without documentation. In *Plyler*, the Supreme Court also stated that access to education is essential, reasoning,

> Public education has a pivotal role in maintaining the fabric of our society and in sustaining our political and cultural heritage; the deprivation of education takes an inestimable toll on the social, economic, intellectual, and psychological wellbeing of the individual, and poses an obstacle to individual achievement. (pp. 216-224)

The *Plyler* decision is in place today. However, school leaders can benefit from having legal as well as practical knowledge as it relates to working with undocumented students and community members. While the *Plyler* decision legally ensures that undocumented students should have equal access to K-12 education, it does not disentangle leaders' ethical responsibilities toward students. For example, *Plyler* does not help educators negotiate how to allay student and school families' fears of deportation in the face of changing and unclear federal immigration enforcement priorities (Crawford, 2017a). The "Resources on Undocumented Students and K-12 Public Schools" section provides pertinent information and guidance for leaders. The section includes several resources related to discussions of the ethical implications of *Plyler* and the current sociopolitical context for immigration reform. These discussions can advanceleaders's knowledge of what they may face as they work to guarantee access and provide educational opportunities for undocumented students.

Resources on Undocumented Students and K-12 Public Schools

Borkowski, J. W. (2009). *Legal issues for school districts related to the education of undocumented children*. The National School Boards Association and The National Education Association.

Capps, R., Castañeda, R. M., Chaudry, A., & Santos, R. (2007). *Paying the price: The impact of immigration raids on America's children*. The Urban Institute for the National Council of La Raza. Retrieved from http://www.urban.org/publications/411566.html

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Gonzales, R. G. (2010). On the wrong side of the tracks: Understanding the effects of school structure and social capital in the educational pursuits of undocumented immigrant students. *Peabody Journal of Education, 85*(4), 469-485.

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Suggested Learning Experiences

We outline six educational stakeholder personas to provide the class various perspectives on the case narrative. These personas can be used in each activity. The activities build on each other but can also be used independently.

Activity A: Role-Playing Exercise

Students can work individually or collectively to navigate multiple approaches to the following prompt. Then, the class should come together as a whole to share.

Prompt. *How should educational leaders, students, parents, and community members prepare and respond to the sociopolitical climate surrounding undocumented students?*

Stakeholder Persona 1: You are a native of Paisano and superintendent of the Paisano School District. You have successfully held this position for the past 10

years, relying heavily on your charisma to keep good relationships with various educational stakeholders in the community.
Stakeholder Persona 2: As Principal Robertson, you have been at Paisano High for 3 years without issue. Recently you have felt inadequate addressing the rising needs of your immigrant students and the related concerns of your teachers and community.
Stakeholder Persona 3: You are a member of the building's leadership team, chosen by administrators to represent your department. You are highly regarded by your peers, students, and students' parents.
Stakeholder Persona 4: You are a senior at Paisano High and student body president. Your family emigrated from Honduras 20 years ago and has green cards. However, you are friends with undocumented students.
Stakeholder Persona 5: You are the president of the Parent Teacher Association (PTA). There are about a dozen active PTA members who have strong opinions regarding how the school should be run, which is often based primarily on the individual needs of their children.
Stakeholder Persona 6: You are a community leader and often represent your fellow community members on local issues. You are not anti-immigrant, but do have concerns regarding undocumented immigrants and their effects on the community, especially the schools.

Activity B: Background Research to Develop a Legal Understanding of the Problem

Review *Plyler v. Doe* (1982) and items in the resource list above to obtain knowledge and background information on educating all students, including undocumented immigrants. Questions to consider:

1. What protection does Ramón have to receive a public education in Paisano?
2. When is the school district free of providing educational services to Ramón?
3. What are Principal Robertson's legal obligations to Ramón? Her ethical obligations?
4. What possible ramifications might immigration enforcement in the community have on the school? In the community? Under Principal Robertson's leadership, how should the school respond as a community?

Activity C: Roundtable, Gallery Walk, and Sharing Out

Students should pick or be given a persona from Activity A and get into groups. Each member of a persona group should have the same color marker, which differs from the colors of the other persona groups. Using chart paper, write one question in the center of the paper, leaving plenty of room for comments to be added. Spread the various papers around the room. Students, as their persona, are to travel around the room writing an answer to each question using their colored marker. Consider these questions from the persona perspective:

1. Should education be provided to undocumented immigrant students? Explain.
2. Does the school have responsibility to protect undocumented immigrant students?
3. How do immigrant students affect my stakeholder persona?

Once finished, have students take a gallery walk to view the various responses. If time permits, have students share aloud what they saw in common among personas, surprises in how personas answered, and questions about how a school leader might respond to other personas.

Activity D: Ordered Sharing to Engage Divergent Thought Around the Problem

For this activity, it is important to have a healthy-sized audience. Invite students to sit in a circle in chairs. On each seat is the same prompt, printed on a sheet of paper facing down (see potential quotes below). When instructed, everyone in the circle should silently read the quote simultaneously, reflecting on the quote. After sufficient time, 3 minutes or less, each person takes a turn reading the quote aloud. The student can respond as an individual or as one of the personas. No one comments on another's response. Once finished, the class members who did not participate in ordered sharing get a chance to respond as themselves or their persona, whichever they prefer. This is not a space for criticism but rather reflection. Responses should be framed using the following phrases, "What I heard was . . ." and/or "The connections I heard were . . ." If time permits, a new group of students may enter the circle and a new quote can be utilized.

Potential prompts

1. Schools across the nation are experiencing changing community and student demographics. Leaders can engage in culturally competent leadership by_____.
2. School leaders can actively foster trust in immigrant communities by _____.
3. Advocacy for equal educational access for historically marginalized and culturally and linguistically diverse students looks like _____.
4. Educational leaders can utilize relationships with other educational stakeholders to support (undocumented) immigrant students by_____.
5. If Principal Kate Robertson could have responded differently to the situation concerning Ramón's absence, she might have _____.

Activity E: Action Plan Brainstorming

Group students into various persona identities. Have groups peruse the example *Care Team Plans* (see resources below). In groups, discuss ways various stakeholder

personas can contribute to a plan to provide wraparound services that respond to the problem. The instructor should give each group chart paper and markers. The goal is to come up with as many ideas as possible, not to interrogate the validity or logistics attendant to the idea. This should be a quick brainstorming activity; thus, groups should have limited time to think over their ideas.

Care team plans

https://www.pbis.org/school/tier3supports/wraparound
https://www.nea.org/assets/docs/Wraparound-Services-05142013.pdf
http://www.sde.ct.gov/sde/lib/sde/pdf/deps/health/factsheet.pdf
http://www.mass.gov/eohhs/docs/masshealth/cbhi/integrating-wraparound-in-schools.pdf

Activity F: Finalize Multiple Care Team Action Plans

Students are to partner with someone from another persona group. The purpose is for students to engage each other in dialogue and develop actionable plans to holistically support undocumented students. Once partnered, students should decide who is A and who is B. The instructor should provide student pairs with a specific time for each interview. During the first round, A should share one possible action plan idea with B, drawing on the resources from the Care Team Plans in Activity E (see above). Student B should raise questions about the idea to help A find potential holes/areas that have yet to be considered. Once dialogue has been exhausted or the time is up, students should switch roles and then switch partners. Then, the instructor should create groups that have at least one student presenting each persona. Next, have groups finalize a full Care Team Plan that includes action by each persona. Prepare a group table project display and a short presentation. Questions to consider:

1. What are strategies the principal could enact to increase discussions in the high school and throughout Paisano regarding issues/concerns around the effects of immigration on education?
2. What type of learning could teachers take part in that could alleviate fears and promote competency among faculty regarding the students they teach?
3. How should the broader issue of immigration—documented or undocumented—be addressed with faculty? With students?
4. How can the principal create a culture of safety and support within the building among faculty, staff, students, and parents?

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Author Biographies

Emily R. Crawford, PhD, is an assistant professor in Educational Leadership and Policy Analysis at the University of Missouri. She researches the impact of immigration policy on K-12 public schools, school leaders' decision making ethics, and educational access for undocumented students. Her work has appeared in *Educational Administration Quarterly, the International Journal of Qualitative Studies in Education*, and *Urban Education*.

Sarah L. Hairston is a PhD student in Educational Leadership and Policy Analysis at the University of Missouri with an emphasis in PK-12 educational policy. Her research interests include educational policy frameworks and implementation, the spirit of the learner, and civil disobedience within educational settings.