

Subject

_____ : Approve Board Policy (BP) 5145.13: Immigration Enforcement Activities

- Information Item Only
- Approval on Consent Agenda
- Conference (for discussion only)
-

Recommendation

_____ : Approve Board Policy (BP) 5145.13: Immigration Enforcement Activities
The Board should approve the proposed Board Policy (BP) 5145.13, as presented, to the extent possible under the law.

Board of Education Executive Summary

Board Office

Approve Board Policy (BP) 5145: Immigration Enforcement Activities

June 7, 2018

I. Overview/History of Department or Program:

Sacramento City Unified School District declared itself a Safe Haven School District in December 2016 with the passage of Resolution No. 2915: Recognition of A Safe Haven School District. The district has since been recognized for such leadership. The district recommitted and increased the focus on Safe Haven efforts in January 2018 with the passage of Resolution No. 2980: Expanding Safe Haven Efforts. The continued commitment of the District's Safe Haven efforts has focused on a number of areas throughout the district such as creating Rapid Response protocols to potential immigration enforcement activities at our school sites as well as within our communities. The District is also engaged in partnerships with the city of Sacramento's F.U.E.L Network, California Rural Legal Assistance Foundation, the Mexican Consulate and others to provide trainings, workshops and supports for our students and families, as well as for our staff that support them.

The Immigration Enforcement Activities policy (BP 5125 was developed in the spring of 2017 when protocols were designed in partnership with the District's labor partners, to outline the process for staff to follow if Immigration and Customer Enforcement (ICE) came to campus. This policy also incorporates the spirit and intent of California Senate Bill 54: Law Enforcement: Data Sharing (De León) and California Assembly Bill 450: Employment Regulation: Immigration Worksite Enforcement Actions (Chiu).

II. Driving Governance:

- x California Senate Bill 54: Law Enforcement: Data Sharing (De León),
- x California Assembly Bill 450: Employment Regulation: Immigration Worksite Enforcement Actions (Chiu),
- x Sacramento City Unified School District Board Resolution 2915: Recognition of A Safe students and their families. The District also committed to protecting the rights of students, their families, and staff through this policy by prohibiting, to the fullest extent possible under the law, information sharing and access to individuals for immigration enforcement activities

Board of Education Executive Summary

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Approve Board Policy (BP) 5145:16 Immigration Enforcement Activities

June 7, 2018

Specifically, this policy outlines:

- x The guarantee to equal access to public education regardless of immigration status;
- x Prohibition against immigration enforcement activities and requests for access to District property, information or individuals on campus;
- x Requests for such information or access shall be handled by site and District staff;
- x The Family Educational Rights and Privacy Act (FERPA);
- x Staff collection and handling of sensitive personal information related to immigration;
- x Parental notification when a request for information or access to a student has been made;
- x Requirements for Memorandum of Understandings with local law enforcement agencies for School Resource Officers;
- x The tracking of requests made by immigration officials for access to students or information; and
- x Staff training and the distribution of the policy and accompanying Administrative Regulations that are forthcoming

V. Major Initiatives:

The Immigration Enforcement Activities (BP 5145:16) 0 Tw C0(d [((af)6(f)-4((o)-2(r-4((5)-2(1)-2

The federal government has recognized the human cost associated with immigration enforcement on campus and declared that schools are “sensitive locations” at which immigration enforcement activity should not occur.¹ Accordingly, federal immigration enforcement activities in and around District property² would be a severe disruption to the learning environment and educational setting for students.

The District is committed to providing a safe, welcoming, and inclusive learning environment for immigrant students and their families. The District is also committed to protecting the rights of immigrant students, their families, and staff through policies that prohibit information sharing with local law enforcement and federal immigration authorities⁴ to the fullest extent possible under the law.

The District shall not adopt or implement policies, practices or procedures that exclude students from school based on their or their parents’ or guardians’ actual or perceived immigration status. Furthermore, District personnel shall treat all students equitably in the receipt of all school services including, but not limited to, the free and reduced meal program, transportation and educational instruction. The District will continue to enforce the Nondiscrimination in District Programs and Activities and Positive School Climate policies.

(cf. BP 0410 Nondiscrimination In District Programs and Activities)
(cf. BP 5137 Positive School Climate)

The specific provisions of this policy, which limit the District’s participation in immigration enforcement to the maximum extent permitted by law, are necessary to fulfill the District’s obligation under *Plyler v. Doe*,⁶ to provide all students regardless of their immigration status equal access to education.

¹ “Citizenship or immigration status” refers to all matters regarding citizenship, 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 (“DHS”) or other federal agency charged with the enforcement of civil immigration law.

² Memorandum from United States Immigration and Customs Enforcement (“ICE”) Director, John Morton, “Enforcement Actions at or Focused on Sensitive Locations,” (Oct. 24, 2011).

³ District property includes, but is not limited to, all school sites, early education centers, adult school facilities, school buses, and District administrative offices and all other properties, including all leased properties. New or revised agreements for District properties shall include language outlining this policy and its extension to those properties applicable. This policy applies to all district personnel that may be at a site of a school event.

⁴ “Federal immigration authorities” means any officer, employee, or person otherwise paid by or acting as an agent of ICE or any division thereof, an officer, employee, or person otherwise paid by or acting as an agent of Customs and Border Protection (“CBP”) or any other officer, employee, or person otherwise paid by or acting as an agent of the DHS who is charged with the enforcement of civil immigration law.

⁵ District personnel refers to any individual employed by the district in any capacity.

⁶ *Plyler v. Doe*, 457 U.S. 202, 213 (1982)
or immigration status.

Prohibition Against Immigration Enforcement Activities on District Property

Involving the enforcement of Federal civil immigration law establishes a climate of fear, conflict, and stress, and it 1) creates the perception that District personnel and School Resource Officers (SRO) are exercising federal immigration enforcement authority; 2) decreases the likelihood that students will cooperate with staff SROs and officials, based on fears that this could lead to their deportation or the deportation of family members; and 3) conflicts with the District's constitutional obligation to provide equal educational

(cf. BP 5145.11 Questioning and Apprehension)

The Superintendent, District Legal Counsel or designees shall ask for the requesting agents' credentials, ask why the agents are requesting access, ask for written authorization from the employing agency instructing them to enter District property, and to see a warrant signed by a federal or state judge, which specifies the name of the person under arrest or property to be searched and/or seized. A request for access to District property, information, or student by federal immigration authorities in the absence of a judicial warrant², other court order, or exigent circumstances shall be denied. If the officer declares that exigent circumstances exist and demands immediate access to the campus, District personnel should comply with the officer's orders and immediately contact the Superintendent or designee.¹³

authorization from employing agency signed judicial warrant and other documentation instructing the agent to enter District property.

3. A protocol outlining next steps if a federal immigration enforcement agents satisfy the criteria for entering onto District property.
4. A protocol for the Superintendent or designee to monitor the agents' investigation. Such oversight includes prohibiting access to information, records, student areas beyond that specified in the warrant.

Federal Immigration Authorities Request for Access to Student Records

The District shall refuse all requests by federal immigration authorities for voluntary access to student records including but not limited to student directory information, and information that may be disclosed to law enforcement under the

number to establish eligibility for a federal benefit program, the District shall explain the limited purpose for which the information is collected, and clarify that a failure to provide this information will not bar the student from enrolling in or attending the school.

The District shall permit alternative documents or information to establish a child's age for enrollment purposes, or eligibility for a specified program, which may include an affidavit from the parent or guardian, previously verified school records, or any other alternative specified in law. Alternative documents shall be permitted to establish residency as well, to include a declaration of residency executed by the parent or guardian or the student, or any other alternative specified in law. The District's enrollment forms and procedures shall describe and accommodate, all alternative documents specified in law and contained herein that may be used to determine a child's age, or residency of the child's parent or guardian.

District personnel and SROs who learn of information related to student's or their family member's actual or perceived immigration status or place of birth, even if voluntarily offered by the parent, guardian, or student, must keep that information confidential and, therefore, shall not record or distribute that information at any time. Such information acquired by the District shall not be used to discriminate against any students or families, or bar children from enrolling in or attending school. Where any law contemplates submission of national origin related information to satisfy the requirements of a special program, the District shall solicit that documentation or information separately from the school enrollment process.

District personnel shall take immediate action to remove any information regarding the immigration status of a student or a student's parents/legal guardians from any and all school records.

If students, parents, or guardians have questions about their immigration status, District personnel shall not refer them to ICE or any other law enforcement or government immigration agency.

guardian. Categories of information about a student or family member that may not be shared include:

1. Gender identity;
2. Sexual orientation;
3. Status as a survivor of domestic violence;
4. Survivor of sexual assault;
5. Status as a victim of sexual violence.

