

**AFFIRMING SUPPORT OF STUDENTS AND FAMILIES
REGARDING IMMIGRATION ENFORCEMENT ACTIONS AT SCHOOLS**

**LGSUHSD
RESOLUTION No. #16-11**

WHEREAS, all children in the United States are entitled to equal access to a public elementary and secondary education, regardless of their or their parents' actual or perceived national origin, citizenship, or immigration status; and

WHEREAS, as summarized in the National School Boards Association and the National Education Association publication titled, *Legal Issues for School Districts Related to the Education of Undocumented Children*, "in 1982, the Supreme Court held in *Plyler v. Doe* that Texas violated the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution by denying undocumented school-age children a free public education. Reasoning that such children are in this country through no fault of their own, the Court concluded that they are entitled to the same K-12 education that the state provides to children who are citizens or legal residents"; and

WHEREAS, a letter from the US Department of Justice and Department of Education dated May 8, 2014 reaffirms that all school districts must "comply with these Federal civil rights laws, as well as the mandates of the Supreme Court" ensuring that districts "do not discriminate on the basis of race, color, or national origin, and that students are not barred from enrolling in public schools at the elementary and secondary level on the basis of their own citizenship or immigration status or that of their parents or guardians. Moreover, districts may not request information with the purpose or result of denying access to public schools on the basis of race, color, or national origin"; and

WHEREAS, Los Gatos-Saratoga Union High School District is concerned about the safety and security of our region's immigrant youth and families; and

WHEREAS, school attendance should be encouraged, and sensitive locations, such as schools, should be safe sanctuaries for families; and

WHEREAS, the policy from the Director of Homeland Security dated October 24, 2011 entitled "Enforcement Actions at or Focused on Sensitive Locations" requires that Immigration and Customs Enforcement ("ICE") "officers and agents exercise sound judgment when enforcing federal law at or focused on sensitive locations and make substantial efforts to avoid unnecessarily alarming local communities"; and

WHEREAS, the above-referenced October 24, 2011 U.S. Department of Homeland Security policy ("ICE Policy") states that "the sensitive locations covered by this policy include but are not limited to, schools (including pre-schools, primary schools, secondary schools, post-secondary schools up to and including colleges and universities, and other institutions of learning such as vocational or trade schools)"; and

WHEREAS, the ICE Policy discourages enforcement actions at schools and other sensitive locations without prior approval by specified individuals unless special circumstances exist such as:

- The enforcement action involves a national security or terrorism matter;
- There is an imminent risk of death, violence, or physical harm to any person or property;

- The enforcement action involves the immediate arrest or pursuit of a dangerous felon, terrorist suspect, or any other individual(s) that present an imminent danger to public safety; or
- There is an imminent risk of destruction of evidence material to an ongoing criminal case; and

WHEREAS, the LGSUHSD Board of Trustees concurs with the U.S. Department of Homeland Security's conclusion that schools are sensitive locations and that enforcement actions at schools should be discouraged; and

WHEREAS, the Family Educational Rights and Privacy Act (FERPA) generally prohibits school districts from providing third parties, such as ICE, information about students contained in student records. More specifically, unless another exemption provided by law applies, FERPA generally prohibits school districts from disclosing personally identifiable information in a student's "education records" to outside agencies without written parental consent, judicial order, or a lawfully-issued subpoena; and

WHEREAS, involving campus security or police in enforcing federal civil immigration laws may decrease students' likelihood of cooperating with campus security or police based on fears that this would lead to their deportation or the deportation of family members;

NOW, THEREFORE, BE IT RESOLVED, by the LGSUHSD Board of Trustees, that administrators and staff are encouraged to work with and support students and families who express concern about immigration enforcement actions at school, including students who may not be attending school because of such concerns; and

BE IT FURTHER RESOLVED, that administrators and staff 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; and

BE IT FURTHER RESOLVED, that administrators and staff are encouraged to make available rapid-response resources, such as legal guardianship documents and referrals to social and legal service providers, to assist students whose family members have been detained; and

BE IT FURTHER RESOLVED, that LGSUHSD schools and programs be considered sanctuaries for students to the fullest extent allowed by law, by ensuring that school or program personnel, including campus security:

1. Shall not inquire about or record a student's or a family member's citizenship or immigration status; and
2. Shall promptly forward to the Office of the Superintendent any request by an ICE officer or agent, or any other individual seeking to enforce federal immigration law, for detainer of a student, information about a student, or access to a school site or program, so that the Office of the Superintendent may ask for the officer's or agent's credentials and the basis for the request, and so that the Office of the Superintendent may seek legal advice if needed before responding to the request; and
3. Shall not enter into agreements related to federal immigration enforcement with federal, state or local law enforcement agencies, including ICE, except as required by law.

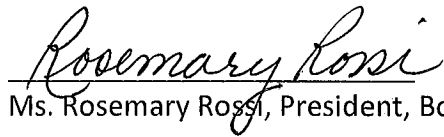
PASSED AND ADOPTED by the LGSUHSD Board of Trustees at a meeting held on February 28, 2017, by the following vote:

AYES: Trustees Chang, Mano, Ramezane, Rossi, Tseng

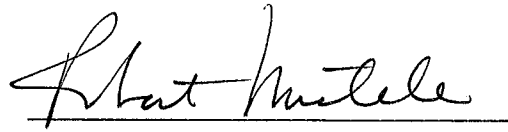
NOES:

ABSTAIN:

ABSENT:



Ms. Rosemary Rossi, President, Board of Trustees



Mr. Robert Mistele, Superintendent