

WHEREAS, Red Clay is committed to providing a safe, welcoming, and inclusive educational environment for all students, their families, and district employees at all times;

WHEREAS, in accordance with the Supreme Court's ruling in Plyler vs. Doe (1982), all children residing in the US shall have access to K-12 education;

WHEREAS, the Board recognizes the possibility that U.S. ***Immigration and Customs Enforcement (ICE)***, or any other federal, state, or local official acting to enforce immigration laws, could approach a school and inquire about students' immigration status;

WHEREAS, educational research illustrates that students learn most effectively when they believe they are part of a safe and inclusive community, and the presence of ICE or other officials seeking to enforce immigration laws diminishes students' perceived safety and creates a significant impediment to learning;

WHEREAS, federal immigration law enforcement activities and stop-and-frisk practices on or around district property and transportation routes, whether by surveillance, interview, demand for information, arrest, detention, or any other means, have the potential to harmfully disrupt the learning environment for all students, regardless of immigration status, race, religion, social class, or sexual orientation;

WHEREAS, the Board recognizes that school attendance plays a critical role in improving graduation rates, and the perceived risk of deportation has historically contributed to lower attendance rates in schools across the United States;

Whereas unauthorized individuals, including immigration agents without a judicial warrant, are prohibited from entering nonpublic areas of school buildings to conduct enforcement activities;

WHEREAS, The Family Education Rights and Privacy Act prohibits districts from providing outside agencies – including ICE – with confidential student information, which might reveal the student's immigration status without a valid subpoena or parental consent;

WHEREAS, no written state or federal law mandates local school districts to assist with the enforcement of immigration laws;

WHEREAS, Red Clay is the most diverse school district in New Castle County, and the Board recognizes the value of preserving and encouraging student diversity, as diversity contributes to increased social and emotional intelligence, as well as improved cultural competency;

THEREFORE, BE IT RESOLVED & AFFIRMED BY THE RED CLAY SCHOOL BOARD THAT: We are here to educate and protect all of our children at all times; Red Clay is a safe haven for all students and families threatened by immigration enforcement, discrimination, and stop-and-frisk policies to the fullest extent permitted by law; All district personnel and families will be given a copy of the letter (which will be translated into multiple languages) written by Susan Bunting (former Delaware Secretary of Education) on March 8, 2017, to Chiefs and Charter Directors ensuring the safety of our children and providing protection to our children from ICE; Any district personnel who are approached or contacted by ICE personnel requesting permission to enter our buildings or seeking the disclosure of educational records protected by the Family Educational Rights and Privacy Act ("FERPA"), or other information, on a student or their family member(s) shall be directed to immediately contact the RCCSD Superintendent; The RCCSD Superintendent will not authorize the entry of, or disclosures to, ICE personnel absent a valid court order, subpoena, or other appropriate written authority, or as may otherwise be required by law; District personnel shall not inquire about a student's immigration status, or the immigration status of the student's family members; District personnel shall protect all non-publicly available information about students and their families in accordance with FERPA; The district shall not create nor maintain a registry of individuals based on religion, ethnicity, or immigration status nor will we, except as may be required by law, assist or facilitate the US Department of Homeland Security's access to school databases, facilities, equipment, personnel, and other resources for purposes of implementing registries based on race, gender, sexual orientation, religion, immigrant status or national or ethnic origin to conduct civil immigration enforcement; We will not assign, use or recognize the terms 'illegal immigrant' or 'illegal alien;' We will establish and implement a district-wide system and language access protocols to provide linguistically appropriate and necessary informational materials or referrals to families who need resources and support around immigration issues; The agencies that work with the Red Clay Consolidated School District shall be made aware of the steps determined in this Resolution; This Resolution will be distributed to all students and their families, and all district personnel will be briefed on the appropriate protocol for a situation in which immigration officials come onto school grounds and/or attempt to enter a school; and nothing in this Resolution shall preclude the district from fully complying with any applicable legal requirements and reporting obligations related to visa sponsorship of international students to attend schools within the district.