

CHRIS FARRELL: This is Minnesota Now. I'm Chris Farrell, in for Nina Moini. State lawmakers are considering a bill that would enshrine the right to a public education to all students, regardless of immigration status. That means schools and districts cannot deny undocumented students from enrolling.

A coalition of some 20 different organizations are behind the legislation, which got a hearing in both the State House and the Senate last month. So joining me now to talk more about it are two people who testified at the legislature in support of the bill. Alex Petrella is program director with the nonprofit Education Evolving. Hello, Alex.

ALEX PETRELLA: Hello, Chris. Thanks for having me.

CHRIS FARRELL: Also joining me is David Aron, general counsel with Education Minnesota. And thanks for being here, David.

DAVID ARON: Hello, Chris. Thanks for having me.

CHRIS FARRELL: All right, David, I'm going to start with you and talk about what the Supreme Court has established in terms of the right to a public education for undocumented students.

DAVID ARON: Yes, so in 1982, the US Supreme Court ruled in response to a piece of legislation in Texas that allowed local school districts to charge tuition to families of students who are undocumented. And that was challenged in the courts. And the US Supreme Court ultimately ruled that the 14th Amendment applies to undocumented students here in this country and that school districts cannot deny access to education solely on the basis of immigration status. So that state law and any other laws that existed at the time were invalidated. And since then, schools have had this obligation that no matter how long students have been in this country or their immigration circumstances, they have to provide a free public education to all students.

CHRIS FARRELL: So, Alex, with that Supreme Court ruling in the background, and you're part of a coalition of some 20 different organizations that are advocating for this bill, so what was the need you saw for state-level legislation like this, considering the 1982 ruling?

ALEX PETRELLA: Yeah, like David shared, that's been the law of the land for over 40 years. But, unfortunately, we've seen several legislators in states across the country introduce bills challenging this precedent. Texas, Indiana, New Jersey, Tennessee, Idaho, Oklahoma, we've seen these bills coming. And I think it's also important to recognize that in January of '25, the Trump administration issued a directive so that schools are no longer considered sensitive locations. So we wanted to get ahead of these possible changes and assure that Minnesota students have that right to a public education, regardless of what happens at the federal level.

CHRIS FARRELL: And could you define-- so what's a sensitive location? What's the significance of that?

ALEX PETRELLA: Yeah, so previously schools, places of worship, hospitals were designated as sensitive locations. And that had been the case since the creation of our immigration system. And so previously, ICE officers did not go near any of these sensitive locations. And, obviously, we've seen that change.

CHRIS FARRELL: Yeah. So, David, what stands out to you with this legislation? What's different than the precedent that was set by *Plyler versus Doe*?

DAVID ARON: I think when we were made aware of this legislation, there were two things that seem really important for Minnesota students. The first is just having a fallback in the event there is a Supreme Court decision in the next few years that overturns *Plyler v Doe*. That would be a matter that is then left up to the states. And we would love to have something clear and in place that doesn't really change the state of the law at least for Minnesota students. So that's number one.

Number two is having clear procedures for school districts to follow. Should immigration enforcement agents come onto school grounds seeking information about students, this bill basically holds federal immigration agents to the same standards as local immigration enforcement, requiring that they present a judicial warrant, requiring that they identify themselves. And, if possible, not having any ICE agents in any places where students are present is a really important thing because as we saw in Minnesota in January and February, many, many students saw armed masked agents on their school grounds. And we don't want to see that happening in the future.

CHRIS FARRELL: And, very briefly, what's the significance of a judicial warrant?

DAVID ARON: A judicial warrant means that it is a court who has reviewed the information that immigration enforcement is seeking and determined that there is probable cause to make some type of arrest or some additional inquiry to a school district. Because we know that when ICE was in Minnesota during Operation Metro Surge, they were acting on the basis of what's called an administrative warrant, which is just a document issued by ICE or DHS administrators. And courts have held repeatedly that those are not sufficient to conduct some of the types of enforcement actions that ICE was doing in Minnesota schools. So we want to see that judicial warrant be the standard for schools to grant access to ICE agents going forward.

CHRIS FARRELL: And, Alex, have you seen similar legislation or similar proposals in other states?

ALEX PETRELLA: Yeah, so our legislation is actually based on a similar piece that passed in Illinois last year. So we were in numerous conversations with folks there and built what we are proposing here off of what they were able to do in Illinois.

CHRIS FARRELL: And, Alex, tell us more about what this bill is going to do or plans to do or would hope to do in terms of school and district policies when it comes to interactions with the Department of Human Services and ICE.

ALEX PETRELLA: Yeah, so I think it's really important to clarify that this bill is contingent on *Plyler versus Doe*, but it does go further than that. And so it hinges on that. But it also protects students and families from any threats or intimidation or coercion around immigration status.

And it also goes further to not just the status or perceived status of the students but also of the families. So students can't be threatened, that they can't attend school, or that something might happen to them based on a perceived status of their family member. It also protects that collection of data and information being shared, just like David shared.

And I think it's just really important to share that our schools should not be in the middle of an immigration debate. They don't need to be that. Our students and teachers and educators work really, really hard. Our students are living in a lot of fear right now, and we need to be able to affirm that they deserve an education, regardless of their citizenship status.

CHRIS FARRELL: Yeah. And, David, how serious are the challenges to *Plyler*? There's always challenges, but not all of them make it to the Supreme Court. What's your read of the situation right now?

DAVID ARON: Well, I think the legislative challenges continue to come. I don't see that any of them have passed. And as Alex mentioned, Illinois has passed protection in the opposite direction, codifying *Plyler v Doe* in Massachusetts.

But I think one thing to take note of is that the Heritage Foundation, which is the organization that was largely behind Project 2025, is one of the main organizations calling for *Plyler v Doe* to be overturned. And a lot of Project 2025 has already become federal immigration policy in this country. So that is a threat that people should take very seriously.

CHRIS FARRELL: And, Alex, last question to you in the time remaining, bipartisan support, what are you seeing?

ALEX PETRELLA: I really hope so. This isn't an immigration debate. This is really just affirming the sanctity of our schools as places of learning.

CHRIS FARRELL: Well, thank you very much for your time. I really appreciate it.

ALEX PETRELLA: Thank you so much.

DAVID ARON: Thank you, Chris.

CHRIS FARRELL: That's Alex Petrella with Education Evolving and David Aron with Education Minnesota.