

WELCOMING SCHOOLS RESOLUTION

WHEREAS, the Board of School Directors embraces the diversity of our students, families, and staff, and the rich language and cultural assets they bring to our District;

WHEREAS, the Board strongly supports and encourages the participation of all parents and families in our schools;

WHEREAS, the Board is committed to providing a free and full education to all students and supporting them to be successful, regardless of immigration status;

WHEREAS, consistent with 22 Pa Code §§ 12.1, 12.4 and the Pennsylvania Human Relations Act, 43 P. S. §§ 951—963, a student may not be denied access to a free and full public education, nor be subject to disciplinary action on account of race, sex, color, religion, sexual orientation, national origin, or disability;

WHEREAS, the United States Supreme Court in *Plyler v. Doe* (1982) guaranteed to all students, regardless of immigration status, the right to a K--12 public school education in accordance with the mandates of the 14th Amendment;

WHEREAS, pursuant to Chapter 11 Pa Code § 11.11 (d), the Entitlement of Resident Children to Attend Public Schools, “a child’s right to be admitted to school may not be conditioned on the child’s immigration status”, nor may a school “inquire about immigration status of a student as part of the admission process”;

WHEREAS, the Family Education Rights and Privacy Act (FERPA) protects the privacy of student education records and prevents schools from releasing student information without the consent of parents and eligible students over 18;

WHEREAS, ICE’s 2011 policy states that it will not conduct immigration enforcement activities in any “sensitive location,” including K--12 public schools, pre---schools, or other early learning programs where early learners may be impacted;

WHEREAS, despite this understanding, on September 5, 2017, the United States Department of Homeland Security (“DHS”) released a memorandum detailing the elimination of the Deferred Action for Childhood Arrivals (“DACA”) program, and instructed DHS personnel to “take all appropriate actions to execute a wind---down of the program”;

WHEREAS, immigration arrests, detentions, and deportations impact families every day, and the number of ICE administrative arrests, detentions, and deportations have dramatically increased in the past year and will continue to increase, which have created a climate of heightened fear and anxiety for many students and their families and caused some students to cease attending school;

WHEREAS, this School Board recognizes that fearful students and parents run counter to the policy of providing a safe and effective place for learning for all children;

WHEREAS, any disruptions by ICE and/or state or local law enforcement working in partnership with ICE in and around public schools would create a severe and lasting disturbance to the learning environment and educational setting for all students;

WHEREAS, there is no written state or federal law that mandates local school districts to assist ICE in the enforcement of immigration laws;

WHEREAS, under the Tenth Amendment, the federal government cannot coerce localities to enforce immigration laws;

THEREFORE, BE IT RESOLVED THAT:

1. All schools within this district shall be welcoming, safe places for students and families to seek help, assistance, information, and safety, even if faced with fear and anxiety about immigration status and enforcement.
2. No school shall inquire into or keep records about the immigration status of a student or student's family, nor disclose students' personal information without the express consent of parents or students 18 and older in conformity with the District's legal obligations under FERPA.
3. All schools within the District shall distribute written information using the ordinary means of information dissemination (including all of the following: informing parents by letter, posting on the District's website, and posting on each school's website in the District) to inform students and their families of: (1) the ability for parents and eligible students to opt of out giving consent for the disclosure of personal information under FERPA, (2) the District's affirmative obligation not to ask about immigration status when enrolling a student in school, and (3) the District's stance of requiring a specific federal legal mandate, or valid and signed judicial order, prior to voluntarily sharing information or otherwise cooperating with ICE.
4. Any request by ICE to have access to a school shall be immediately directed to the Superintendent who shall, along with the School District's attorney, make a decision as to whether or not to grant ICE officials entry into the school. ICE officials must: (1) present their credentials, (2) have a valid and proper judicial warrant, and (3) receive written authority from the Superintendent to enter any school.
5. All District employees shall be instructed to refuse all voluntary information sharing with immigration agents to the fullest extent permitted under the law.
6. Any and all ICE or immigration requests shall be sent to the Superintendent who, along with the School District's attorney, shall review the request and make a final decision on the matter. Prior to receiving affirmative direction from the School District's attorney, no employee may share information regarding a student's personal information or a student's immigration status. It is the policy of the District that information about students will not be shared unless affirmatively required by federal law or authorized under a signed and valid warrant.

7. The District shall establish and publish a policy reaffirming that school police have no authority to enforce federal immigration law, and that school policy will not engage in acts of voluntary cooperation with ICE, except as required by law. No school resource officer or other official within the District may enter into or maintain a cooperation agreement with ICE.
8. The Board encourages the Superintendent to seek out and establish meaningful partnerships with local community organizations and legal service organizations to provide resources for students and students' families who may be facing deportation or experiencing the impacts of deportation.
9. Information about this Resolution shall be shared by schools to all faculty, parents, and students in multiple languages, in order to best serve the diversity of language needs in our community, and the Board instructs the Superintendent to distribute copies of this Resolution, translated into all appropriate languages, to all school sites.
10. All schools are hereby tasked with training employees on how to implement these policies within 90 days from the date of the policy's inception. For parents and students who do not speak English, schools will provide appropriate language access services to ensure that parents and students are aware of how this policy is being implemented.
11. The District shall, within 90 days, establish a policy for informing parents and students of their rights as described herein, including with regard to ICE's request for information or cooperation.

RESOLVED this ____ day of ____ , 2018