

The attached Model Campus Safe Zones Resolution language was developed for California K-12 school districts that are contemplating adopting protections for their immigrant students. We recommend that any resolution contain language to address these critical issues:

- Limiting the sharing of student and family information with federal immigration authorities
- Restricting immigration agents' access to campuses
- Prohibiting campus security from collaborating with federal immigration authorities
- Providing resources and information for immigrant students and their families

The model resolution provides sample language for these issues. We encourage you to use this language as a template and to adopt as many pieces to fit the needs of your school district. We also encourage you to add additional points beyond what is in this resolution and to share your creative and innovative ideas with us.

For further information about this model resolution you can contact us:

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Resolution to Designate California Campuses as Safe Zones and to Create Resource Centers for Students and Families Threatened by Immigration Enforcement

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 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 county conditions, which result partly from U.S. government and corporate policies and interests, and thus immigrants and their families are here 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 school District; and

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 tragically has 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 family members;

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 districts assist ICE in the enforcement of immigration laws;

THEREFORE BE IT RESOLVED: That the Governing Board of the XX School District hereby declares that every XX School 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 increase and enhance 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 create in-language 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's 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.
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. Any request by immigration agents for information or to access a school site shall be initially denied and immediately forwarded to the Superintendent and General Counsel for review and a decision on whether to reverse the denial and 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.
 - a. Should an immigration agent request access to a school site, the Superintendent and/or General Counsel shall ask for 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 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. The District and its staff, faculty, employees, and campus police will not honor any ICE detainers or requests.
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 offer (a) legal support to immigrant students and their families; (b) counseling that adequately takes into account the student's immigration situation, including if the student is part of a mixed-status family; and (c) Know Your Rights presentations to students and parents, as well as staff, in-language; and (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, each school in the District shall establish an office space on campus that serves as a resource center for immigrant students and their families and shall establish at least one paid position for an immigrant liaison, with expertise in immigrant and undocumented populations.

11. The District shall fund attorneys 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 ensure that all teachers, school administrators, and other staff will be trained on how to implement this policy and notification in no less than the top 10 languages spoken by students 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 any language that is spoken as a primary language by 5 percent or more of pupils of the school;

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 school district families in all supported languages.

RESOLVED FURTHER: 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.

Definitions

- "Citizenship or immigration status" means all matters regarding questions of citizenship of the United States or any other country, the authority to reside in or otherwise be present in the United States, the time or manner of a person's entry into the United States, or any other civil immigration matter enforced by the Department of Homeland Security or other federal agency charged with the enforcement of civil immigration law.

- “Immigration agent” shall mean an agent of U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, any individuals authorized to conduct enforcement of civil immigration laws under 8 U.S.C. §1357(g) or any other federal law, other federal agents charged with enforcement of civil immigration laws, and any successors.

- “Enforcement actions” include arrests; interviews; searches; surveillance; obtaining records, documents, and similar materials; and other actions for the purposes of immigration enforcement.