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HOUSE JUDICIARY COMMITTEE

HOUSE BILL 403

Immigration Enforcement—Public Schools, Hospitals, and Courthouses—Policies

February 11, 2020

POSITION: SUPPORT

Disability Rights Maryland (DRM) is the Protection & Advocacy organization for the state of Maryland; in this role, DRM advocates on behalf of children and adults with all types of disabilities throughout the state. Over the years, DRM has dedicated considerable attention to representation of students with disabilities in individual and systemic special education matters and to working on education policy issues that affect students with disabilities in Maryland. DRM supports House Bill 403, which would require the Attorney General, in consultation with appropriate stakeholders, to develop guidelines to assist public schools, hospitals and courthouses to draft policies that would limit immigration enforcement activities on their premises to ensure that these facilities remain safe and accessible to all, regardless of immigration status.

In 1972, the United States Supreme Court ruled that all children, regardless of immigration status, have the right to public education. *Plyler v. Doe*, 457 U.S. 202. Similarly, the federal Individuals with Disabilities Act (IDEA), 20 U.S.C. §1400 *et. seq.* guarantees a free appropriate public education to all children with disabilities who need special education and related services in order to make educational progress. The IDEA stresses the importance of schools and parents working together to properly identify the needs of children with disabilities and to ensure that appropriate and effective instructional services and supports are provided by the school. The IDEA and Maryland law contain provisions about including parents at meetings, and these laws also require translation of documents and provision of interpreters at IEP meetings if necessary; ensuring that parents have the opportunity to be active participants in the IEP process is one of the cornerstones of both federal and state law.

However, schools are hampered in their effort to secure parental participation, and children suffer the consequences if their parents do not come to school to participate in the special education process and work with school staff to help their children succeed because of their fear of arrest by Immigration and Customs Enforcement officials on school grounds.

School should be a refuge for all children; it should be the place where they come to grow and learn academically, developmentally and socially. This is especially true for children with disabilities, whose parents have the right to help shape the special education they receive and to participate as full members of the IEP team. Children and parents should not live in fear that the simple act of going to school every day might result in the trauma of arrest and separation simply because of how they arrived in the United States. For these reasons, Disability Rights Maryland supports House Bill 403. For more information or if questions, please contact Leslie Seid Margolis at lesliem@disabilityrightsmd.org or 410-727-6352, ext. 2505.