

Resolution No. 9:2016/2017

**Board Resolution Opposing the Immigration and Customs Enforcement Actions
in the Arvin Union School District**

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. This includes recently arrived unaccompanied children who are in immigration proceedings while residing in local communities with a parent, family member, or other appropriate adult sponsor, and

WHEREAS, The United States Supreme Court in 1982 ruled in Plyer v. Doe that public schools were prohibited from denying immigrant students access to elementary and secondary public education. The Court stated that undocumented children have the same right to a free public education as citizens of the United States and permanent residents; and

WHEREAS, a letter from the US Department of Justice and Department of Education dated May 8, 2014, reaffirms that all school district 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, district 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, many families and children have fled their homes and are seeking asylum in the U.S. from grave threats of danger, and

WHEREAS, with the flow of migrants that are coming to the end of their review from immigration courts, and

WHEREAS, migrants who have lost their cases are being ordered deported by immigration judges and Immigration and Customs Enforcement (ICE) conducting a series of deportation actions elsewhere, and

WHEREAS, the Arvin Union School District Board of Education is very concerned about Arvin Union School District immigrant youth and families, and

WHEREAS, there are reports of families who are worried about sending their children to school for fear of deportation occurring while their children are in school, or that immigration officials may involve our schools, and

WHEREAS, school attendance should be encouraged and schools, churches and other sensitive locations must be safe sanctuaries for families, and

WHEREAS, the policy from the Director of Homeland Security dated October 24, 2011 entitled "Enforcement Actions Focused on Sensitive Locations" requires that 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 sensitive locations" covered by this policy include, but are not limited to, the following:

- Schools (including pre-schools, primary schools, secondary schools, post-secondary schools up to and including college and universities, and other institutions of learning such as vocational or trade schools);
- Hospitals;
- Churches, synagogues, mosques and/or other institutions of worship, such as buildings rented for the purpose of religious services;
- The site of a funeral, wedding, or other public religious ceremony; and
- A site during the occurrence of a public demonstration, such as a march, rally or parade.

WHEREAS, ICE policy discourages enforcement actions at schools, churches, and other sensitive locations 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.

WHEREAS, the Arvin Union School District does not ask for, or collect, immigration status on students, and

WHEREAS, if these young people are deported, this would go against our humanitarian principles and place their lives in grave danger, and

WHEREAS, these young people are low priority for deportation, and

WHEREAS, to date, the school district has not had any contact by federal immigration authorities,

THEREFORE, BE IT RESOLVED THAT:

ICE honor their policy not to involve schools and other sensitive locations, and

Principals and all school staff are encouraged to work with, and support, our families and students who express concern about immigration enforcement actions at school, including students who may not be attending school due to such concerns, and

FURTHER, BE IT RESOLVED THAT:

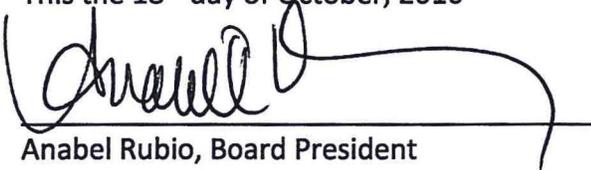
The Arvin Union School District Board of Education further states that all District students who register for the following services and meet the federal and state criteria, are entitled to receive all school services, including no cost lunch, no cost breakfast, transportation, and educational services, even if they or their family are undocumented and do not have a social security number, and that no school district staff shall take any steps that would deny students access to education based on their immigration status or any steps that would "chill" the Plyler rights of these students to public education; and

FINALLY, BE IT FURTHER RESOLVED THAT:

In order to provide a public education, regardless of a child's immigration status, absent any applicable federal, state, local law or regulation or local ordinance or court decision, the District shall abide by the following conduct:

1. District personnel shall not treat students disparately for residency determination purposes on the basis of their undocumented status;
2. District personnel shall not inquire about a student's immigration status, including requiring documentation of a student's legal status, such as asking for a green card or citizenship papers, at initial registration or at any other time;
3. District personnel shall not make unreasonable inquiries from a student or his/her parents for the purpose of exposing the immigration status of the child or his/her family;
4. District personnel shall not require students to apply for Social Security numbers nor should the District require students to supply a social security number;
5. If parent and or students have questions about their immigration status, school personnel shall not refer them to the Immigration and Customs Enforcement Office ("ICE");
6. It is the general policy of the District not to allow any individual or organization to enter a school site if the educational setting would be disrupted by that visit. The School Board has found that the presence of ICE is likely to lead to a disruption of the educational setting. Therefore, any request by ICE to visit a school site should be forwarded to the Superintendent's Office for review before a decision is made to allow access to the site.
7. All requests for documents by ICE should be forwarded to the Legal Office, which, in consultation with the Superintendent, shall determine if the documents can be released to ICE.

This the 18th day of October, 2016


Anabel Rubio, Board President


James Arvizu, Board Clerk