

EMERY UNIFIED SCHOOL DISTRICT
EMERYVILLE, CALIFORNIA 94608

RESOLUTION NO. 6: 2016-2017

Resolution to Designate Emery Unified School District Campuses as a Safe Zone 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 of the Fourteenth Amendment;

WHEREAS: Acting to ensure that our schools are safe and inviting for all students and their families will facilitate the physical safety and the emotional well-being of all children in the District and promote 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 purposes 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 be a severe disruption to 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 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 provided by the school District, including connecting parents to sources for legal representation;

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 officials in enforcing federal civil immigration law will create the perception that they are immigration agents and decrease students' likelihood of cooperating with staff 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 restrict 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 Emery Unified School District hereby declares that every Emery Unified School District site is a safe place for its students and their families to seek help, assistance, and information if faced with fear and anxiety about immigration enforcement efforts;

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, where possible, in-language Know Your Rights presentations for students and family members to cover their rights regarding interactions with law enforcement and immigration agents.

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 a student or a 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 the District's 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 the District's 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 the District's 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.

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.

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;

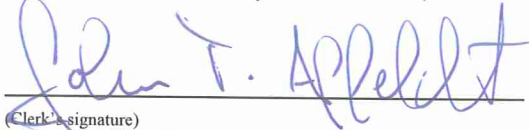
RESOLVED FURTHER: Within the next 90 days the Superintendent shall develop a plan for training teachers, administrators and other staff on how to respond to ICE personnel who are requesting information about students and families and/or are attempting to enter school property. The plan shall also include 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 Spanish and other supported languages.

RESOLVED FURTHER: The Superintendent shall prepare an implementation plan defining partnerships with community organizations and training and support for school site employees and report back to the Board in 90 days.

Definitions

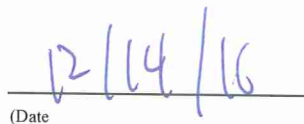
- "Citizenship or immigration status" means all matters regarding questions of citizenship of the United States or any other country, the authority to reside in or otherwise be present in the United States, the time or manner of a person's entry into the United States, or any other civil immigration 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.

Approved this 14th day of December, 2016.



(Clerk's signature)

President's



(Date)