



SCHOOL BOARD ACTION REPORT

DATE: September 13, 2017
FROM: Dr. Larry Nyland, Superintendent
LEAD STAFF: Nate Van Duzer, Director of Policy and Board Relations, 2-0041

For Introduction: September 20, 2017
For Action: September 20, 2017

1. TITLE

Resolution No. 2017/18-5, Supporting Undocumented Students

2. PURPOSE

This resolution states the School Board's support for undocumented students and urges Congress to act in the wake of the president's recent decision to sunset the Deferred Action for Childhood Arrivals (DACA) program.

3. RECOMMENDED MOTION

I move that the School Board adopt Resolution No. 2017/18-5, supporting undocumented students and urging the Federal government to provide them formal protection against deportation. Immediate action is in the best interest of the District.

4. BACKGROUND INFORMATION

a. Background

Established under President Obama in 2012, the DACA program has benefitted nearly 800,000 undocumented youth who entered the United States as children. This program allows these children to live and work in their communities without fear of deportation. Earlier this month, the current presidential administration announced that the DACA program would sunset in six months, leaving the status of current and potential future DACA recipients in jeopardy. Seattle Public Schools has a legal and moral obligation to continue to provide education to all K-12 students, regardless of immigration status, and this will not be affected by the fate of DACA. However, the uncertainty around the future of the DACA program has serious future implications for our current students and many immediate implications for their current family members.

In the 2016-17 school year, the Board adopted Resolution No. 2016/17-12, affirming the provision of safe, welcoming, and inclusive schools for all students without regard to race, religion, national origin, or immigration status. The Board is also currently considering a new policy to make clear the rights of parents/guardians who speak diverse languages to receive information about their children's education. This resolution is an extension of these efforts to ensure that all children and families feel safe and welcome in Seattle Public Schools.

b. **Alternatives**

The School Board could take no action on this issue. This is not recommended as it would miss an opportunity to affirm the presence of a group of students who are feeling particularly vulnerable in the current political climate.

c. **Research**

Staff reviewed resolutions on this issue from other jurisdictions and organizations when preparing a draft of this resolution.

5. **FISCAL IMPACT/REVENUE SOURCE**

Fiscal impact to this action will be none.

The revenue source for this motion is NA.

Expenditure: One-time Annual Multi-Year N/A

Revenue: One-time Annual Multi-Year N/A

6. **COMMUNITY ENGAGEMENT**

With guidance from the District’s Community Engagement tool, this action was determined to merit the following tier of community engagement:

Not applicable

Tier 1: Inform

Tier 2: Consult/Involve

Tier 3: Collaborate

If approved by the Board, this resolution will be shared within the Seattle Public Schools community.

7. **EQUITY ANALYSIS**

According to a [study](#) of DACA recipients nationwide, the vast majority of undocumented students come from communities of color. Promoting identity safety among these students is crucial to providing each and every one of them an excellent and equitable education.

8. **STUDENT BENEFIT**

This resolution affirms the presence of contributions of the district’s undocumented students, promoting their identity safety in the classroom.

9. **WHY BOARD ACTION IS NECESSARY**

- Amount of contract initial value or contract amendment exceeds \$250,000 (Policy No. 6220)
- Amount of grant exceeds \$250,000 in a single fiscal year (Policy No. 6114)
- Adopting, amending, or repealing a Board policy
- Formally accepting the completion of a public works project and closing out the contract
- Legal requirement for the School Board to take action on this matter
- Board Policy No. _____, [TITLE], provides the Board shall approve this item
- Other: A School Board Resolution requires approval by the School Board before it can be signed and submitted

10. POLICY IMPLICATION

Policy No. 0030, Ensuring Educational and Racial Equity, affirms the commitment stated in this resolution to Welcoming School Environments.

Policy No. 4310, Relations with Law Enforcement, Child Protective Services, and the County Health Department, outlines how the District will interact with other governmental law enforcement agencies. This resolution references procedures outlined under the Superintendent Procedure associated with this policy.

11. BOARD COMMITTEE RECOMMENDATION

This motion was discussed at the Executive Committee meeting on September 14, 2017. The Committee reviewed the motion and moved it forward to the full board for consideration.

12. TIMELINE FOR IMPLEMENTATION

Upon approval by the School Board, the District will publicize the Board’s action to the broader community. Copies of the resolution will be distributed to other school districts around the state.

13. ATTACHMENTS

- Resolution 2017/18-5 (for approval)
- Resolution 2016/17-12, Affirming the Provision of Safe, Welcoming, and Inclusive Schools for All Students without Regard to Race, Religion, National Origin, or Immigration Status (for reference)
- Superintendent Procedure 4310SP, Relations with Law Enforcement, Child Protective Services, and the County Health Department (for reference)

**Seattle School District #1
Board Resolution**

Resolution No. 2017/18-5



A RESOLUTION of the Board of Directors of Seattle School District No. 1, King County, Seattle, Washington supporting undocumented students and urging the Federal government to provide them formal protection against deportation.

WHEREAS, as stated in Board Resolution No. 2016/17-12, the School Board recognizes that our nation's and District's diversity is our greatest strength and we celebrate 147 countries of birth and 143 languages and dialects spoken among our 53,000 students; and

WHEREAS, during the past two decades, the growth of the immigrant worker population has led to an increase in the number of undocumented children who, at early ages, were brought here by parents seeking a better life for their families; and

WHEREAS, many undocumented children have known no other home than the United States; and,

WHEREAS, the Deferred Action for Childhood Arrivals (DACA) provides employment authorization and protection from deportation for undocumented immigrants who entered the United States as children and has benefitted nearly 800,000 undocumented youth since it began in 2012, giving them an opportunity to achieve the American dream; and

WHEREAS, these undocumented young people and their families are an integral part of the Seattle Public Schools community as students and staff; and,

WHEREAS, the uncertainty of the current situation causes tremendous apprehension amongst students and their families, as well as disruption in our classrooms and schools, which is not conducive to student learning and has a detrimental impact on overall student achievement; and

WHEREAS, Seattle Public Schools has a legal and moral obligation to provide education to all children within the district, regardless of immigration status and the fate of DACA, but that the uncertainty surrounding the DACA program's future has serious implications for our students once they graduate and immediate implications for many family members of our students; and

WHEREAS, Seattle Public Schools has updated Superintendent Procedure 4310SP to protect our immigrant students, requiring any request from Immigration and Customs Enforcement to be referred to the district Office of the General Counsel; and

WHEREAS, Seattle Public Schools is working with community partners to ensure that the children and families of students enrolled in the district are able to access immigration-related legal services; and

WHEREAS, Seattle Public Schools recognizes that promoting identity safety is critical to establishing safe, welcoming classroom environments that foster learning;

NOW THEREFORE, BE IT

RESOLVED, that Seattle Public Schools will do our utmost to fulfill our constitutional duty to serve every student – including undocumented students – without regard to race, religion, national origin, or immigration status, and that we are committed to fully creating a safe, welcoming learning space for every student within our care; and therefore be it further

RESOLVED, that the Seattle School Board of Directors urges Congress to act swiftly to find a positive and permanent solution for the young people who are eligible for protections under the DACA program as it has existed; and therefore be it further

RESOLVED, that the Seattle School Board of Directors urges the presidential administration to reinstate DACA should Congress fail to act within the designated timeframe.

ADOPTED this _____ day of _____, 2017

Sue Peters, President

Leslie Harris, Vice-President

Stephan Blanford, Member

Richard Burke, Member

Jill Geary, Member

Betty Patu, Member

Scott Pinkham, Member

ATTEST:

Dr. Larry Nyland, Superintendent
Secretary, Board of Directors
Seattle School District No. 1
King County, WA

**Seattle School District #1
Board Resolution**

Resolution No. 2016/17-12



**Resolution Affirming the Provision of
Safe, Welcoming, & Inclusive Schools for All Students
Without Regard to Race, Religion, National Origin, or Immigration Status**

A RESOLUTION of the Board of Directors of Seattle School District No. 1, King County, Seattle, Washington affirming the provision of safe, welcoming, and inclusive schools for all students without regard to race, religion, national origin, or immigration status.

WHEREAS, the School Board recognizes that our nation's and District's diversity is our greatest strength and we celebrate 147 countries of birth and 143 languages and dialects spoken among our 53,000 students; and

WHEREAS, the history of our community includes government actions that were enacted due to discriminatory beliefs that caused great harm to the citizens of this nation and violated basic principles of democracy; and

WHEREAS, this history includes shameful actions related to the U.S. settlement of our region that harmed our native tribes and the internment of Japanese-Americans during World War II; and

WHEREAS, reports of student harassment and of higher levels of student anxiety have increased due to the current national political climate; and

WHEREAS, as the history of our state, country, and world teaches us that we cannot allow those in authority to use fear to beget hate and deny the rights and dignities of our citizens, this Board fervently believes we must not succumb to or enable such inclinations; and

WHEREAS, the decision of the Supreme Court of the United States in *Plyler v. Doe* ensures all children are legally entitled to equal access to a free public education regardless of immigration status; and

WHEREAS, it is the policy of Immigration and Customs Enforcement (ICE) that, absent a lawful exception, enforcement actions will not occur at nor are focused on schools, which are considered sensitive locations; and


WHEREAS, the presence of ICE or other immigration enforcement officials in schools would cause extreme disruption to the learning and teaching environment for students, staff, and families; and

WHEREAS, it is the policy of and strongly held belief of Seattle Public Schools that all schools must be safe and free from the targeting, discrimination, harassment, or bullying of students based on race, nation of origin, religion, immigration status, or any other factor;

NOW, THEREFORE, be it resolved by the Board of Directors of Seattle Public Schools as follows:

- 1) In accordance with District policy and procedure as well as Superintendent Nyland's February 2017 letter to families, Seattle School District staff will not ask for, nor record, student or family immigration status; and
- 2) The District calls on ICE and related federal agencies to continue the policy of not conducting enforcement actions in sensitive locations such as schools; and
- 3) If an ICE agent or similar official requests information about a student or access to a school building or district property, staff will not have authority to approve the request and will refer the agent/official to the Office of the General Counsel for a formal review of their credentials and written legal authority for such request; and
- 4) Any such agent/official shall not be allowed access to any records, school, or other District facility except to the extent specifically required by law and only upon the written consent from the General Counsel or Superintendent; and
- 5) Staff will be trained, and resources made available, to support students and families with concerns regarding immigration status; and
- 6) The District encourages families to have up-to-date emergency contact information on file with the District, in the event a student's primary caregiver is detained due to immigration status; and
- 7) Under this resolution, Seattle Public Schools reaffirms our commitment to a safe, welcoming, and inclusive environment for every student without regard to their race, religion, national origin, or immigration status.

ADOPTED this 15th day of February, 2017.




Sue Peters, President



Leslie Harris, Vice-President



Stephan Blanford, Member



Richard Burke, Member



Jill Geary, Member

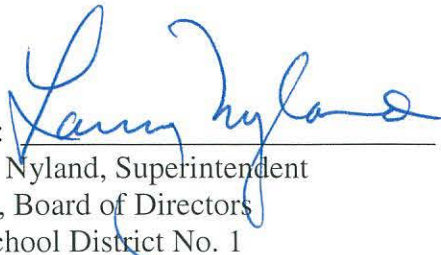


Betty Patu, Member



Scott Pinkham, Member

ATTEST:



Dr. Larry Nyland, Superintendent
Secretary, Board of Directors
Seattle School District No. 1
King County, WA

Superintendent Procedure 4310SP
**Relations with Law Enforcement, Child Protective
Agencies, and the County Health Department**



Approved by: s/Larry Nyland Date: 1/19/17

Dr. Larry Nyland, Superintendent

Seattle Public Schools has enjoyed a good relationship over many years with law enforcement, child protective agencies, and the health department as a result of mutual cooperation in solving problems facing our students. Good relations are furthered by an understanding of respective roles and responsibilities in areas where there is contact between the two entities, such as entry into schools, interviewing students, and requests for student records.

1. Entry to a School Building

- a) A law enforcement officer (e.g., police officer, sheriff deputy, Immigration and Customs Enforcement agent), child protective services worker, or health official shall contact the principal or their designee upon entering a school building and present proper identification.
- b) School building administrative personnel will cooperate in the manner enumerated below with law enforcement officers, child protective services workers, and health officials.

2. Interviewing of Students

As a general rule, interviewing students should take place at the agency or at the student's home. However, there are limited circumstances when an interview by law enforcement officers, child protective services worker, or health officials may be conducted at school (for example: school-initiated investigations, child abuse investigations, and/or serious crime investigations). Interviews of students as witnesses, victims, and suspects are treated differently.

- a) Student Witness to Criminal Activity –
 - i) Students of any age who are witnesses to, or victims of, a crime may be interviewed without parent/guardian consent.
 - ii) Should it become apparent during a victim/witness interview that the student under 12 years of age is the suspect of a crime, law enforcement shall immediately stop questioning until parental consent is obtained.
 - iii) The principal or designee will make a reasonable effort to notify the parent/guardian of the interview if, in the opinion of the law enforcement officer(s), the notification will not hinder the investigation.
 - iv) When prior notice is made to the parent/guardian, any expression of objection to the interview made by the parent will be conveyed to the law enforcement officer(s). The principal or designee may not, by law, prevent the interview and will so inform the parent/guardian.

- v) The principal or designee shall be present during the interview if the parent/guardian is not present unless the student specifically requests otherwise.
- b) Student Witness, Child Abuse or Neglect Investigation –
 - i) Students of any age who are witnesses to, or victims of, child abuse or neglect may be interviewed so long as the interviewer obtains the student's consent in the presence of the principal or his/her designee. A student may not be interviewed without their consent unless the interviewer has a warrant or determines that exigent circumstances exist.
 - ii) Should it become apparent during a victim/witness interview that the student under 12 years of age is the suspect of a crime, law enforcement shall immediately stop questioning until parent/guardian consent is obtained.
 - iii) The principal or designee will make a reasonable effort to notify the parent of the interview if, in the opinion of the law enforcement officer(s), the notification will not hinder the investigation.
 - iv) When prior notice is made to the parent, any expression of objection to the interview made by the parent/guardian will be conveyed to the law enforcement officer(s). The principal or designee may not, by law, prevent the interview and will so inform the parent/guardian.
 - v) The principal or designee shall be present during the interview if the parent is not present unless the student specifically requests otherwise.
 - vi) If the principal or designee believes the student is being intimidated, threatened or coerced he/she may request that a break be taken and make those concerns known to the interviewer. The principal or designee can then decide whether to continue, temporarily suspend or terminate the interview.
 - vii) The school will document the date, time, place, interview length, student name and consent to be interviewed, the interviewer and any third or additional parties present.
- c) Student Suspect of Criminal Activity –
 - i) Student Suspects Under 12 Years of Age: Student suspects under twelve may only be interviewed with parent/guardian consent.
 - ii) Student Suspects 12 Years of Age and Older: Washington State law permits students twelve years in age and older who are suspects of a crime to be interviewed without parent/guardian consent.
 - iii) The principal or designee will make a reasonable effort to notify the parent/guardian of the interview if, in the opinion of the law enforcement officer(s), the notification will not hinder the investigation.
 - iv) When prior notice is made to the parent/guardian, any expression of objection to the interview made by the parent/guardian will be conveyed to the law enforcement officer(s). The principal or designee may not, by law, prevent the interview and will so inform the parent/guardian.
- d) Student Sought by Health Department Officials –
 - i) The principal or designee will permit a health official to conduct a confidential interview with a student suspected of being in contact with an individual infected with a communicable disease when the interview is to be held during school hours, and the principal chooses not to release the student to travel to the health department.

- e) Student Sought by Immigration and Customs Enforcement Agents –
 - i) Seattle Public Schools' obligation to educate does not consider immigration status. Therefore, the District will not ask for, or record, a student's or family member's immigration status. If a student or family member self-discloses their immigration status, no record shall be kept of the disclosure. Student records protected by the Family Educational Rights and Privacy Act (FERPA) will only be released following written permission of a minor student's parent/guardian or an adult student, pursuant to a court order or subpoena, or in response to a health or safety emergency.
 - ii) Seattle Public Schools supports the Immigration and Customs Enforcement (ICE) policy that enforcement actions do not occur at, nor are focused on, sensitive locations including schools. However, the District is obligated to abide by lawful exceptions to this policy:
 - (1) Exigent circumstances;
 - (2) Other law enforcement actions have led officers to a school; or
 - (3) Prior approval is obtained.
 - iii) If an ICE agent requests to conduct a planned enforcement action at a school building, the principal or designee should direct the ICE agent to speak to District legal counsel in the Office of the General Counsel at the John Stanford Center for Educational Excellence. The ICE agent will be required to provide:
 - (1) Their credentials, the reason for requesting access to a sensitive location, and the legal validity of their request; and
 - (2) Written authority instructing the agent to enter District property and for what purpose from one of the following ICE officials: the Assistant Director of Operations, Homeland Security Investigations (HSI); the Executive Associate Director (EAD) of HSI; the Assistant Director for Field Operations, Enforcement and Removal Operations (ERO); or the EAD of ERO.
 - (3) Upon receipt and examination of the required information, a determination will be made whether the enforcement action may occur. The decision will be communicated by legal counsel to ICE and to the principal or designee.

3. Access to Student Records

A law enforcement officer, child protective services worker, or health department official may request and be granted such student information as address, telephone number, parent/guardians' names, date of birth and other directory information, if the parent/guardian or student over 18 years of age has not filed a written objection to the release of directory information. Student records protected by the federal Family Educational Rights and Privacy Act (FERPA) may only be examined or released following written permission of a minor student's parent/guardian or an adult student, pursuant to a court order or subpoena, or in response to a health or safety emergency.

4. Taking a Student Into Custody

An officer is not required to have a warrant in order for the school to release the student into law enforcement custody on a criminal matter. A student may not be taken into custody at school on a truancy petition. In the event a student is taken into custody by a law enforcement officer, the principal or designee will make a reasonable effort to

immediately notify the parent/guardian unless directed not to by the law enforcement officer.

Approved: June 2014

Revised: January 2017

Cross Reference: RCW 26.44.050 (Abuse or neglect of child); RCW 28A.635.020 (Willfully disobeying school administrative personnel or refusing to leave public property, violations, when – Penalty); RCW 10.31.100 (Arrest Without Warrant); RCW 13.40.040 (Taking Juvenile Into Custody, Grounds); RCW 13.40.140 (Juveniles Entitled to Usual Judicial Rights); RCW 28A.225.060 (Custody and Disposition of Child Absent From School Without Excuse); WSSDA Policy and Legal News, July 2013; ICE Sensitive Locations Policy 10029.2