

L.A. UNIFIED IMMIGRATION RESOLUTION OF MAY 9, 2017

Ms. García, Dr. Rodriguez - Reaffirmation of Los Angeles Unified School District Schools as Safe Zones for Families Threatened by Immigration Enforcement (Res-093-16/17) (Waiver of Board Rule 72)

Whereas, June marks Immigrant Heritage Month in the United States, a celebration of our shared heritage as a nation of immigrants and a time to reflect on how immigrants boost our economy;

Whereas, Immigrants make up around 13 percent of the U.S. population, and play an outsize role in entrepreneurship and business formation relative to their overall numbers according to annual startup index data recently released by the Kauffman Foundation;

Whereas, For the Los Angeles Unified School District to get to 100% graduation, all students need to feel safe while learning and achieving;

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

Whereas, The California Constitution, Article 1, Section 28(f)(1) provides, "All students and staff of public primary, elementary, junior high, and senior high schools, and community colleges, colleges, and universities have the inalienable right to attend campuses which are safe, secure and peaceful";

Whereas, The California Education Code, Section 200 provides, "It is the policy of the State of California to afford all persons in public schools, regardless of their disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code, equal rights and opportunities in the educational institutions of the state", and per California Education Code Section 212, "nationality" includes citizenship, country of origin, and national origin;

Whereas, The California Education Code, Section 201 provides, "(a) All pupils have the right to participate fully in the educational process, free from discrimination and harassment; (b) California's public schools have an affirmative obligation to combat racism, sexism, and other forms of bias, and a responsibility to provide equal educational opportunity";

Whereas, Migration to this country is often propelled by social, economic, and political factors and native country conditions, which result partly from U.S. government and corporate policies and interests, and thus immigrants and their families are entitled to compassionate and humane treatment in this country;

Whereas, Ensuring that our schools are safe and inviting for all students and their families will facilitate the physical safety and emotional well-being of all children in the District, and is paramount to students' ability to achieve;

Whereas, This safe and inviting environment would be disrupted by the presence of immigration agents who come onto District property for the purpose of removing students or their family members, or obtaining information about students and their families;

Whereas, Immigration and Customs Enforcement (ICE) activities in and around schools, early education centers, and adult school facilities would severely disrupt the learning environment and educational setting for students;

Whereas, Immigration enforcement activities around schools create hardships and barriers to health and educational attainment, and a pervasive climate of fear, conflict and stress that affects all students in our District, regardless of their background or status, such that children who have a status but whose family members, friends, or schoolmates do not, and students who are themselves undocumented, are all affected and at risk;

Whereas, Threats of legal action, and particularly of separation and deportation, against students and their families create severe emotional, psychological, and physical barriers to learning and education that can and should be allayed or reduced through support systems, including legal representation, provided by the District;

Whereas, Students' ability to achieve is undermined by the removal of their family members during ICE raids and arrests that leave students without adults to supervise or care for them, and 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 all teachers, administrators and staff should be trained on such procedures;

Whereas, Immigration arrests, detentions, and deportations affects families every day, and indications that deportations will increase dramatically has created a climate of heightened fear and anxiety for many students and their families;

Whereas, The record number of deportations in recent years has tragically broken apart loving families, devastated communities, and caused widespread fear among immigrants and their family members;

Whereas, Involving campus police in enforcing federal civil immigration law will create the perception that they are immigration agents and decrease students' likelihood of cooperating with campus police based on fears that this would lead to their deportation or the deportation of familymembers;

Whereas, Some cities, counties, school districts, and higher education institutions have adopted policies that limit entanglement with ICE and resist any government action that may lead to the discovery of a person's immigration status;

Whereas, ICE's longstanding 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;

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

Whereas, The District has been a leader in championing the rights of all students to receive a public education regardless of immigration status and has passed various resolutions including the February 2016 resolution LAUSD Campuses as Safe Zones and Resource Centers, which declared that every District site will be a place of support and resources for all students and families; and

Whereas, The District has established policies and guidelines for site administrators and District staff on process and procedures to follow if federal immigration officials request access to a school site or District facility, student, or student records; now, therefore, be it

Resolved, That the Governing Board of the Los Angeles Unified School District hereby reaffirms that every District site is a safe place for its students and their families as well as staff to seek help, assistance, and information if faced with fear and anxiety about immigration enforcement efforts;

Resolved further, That the Superintendent shall require that all K-12 schools, early education centers, adult schools, and parent centers be established as resource and information sites for District students and their families, as well as staff;

Resolved further, That the Board encourages the Superintendent to continue increasing and enhancing partnerships with community-based organizations and legal services organizations who provide resources for families facing deportation;

Resolved further, That the Board directs the Superintendent to partner with legal services organizations to create in languages representative of our demographics, "Know Your Rights" presentations for students and family members, as well as staff, to cover their rights regarding interactions with law enforcement and immigration agents;

Resolved further, That the Board directs the Superintendent to create a rapid response network to assist students or their family members who have been detained;

Resolved further, In order to provide a public education, regardless of a child's or family member's immigration status, absent any applicable federal, state, or local law, regulation, ordinance, or court decision, the District shall abide by the following conduct:

1. District personnel shall not inquire about or record a student or a family member's immigration status, and, pursuant to the Family Education Rights and Privacy Act (FERPA), shall not disclose, without parental consent, the immigration

status of any student or other personally identifiable information concerning immigration related matters.

2. Any communication to federal agencies or officials initiated by a school or school personnel concerning confidential information about any student or student's family member, including but not limited to: information about gender identity, sexual orientation, status as a survivor of domestic violence, survivor of sexual assault, crime witness, recipient of public assistance; actual or perceived immigration or citizenship status; national origin; school discipline record; and all information included in an individual's or household's income tax records, is prohibited, unless permission is granted by the student or student's parent or guardian.

3. The District shall refuse all voluntary information sharing with immigration agents across all aspects of the District to the fullest extent possible under the law.

4. The District follow the guidelines established in Reference Guide 6767.1 which requires that absent exigent circumstances, any request by immigration agents for information or to access a school site shall be immediately referred to the Local District Administrator of Operations and the Los Angeles School Police Department and forwarded to the Superintendent and General Counsel for review and a decision on whether to allow access to the site, and/or a decision on whether the information will ensure District compliance with Plyler v. Doe and other applicable laws. The request must be provided 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. The determination and steps may include the following:

a. Verify the immigration agent's credentials, ask the agent why the agent is requesting access, and ask to see a warrant signed by a Federal or State Judge.

b. Immigration agents must provide written authority from ICE including, pursuant to the sensitive locations memo, documentation of prior approval by officials of the Homeland Security Investigations and Enforcement and Removal Operations divisions of ICE instructing them to enter District property and for what purpose as well as a warrant signed by a Federal or State Judge which specifies the name of the person under arrest.

5. The District will not enter into agreements with state or local law enforcement agencies, ICE, or any other federal agency for the enforcement of federal immigration law, except as required by law.

6. District staff, faculty, employees, and campus police will not grant any ICE detainers or requests, and will instead refer the requests or detainers to the Superintendent and the Office of the General Counsel, who will evaluate the request and ensure compliance with the constitutional rights of undocumented students under Plyler v. Doe and all other applicable laws.

7. Campus security are prohibited from inquiring about or recording any information regarding an individual's immigration status or country of birth.

8. Campus police shall create a policy acknowledging that they have no authority to enforce federal civil immigration law and declaring that they will not participate in immigration enforcement efforts of federal authorities. This includes campus police not holding people on ICE detainers, not responding to ICE notification or transfer requests, not making arrests based on civil immigration warrants, or allowing ICE to use campus facilities for immigration enforcement purposes.

9. District personnel shall treat all students equitably in the receipt of all school services, including but, not limited to, the free and reduced lunch program, transportation, and educational instruction.

10. The District will make available:

- a. Legal support to immigrant students and their families through referrals to established and reputable legal organizations;
- b. Counseling that adequately takes into account the student's immigration situation, including if the student is part of a mixed-status family;
- c. Know Your Rights presentations to students and parents, as well as staff, into languages representative of the student body;
- d. The District will ensure that students are aware of opportunities to gain access to college, in-state tuition, financial aid, scholarships, internships and career opportunities, regardless of their status. To implement this support system, the District shall establish accessible resource centers for immigrant students and their families and make available immigrant liaisons, with expertise in immigrant and undocumented populations.

11. The District shall explore ways of establishing a referral network with legal organizations and local and state bar associations to represent students facing removal proceedings, and assist family members of students who are in removal proceedings with legal resources and information;

Resolved further, That the Superintendent shall prepare training information and materials that will be made available to all teachers, school administrators, and other staff on how to implement this policy and notification in languages spoken and representative of the student body throughout the District to be distributed to families to fully inform them of their rights in the District; and, considering the urgency and importance of communicating and implementing this policy, the District shall provide translation and interpretation of the policy into languages that are primarily spoken by the student body;

Resolved further, 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 students and families and/or are attempting to enter school property. The plan shall also include procedures for notifying families about 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 District families in languages that are primarily spoken by the student body. The plan may include any strategies already in place and measures that have been already been taken in this direction; and, be it finally

Resolved, 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.

(Note: The school board amended the resolution to add board president Steve Zimmer as a co-sponsor. Also added as a co-sponsor was student board member Karen Calderon, a senior at Hamilton High, whose vote carries no legal authority.

Two notable changes to the resolution are not reflected in the original version above.

At the urging of board member George McKenna, the school board amended the resolution to remove a reference suggesting that L.A. Unified would provide legal representation to the families of unauthorized immigrants. In addition, Calderon suggested an amendment directing that schools inform students of changes to policy that affected them. The board accepted her suggestion.)