



SCHOOL BOARD ACTION REPORT

DATE: February 6, 2017
FROM: Dr. Larry Nyland, Superintendent
LEAD STAFF: Directors Sue Peters, Board President; Leslie Harris, Vice President; Scott Pinkham, Member-at-large

1. TITLE

Resolution 2016/17-12: Affirming the Provision of Safe, Welcoming, & Inclusive Schools for All Students Without Regard to Race, Religion, National Origin, or Immigration Status

For Introduction: February 15, 2017
For Action: February 15, 2017

2. PURPOSE

This resolution affirms the School Board's commitment to the provision of safe, welcoming, and inclusive schools for all students without regard to race, religion, national origin, or immigration status.

3. RECOMMENDED MOTION

I move that the School Board approve 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. Immediate action is in the best interest of the District.

4. BACKGROUND INFORMATION

a. Background

The current national political climate has caused heightened anxiety for many students and families in Seattle Public Schools (SPS) and across the country. This anxiety has caused the District to look for ways that we can support our students and families and help to alleviate their concerns.

U.S. Supreme Court case law upholds school districts' duty to educate all students, regardless of immigration status. The Superintendent recently updated Superintendent Procedure No. 4310SP, Relations with Law Enforcement, Child Protective Agencies, and the County Health Department, to reaffirm District practice that staff will not inquire about the immigration status of its students or families. Any requests for information from Immigration and Customs Enforcement (ICE) must be routed through the District's Office of General Counsel for proper review and vetting. Access will only be allowed to records or schools as specifically required by law and upon the written consent of the General Counsel or Superintendent. In the last couple of months, District staff have also held informational sessions and clinics to provide support for students and families from immigrant communities.

This resolution affirms these actions and the School Board’s commitment to the provision of safe, welcoming, and inclusive schools for all students without regard to race, religion, national origin, or immigration status.

b. Alternatives

Not approving this resolution is not recommended. To do so would fail to affirm Seattle School Board’s commitment to its students at a time when students and families are feeling threatened by new federal initiatives, are particularly anxious and need additional support.

c. Research

(See attachments below)

5. FISCAL IMPACT/REVENUE SOURCE

There is no fiscal impact to this action.

The revenue source for this motion is N/A.

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

As stated in the Background section, the District has taken multiple actions in recent months to affirm its commitment to the education of all of its students and provide valuable information to the community, including District-wide broadcasts from the Superintendent, informational sessions with community members, and procedure changes. The District will publicize the Board’s action should it vote to approve the resolution.

7. EQUITY ANALYSIS

SPS students come from 147 countries of birth and speak 143 languages and dialects at home. Many of these students feel particularly anxious given the current national rhetoric about immigration. Recent SPS research has shown that a positive social and emotional climate at school correlates with academic growth for students from historically underserved communities.

This resolution seeks to foster positive, safe, welcoming and inclusive school climates across the District.

8. STUDENT BENEFIT

This action will affirm the Board and District’s commitment to the provision of safe, welcoming, and inclusive schools for all students without regard to race, religion, national origin, or immigration status.

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 February 2, 2017. The Committee reviewed the motion and moved it forward to the Board with a recommendation for consideration.

12. TIMELINE FOR IMPLEMENTATION

Upon approval by the School Board, the District will publicize the Board’s action to the broader community.

13. ATTACHMENTS

- A. Resolution 2016/17-12 (for approval)
- B. U.S. Constitution: Amendments 5 and 14
- C. Superintendent Letter to Families Regarding Immigration Executive Orders
- D. Superintendent Procedure 4310SP: Relations with Law Enforcement, Child Protective Agencies, and the County Health Department
- E. Resolutions from other Districts:
 - a. Portland Public Schools resolution
 - b. Los Angeles Public School District resolution
 - c. Pittsburgh Public Schools resolution
 - d. St. Paul Public Schools resolution

**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 10th 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

Amendments 5 and 14 to the U.S. Constitution

Amendment 5 - Rights of Persons

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment 14 - Rights Guaranteed: Privileges and Immunities of Citizenship, Due Process, and Equal Protection

1: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

2: Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of

representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

3: No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

4: The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

5: The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Letter to Families Regarding Immigration Executive Orders

SPS Committed to Educating All Children

Posted on 01/30/2017

Superintendent Letter to Families Regarding Immigration Executive Orders

Dear Seattle Public Schools families:

I recognize these are stressful times for many of our families. Last week, President Trump executed two executive orders related to immigration. While there are a number of implications, the two most publicized have caused many Seattle citizens to respond. One of the orders restricts residents from seven Muslim majority countries from entering the United States and the other reflects his campaign promise to build a wall on our southern border.

These actions have heightened a sense of anxiety for both families and students, particularly when one of the orders resulted in detainment of numerous people over the weekend.

Seattle Public Schools is home to students from 147 countries of origin and speak 143 languages/dialects. Our diversity is our strength. The detainment and potential exclusion of our Muslim, Mexican, and Latino neighbors, co-workers, and families has tested our resolve.

As I communicated in a [November message after the election](#) and most recently in a [letter celebrating Martin Luther King Jr.](#), the district is steadfast in our mission, priorities, and values.

Seattle Public Schools is committed to educating children regardless of religion, race, ethnicity, sexual orientation, country of origin, or a student's immigration status. We will do whatever it takes to make sure every student thrives and I want to reassure you, we will do everything within our power to make sure that all of our children are safe, honored, and respected while in our care.

Actions we are taking

- The district is working closely with the City of Seattle, Seattle Education Association, families, and community partners to provide resources and supports to ensure all of our families and students feel safe and welcomed in their school communities.

- We have hosted or supported numerous events for families so they know their rights.
- Seattle Public Schools has articulated our response to Immigration and Customs Enforcement (ICE) and shared this information with school staff.

Key points include:

- The **district will never ask** for or record information regarding student or family immigration status.
 - If an agent from ICE requests information about a student, or requests access to a school building or district property, staff will refer the agent to the SPS Office of the General Counsel.
 - General Counsel will review credentials, submission of written authority to conduct action, and determine whether to grant approval of access or not.
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- We are also providing training and resources for staff on immigration rights and supports for undocumented, mixed status, refugee, and immigrant families.
 - Finally, we are continuing to work with staff to ensure inclusive, safe, and welcoming environments for every child in our care.

Our commitment to the well-being of each and every student is stronger than ever. We are committed to building school communities where all students, families, and staff are safe, respected, and engaged. We expect everyone to be treated positively, without fear of bullying or intimidation.

If students or families ever have concerns, they should be raised with teachers and the school principal. Concerns can also be sent to the Office of Student Civil Rights at OSCR@seattleschools.org.

In closing, I call upon all of us to remember what makes America special – it is our diversity; it is our deep sense of justice; our fundamental belief in personal liberty; and it is our willingness to stand for and with those in need.

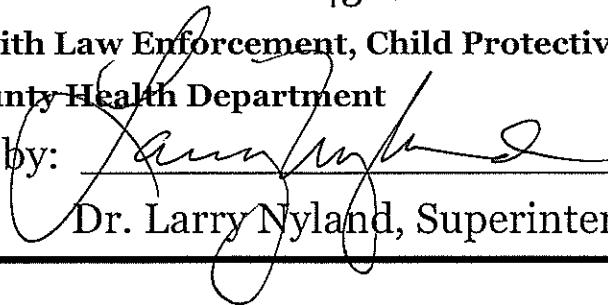
We believe in our constitution and the freedoms, protections, and opportunities it provides. Together, we must defend the values we hold dearly and stand for each other. I stand for all of our students. Thank you for standing with me.

Sincerely,
Dr. Larry Nyland
Superintendent
Seattle Public Schools

Superintendent Procedure 4310SP

Relations with Law Enforcement, Child Protective Agencies, and the County Health Department

Approved by:



Date: 6/19/17

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.

Approved: June 2014

Revised: January 2017

Superintendent Procedure 4310SP

References: *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*

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- 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.

Approved: June 2014

Revised: January 2017

Superintendent Procedure 4310SP

References: *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*

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- 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

Approved: June 2014

Revised: January 2017

Superintendent Procedure 4310SP

References: *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*

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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

Superintendent Procedure 4310SP

References: *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*

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RESOLUTION No. 5363

Rights of Undocumented Students and Protocols for INS and ICE Access to Schools

RECITALS

- A. The Board of Education for Portland Public Schools is committed to the success of every student in each of our schools. The mission of Portland Public Schools is that by the end of elementary, middle, and high school, every student by name will meet or exceed academic standards and will be fully prepared to make productive life decisions. We believe that every student has the potential to achieve, and it is the responsibility of our school district to give each student the opportunity and support to meet his or her highest potential.
- B. The Board believes that the physical safety and emotional well-being of all children in the District, and ensuring that our schools are safe and inviting for all students and their families is paramount to students being able to achieve. PPS does not tolerate any form of discrimination, harassment or bullying (4.30.060-P Anti-Harassment Policy).
- C. This safe and inviting environment would be disrupted by the presence of the Immigration and Naturalization Service employees who come on to PPS property for the purposes of removing students or their family members, or obtaining information about students and their families.
- D. The Board further believes that students' ability to achieve is negatively impacted by the removal of their family members during ICE raids that leave students without supervising adults to care for them, and that the District should have in place policies and procedures to protect and care for such students until a guardian or other designated adult is contacted, and that all teachers, administrators and staff should be trained on such procedures.

RESOLUTION

- 1. Any Immigration and Naturalization Service (INS) employee intending to enter any Portland Public Schools property must first notify the Superintendent and the District's General Counsel, in person, of its intention, with adequate notice so that the Superintendent and General Counsel can take steps to provide for the emotional and physical safety of its students and staff.
- 2. The Superintendent and/or General Counsel are authorized to ask for the ICE agent's credentials, ask the agent why he or she is requesting access, and ask the agent what evidence of reasonable suspicion exists.
- 3. Immigration Control Enforcement (ICE) personnel must provide written authority from the INS instructing them to enter District property and for what purpose.
- 4. Portland Public Schools staff shall not ask about a student's immigration status or that of the student's family members, and pursuant to FERPA shall not disclose, without parental consent, the immigration status of any PPS student or personal information.
- 5. Within the next 90 days the Superintendent shall develop a plan for training teachers, administrators and other staff on how to respond to ICE personnel who are requesting information about PPS students and families and are attempting to enter PPS property. The plan shall also include procedures for notifying families about INS and ICE efforts to gain information about students and families, and how to support students whose family members have been displaced because of ICE. This plan shall be communicated to all PPS families in all supported languages.

**MOTIONS/RESOLUTIONS PRESENTED TO
THE LOS ANGELES CITY BOARD OF EDUCATION FOR CONSIDERATION**

SUBJECT: ~~LA Unified Identifying~~ Campuses as Safe Zones and Resource Centers for Students and Families Threatened by Immigration Enforcement (Res-032-15/16) (Waiver of Board Rule 72)

DATE NOTICED: 02-09-16

PRESENTED FOR ACTION: 02-09-16

PRESENTED BY: Mr. Zimmer, Dr. Rodriguez,
Ms. García

MOVED/SECONDED BY: Ms. Ratliff /
Dr. Vladovic

MOTION:

RESOLUTION: x

Whereas, The Governing Board of the Los Angeles Unified School District has repeatedly urged the federal government to enact humane comprehensive immigration reform ~~that includes a path to citizenship, keeps families together, and improved enforcement and border security;~~

Whereas, This call to action has been made most recently in 2014 with the unanimous passage of Mr. Kayser's Keeping LAUSD Families Together resolution, as well as Ms. García's 2013 Urge Action for Comprehensive Immigration Reform from the 113th Congress resolution;

Whereas, The United States Supreme Court held in *Plyer v. Doe* (1982) that no public school district has a basis to deny children access to education based on their immigration status, citing that children have little control over their immigration status, the harm it would inflict on the child and society itself, and equal protection rights of the 14th Amendment;

Whereas, Recent media reports state that since the 2015 holiday season, at least 121 people, many of them from Central American countries, have been detained by the Office of Immigration and Customs Enforcement (ICE) in raids in Texas, Georgia, and North Carolina, ~~and Minnesota~~;

Whereas, Large scale ICE operations under the new directive have not yet been carried out in Southern California, although the fact that immigration enforcement affects LA Unified families every day, the Administration's shift in enforcement priority has created a climate of heightened fear and anxiety for many District students and their families;

Whereas, ICE activities in and around schools, early education centers, and adult school facilities would be a severe disruption to the learning environment and educational setting for students; and

Whereas, Some government agencies have adopted policies that resist any government action that may lead to the discovery of a person's immigration status;

Whereas, ICE's 2011 policy states that it will not conduct immigration enforcement activity at any sensitive location, which includes schools, without special permission by specific federal law enforcement officials; unless exigent circumstances exist;

SUBJECT: LA Unified Identifying Campuses as Safe Zones and Resource Centers for Students and Families Threatened by Immigration Enforcement (Res-032-15/16) (Waiver of Board Rule 72)

Whereas, There is no written state or federal law that mandates that local districts assist ICE in the enforcement of immigration laws;

~~Whereas, Precedence exists for government agencies rejecting certain actions with the objective of discovering the immigration status of a person. For example, Los Angeles Police Department Special Order No. 40 states “Officers shall not initiate police action with the objective of discovering the alien status of a person”; now, therefore, be it~~

Resolved, That the Governing Board of the Los Angeles Unified School District hereby restates its position that Congress act NOW to enact humane comprehensive immigration reform;

Resolved further, The Board declares that any school every site or office of Los Angeles Unified School District site is a safe place for all its students and their families and that students and their families can come to any District school or office to seek help, assistance, information, shelter and safety if faced with fear and anxiety about from any and all non-criminally related immigration enforcement efforts;

Resolved further, that the Superintendent shall establish all K-12, early ed centers, adult schools, and parent centers be established as resource and information sites for students and their families, and that the Board encourages the Superintendent to increase and enhance partnerships with community-based organizations and legal services organizations who provide resources for families facing deportation and that a rapid response network be created to assist children whose family members have been detained,

Resolved further, In order to provide a public education, regardless of child or family’s immigration status, absent any applicable federal, state, or local law, regulation, ordinance or court decision, and in absence of proof of criminal proceedings as determined by a law enforcement agency, the District shall abide by the following conduct:

- ~~1.~~ District personnel shall treat all students equitable in the receipt of all school services, including but, not limited to, the free and reduced lunch program, transportation, and educational instruction;
- ~~2.~~ District personnel shall not inquire about a student’s immigration status, including that of family members;
- ~~3.~~ ~~If parents or students have questions about their immigration status, school personnel shall not refer them to any office or representative of the Immigration and Customs Enforcement Office (ICE);~~
4. 3. Any request by ICE for data information or to visit access a school site shall be immediately forwarded to the Superintendent and General Counsel for review and a decision on whether to allow access to the site, and/or the information to ensure District compliance with Plyler and other applicable laws;

SUBJECT: LA Unified Identifying Campuses as Safe Zones and Resource Centers for Students and Families Threatened by Immigration Enforcement (Res-032-15/16) (Waiver of Board Rule 72)

~~Resolved further, All K-12, adult schools, and parent centers be established as resource and information sites for students and their families, and that the Board encourages the Superintendent to increase and enhance partnerships with community-based organizations and legal services organizations who provide resources for families facing deportation and that a rapid response network be established to assist children whose family members have been detained,~~

~~Resolved further, That the Superintendent shall ensure all teachers, school administrators, and other staff will be trained on how to implement this policy and notification in multiple languages be distributed to families to fully inform them of their rights in the District; and, be it finally~~

~~Resolved further, that the Superintendent shall prepare an implementation plan defining partnerships with community organizations and training and support for school site employees to ensure rapid response and effective coordination and report back to the Board in 90 days, and be it finally~~

~~Resolved, The Board instructs the Superintendent and the Office of Legislative Affairs to forward a copy of this resolution to the Los Angeles delegation members of Congress.~~

AYES NOES ABSTAIN ABSENT

Ms. Garcia	X			
Dr. McKenna	X			
Ms. Ratliff	X			
Dr. Rodriguez	X			
Mr. Schmerelson	X			
Dr. Vladovic	X			
Mr. Zimmer	X			
TOTAL	7			

ACTION: ADOPTED AS AMENDED

RESOLUTION

A RESOLUTION OF THE BOARD OF PUBLIC EDUCATION OF THE SCHOOL DISTRICT OF PITTSBURGH AFFIRMING ITS COMMITMENT TO A SAFE AND SUPPORTIVE SCHOOL ENVIRONMENT FOR ALL STUDENTS, REGARDLESS OF IMMIGRATION STATUS

WHEREAS, the U.S. Supreme Court's decision in *Plyler v. Doe* (S.Ct. 1982) held it unconstitutional to deny a free public education to children who are not legally admitted into the United States; and

WHEREAS, School District of Pittsburgh ("District") policy, state and federal law provide that a child's enrollment in public school may not be conditioned on the child's immigration status; and

WHEREAS, public schools may not inquire regarding the immigration status of a student or the student's parent(s)/guardian(s) as part of the admissions process; and

WHEREAS, the District works to foster welcoming and safe school environments for all students, including those who may be undocumented or have undocumented family members; and

WHEREAS, the Board recognizes the potential for U.S. Immigration and Customs Enforcement (ICE) officials to conduct increased enforcement efforts to detain undocumented individuals, and that such efforts may result in ICE officials seeking to enter upon school grounds for purposes of enforcement; and

WHEREAS, an ICE policy issued in 2011 states that the agency will not conduct immigration enforcement activity at any sensitive location, which includes schools, without special permission by specific federal law enforcement officials; unless exigent circumstances exist; and

WHEREAS, ICE activities in and around schools, early childhood centers and other District facilities would risk severe disruption to the learning environment; and

WHEREAS, the Board, by adopting the within Resolution, intends to avoid such disruption and interference with the education of District students.

NOW, THEREFORE, be it resolved by the Board of Public Education of the School District of Pittsburgh as follows:

1. All requests made of the District or its schools by ICE officials to access information or school grounds shall be processed through the Law Department and the Office of the Superintendent, to ensure compliance with the law. Schools shall not permit ICE officials to access students at school without having first contacted and processed their request and all relevant documentation through the Law Department and the Office of the Superintendent.

2. District staff shall treat all students in an equitable manner without regard for race, ethnicity, immigration status, or national origin.

3. District staff shall not inquire about a student's immigration status, or the immigration status of the student's parent(s), guardian(s) or family members.

4. The Board of Public Education will do everything in its power to afford equal protection of all members of our community from attempts to criminalize or target them based on race, ethnicity, immigration status, or national origin.

RESOLVED this _____ day of _____, 2017.

ATTEST:

**BOARD OF PUBLIC EDUCATION OF THE
SCHOOL DISTRICT OF PITTSBURGH**

Secretary

By: _____
President

INDEPENDENT SCHOOL DISTRICT NO. 625

**BOARD OF EDUCATION
SAINT PAUL PUBLIC SCHOOLS**

Draft 1/24/17



Board File No. _____

Date January 24, 2017

**RESOLUTION REGARDING DISTRICT PRACTICES RELATED TO IMMIGRATION
AND CUSTOMS ENFORCEMENT**

WHEREAS, the United States Supreme Court has declared that no public school district may deny any child access to a free public education on the basis of that child's immigration status; and

WHEREAS Saint Paul Public Schools embraces its responsibility to welcome and educate all students and uphold its mission to provide a premier education for all students; and

WHEREAS, Saint Paul Public Schools is committed to the physical safety and emotional well-being of all students within its control, and is committed to ensuring that all schools and district facilities are welcoming and safe places for students and their families; and

WHEREAS, Saint Paul Public Schools has adopted policies ensuring the provision of equal educational opportunities to all enrolled students, regardless of their immigration status, national origin, or language; and

WHEREAS the presence of Immigration and Customs Enforcement (ICE) employees on Saint Paul Public Schools property for the purposes of removing students or their family members or obtaining information about students and their families disrupts this safe and welcoming environment; and

WHEREAS, Saint Paul Public Schools believes that it is in the best interests of the students, staff, families and community of Saint Paul that it take action to assure all students and families that it will oppose, by reasonable legal means available, disruptions to the educational environment that ICE actions may create.

NOW, THEREFORE, BE IT RESOLVED, that Independent School District No. 625, Saint Paul Public Schools, shall adopt procedures and practices that assure the following:

That unless specifically required by law, board members, district employees, contractors, volunteers, and representatives will not use district resources solely for the purpose of detecting or assisting in the apprehension of persons whose only violation of law is or may be being an undocumented resident in the United States, or failing to produce documents authorizing residency in the United States;

That board members, district employees, contractors, volunteers, and representatives shall refrain from inquiring about a student's or family's immigration status;

That board members, district employees, contractors, volunteers, and representatives shall not--unless compelled by a valid court order, by law, or subsequent to receiving parent's signed consent--disclose to Immigration and Customs Enforcement (ICE) officers any information about a student's or family's immigration status;

That board members, district employees, contractors, volunteers, and representatives shall require any ICE personnel wishing to enter any district owned or leased property to notify the Superintendent and district General Counsel in advance of such entry and to provide proper written authority to enter such property;

That board members, district employees, contractors, volunteers, and representatives shall refrain from referring students and parents with questions about their immigration status to ICE; and

That board members, district employees, contractors, volunteers, and representatives shall continue to assure that all students have access to the learning and other educational services available at their schools, including rigorous courses, student extracurricular activities and athletics, and support services regardless of the student's or family's immigration status.

Adopted January 24, 2017

Jon Schumacher Board of Education Chair	Date
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Mary Vanderwert Board of Education Clerk	Date
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