

ACLU of Utah and Racially Just Utah Present
A Model Safe School Resolution¹

We, students, parents, teachers, staff and community members, urge the [redacted] School Board to adopt the following resolution and policies that support undocumented students and their families:

WHEREAS, the [redacted] School District (“the District”) is committed to educational excellence;

WHEREAS, the District’s mission is [redacted] insert mission. Example: “cultivates a love of learning in a diverse and inclusive school community, committed to educational excellence and integrity. In collaboration with families and community”; [redacted]

WHEREAS, under the District’s Non-discrimination policy, the [redacted] Insert non-discrimination policy. Example: “District shall provide equal educational opportunity and treatment for all students in all aspects of the academic and activities program without regard to race, creed, color, national origin, gender or qualified individuals with disabilities”;

WHEREAS, the Utah Compact states that “we will oppose policies that unnecessarily separate families” and that we “champion policies that support families and improve the health, education and well-being of all... children”;

WHEREAS, the presence of any employee of U.S. Immigration and Customs Enforcement (“ICE”), or a state or local law enforcement agency acting on behalf of ICE, or any federal, state or local agency attempting to enforce federal immigration laws or intending to access or enter District property would increase anxiety and fear in students. Trauma from such an employee would severely obstruct students’ ability to succeed due to a pervasive climate of fear and stress that denies all students the necessary environment to learn;

WHEREAS, ICE policy characterizes public schools as “sensitive locations,” places where, in the normal course of business, immigration enforcement actions should not occur;

WHEREAS, The United States Supreme Court in *Plyler v. Doe* (1982) held that no public school district has a basis to deny children access to education based on their immigration status;

¹ In creating this model safe school resolution we have considered many samples, including the National Immigration Law Center’s model- <https://www.nilc.org/wp-content/uploads/2016/12/Model-Campus-Safe-Zones-Language-K12-countrywide-2016-12.pdf>, NEA sample board resolution- <http://localprogress.org/sanctuary-city-resources/>, and a proposal in Ogden- <http://www.standard.net/Politics/2017/03/20/Ogden-immigrant-advocates-ask-school-reps-for-protections-for-undocumented-kids.html>

WHEREAS, without affirmatively reassuring students of the District's strict compliance with *Plyler v. Doe* (1982) there will be a chilling effect where students are unwilling to report to school teachers, administrators, counselors, and school resource officers about misconduct or crimes witnessed or experienced;

AND WHEREAS, students and their families should not have to worry about ICE officials questioning and/or detaining undocumented persons, permanent legal residents, or other non-citizens while seeking to receive an education.

NOW, THEREFORE, BE IT RESOLVED that any employee of ICE, or a state or local law enforcement agency acting on behalf of ICE, or any federal, state or local agency attempting to enforce federal immigration laws intending to access or enter District property, must first notify and confirm that the notification was received from the Superintendent, who will then notify the District's General Counsel and the [REDACTED] School Board of their intention. ICE must conduct this notification at least 7 days in advance of any visit so that District staff can take measures to provide emotional support for all students, faculty, and staff affected by the incident, and to ensure the educational setting of the site is not disrupted.

BE IT FURTHER RESOLVED that any employee of ICE, or a state or local law enforcement agency acting on behalf of ICE, or any federal, state or local agency attempting to request information from the [REDACTED] School District, must be referred to the Superintendent, the [REDACTED] District's General Counsel, and the [REDACTED] School Board to ensure compliance with Family Educational Rights and Privacy Act (FERPA), student constitutional privacy, standards for a judicial warrant, and any other limitation on disclosure; this review should be conducted at least 7 days in advance of any production of information.

BE IT FURTHER RESOLVED the District shall refuse all voluntary information sharing with any employee of ICE, or a state or local law enforcement agency acting on behalf of ICE, or any federal, state or local agency attempting to enforce federal immigration laws or intending to access or enter District property to the fullest extent allowable under the law.

BE IT FURTHER RESOLVED, the District will immediately notify the family of the affected student of an ICE inquiry so the family can prepare.

BE IT FURTHER RESOLVED in its continued commitment to the protection of student privacy, the District will continue its practice to not collect or maintain any information about our students' immigration status.

BE IT FURTHER RESOLVED, that the District will notify all District staff of the passing of the new policy and inform them how to respond to employees of ICE, state or local law enforcement agency acting on behalf of ICE, or any federal, state or local

agency attempting to enforce federal immigration laws who are requesting information and/or are attempting to enter school property.

BE IT FURTHER RESOLVED, that all vendors who contract with the District and all service providers, including after-school providers, shall be required to abide by this resolution and the District shall notify them promptly of this obligation.

BE IT FURTHER RESOLVED, that District personnel will discuss with students and their families immigration enforcement concerns relating to school and endeavor to answer their questions and address their concerns.

BE IT FURTHER RESOLVED, that within 30 days of the date of this resolution, the District shall create a 'Rapid Response Team' to prepare services for students attending school in the District who have been deprived of adult care, supervision, or guardianship outside of school due to a federal immigration enforcement action.

BE IT FURTHER RESOLVED, that the term "citizenship status" will be added to the Policies & Procedures of the Board of Education of the ___ School District, Policies # [REDACTED], as a classification receiving protection from discrimination or harassment by or within the District.

BE IT FURTHER RESOLVED, that the District will welcome community organizations providing family preparedness plans, know your rights trainings, and referrals to legal aid for undocumented, mixed-status, refugee and immigrant families at least once an academic year.

BE IT FURTHER RESOLVED, the District shall post this resolution, along with other legal documentation information, prominently, at every school site, as well as on the District's website. Such information in schools shall be translated into at least the eight most commonly spoken languages at students' homes. The District must also notify parents and students of this resolution and of their FERPA rights within 30 days of the adoption of this resolution.