

**CONNECTICUT BAR FOUNDATION
JAMES W. COOPER FELLOWS
QUINTIN JOHNSTONE
2019-2020 ESSAY CONTEST TOPIC**

“Immigration Situation”

Tina Kelly is the pride of George W. Bush High School in Liberty, CT. In addition to being the students’ favorite American History teacher, she started a number of educational clubs throughout her tenure at GWB. Clubs such as Ethics in Journalism and Debate are so popular with students that they often have waiting lists to join.

Perhaps the most popular club is more of a support group that Ms. Kelly began with the permission of the administration – a simple meeting space for students to discuss their concerns. The group started very small, with just a handful of students discussing concerns about mass shootings. Interest quickly skyrocketed and the topics expanded to include bullying, worries about home life, experimentation with drugs and alcohol, and many others.

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Juan Suarez is a shy, quiet young man. He moved to CT from Puerto Rico about 3 years ago. His parents work long hours and he has to rush home after school to take care of his younger siblings. English is not his first language and he struggles in every subject, but he works harder than any other student in Ms. Kelly’s class. Watching Juan in her class and walking between classes, she noticed that he does his best to remain invisible. He is always polite, keeps his head down, and limits his interactions with others. “He carries the weight of the world on those shoulders,” Ms. Kelly thought. She wished he could stay after school to attend a club or, even better, the support group.

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In yesterday’s group, a student raised concerns about the atmosphere around immigration in the school district. Although she is American, her parents lawfully emigrated from Southeast Asia and she has been bullied by kids in school repeatedly telling her to go back to where she came from. The bullying has stopped for now, but she is still afraid of being a target. She doesn’t feel like the district is welcoming to immigrant families. Liberty School District has a policy that requires employees to report to school administration any information that leads the employee to suspect that a student is an undocumented

immigrant. The policy further states that undocumented children are not considered residents of the school district.

It was a pleasant surprise to Ms. Kelly and Ms. Ryan that the group's conversation regarding immigration remained civil. While there was disagreement among the group when the conversation turned to President Trump's immigration policies, everyone agreed that bullying of any kind is unacceptable. The group adjourned with the understanding that they would continue to discuss the topic the next day.

There was a palpable buzz among the students today as they made their way into the classroom for group. Ms. Kelly noticed that some of the students were speaking in quiet tones, while others looked over, curious about what was going on. When she got up from her desk to join the group, a hush fell over the room and the students gave each other knowing looks. The conversation about immigration, which was animated and interesting yesterday, was stilted and awkward today. The group adjourned early.

As the students shuffled out of the classroom, Ms. Kelly clearly overheard a student named Marisa comment under her breath to her friends that, "We can't let them know about Juan. You know they'll send him back." Marisa was one of the few students Ms. Kelly has seen Juan talk to from time to time. Looking up as Marisa spoke, Ms. Kelly briefly met the gaze of one of Marisa's friends. The student quickly looked down and left the room with the others.

It all seemed clear. "Juan isn't from Puerto Rico," Ms. Kelly thought. "He is an undocumented immigrant." She suspected that was why he kept to himself and always seemed so stressed out. It dawned on her that, as a district employee, she is required under district policy to report what she overheard to the school administration. She wondered if it was really okay for the district to treat undocumented immigrants differently than other students living in the district. If not, is she really obligated to report what she heard?

Ms. Kelly is a straight shooter – with the administration as well as the students. She wants to do what's right. If she goes to the administration with her suspicion, she knows that it will be taken out of her hands and she is worried about the consequences for Juan. If she does not report what she heard, she could face consequences for not complying with her obligations under the policy.

Ms. Kelly decides to consult an attorney. You are that attorney. You have met with Ms. Kelly and now must research the issues and prepare a memo for her discussing her options, the consequences of each option, a recommendation for how she should proceed, and why that is your recommendation.