

LANGUAGE ACADEMY OF SACRAMENTO

STUDENT POLICY

Safe Haven School Resolution #1

WHEREAS, The Language Academy of Sacramento (“LAS”) upholds the following mission:

The LAS mission is to create a learning community where students: utilize bilingual (Spanish and English) academic knowledge and skills in real-world situations and diverse settings; develop and exhibit positive self-esteem, pride, confidence and respect for themselves and others; demonstrate leadership skills in order to build bridges between communities and apply critical thinking skills to solve problems, promote social justice, and create change in society.

WHEREAS, the LAS Governing Board (“Board”) is committed to the success of all students irrespective of their national origin, ethnicity, religion, sexual orientation, ability, gender, socio-economic status or beliefs;

WHEREAS, The United States of America was built by diverse peoples, both native and immigrant alike;

WHEREAS, The Declaration of Independence of the United States of America recognizes every individual’s right to life, liberty, and the pursuit of happiness;

WHEREAS, The United States Supreme Court held in *Plyler v. Doe* (1982) that no public school district has a basis to deny children access to education based on their immigration status, citing the harm it would inflict on the child and society itself, and the equal protection rights of the Fourteenth Amendment;

WHEREAS, Migration to this country is often propelled by social, economic, and political factors and native country conditions, which result partly from U.S. government and corporate policies and interests, and thus immigrants and their families are here entitled to compassionate and humane treatment in this country;

WHEREAS, Ensuring that our schools are safe and inviting for all students and their families will facilitate the physical safety and emotional well-being of all students at LAS, and is paramount to students’ ability to achieve;

WHEREAS, Immigration and Customs Enforcement (“ICE”) activities in and around would be a severe disruption to the learning environment and create hardships and barriers to health and educational attainment, and a pervasive climate of fear, conflict and stress that affects all students at LAS, regardless of their background or status;

WHEREAS, Students’ ability to achieve is undermined by the removal of their family members during ICE raids and arrests that leave students without adults to supervise or care for them, and LAS should have in place policies and procedures to protect and care for such students

until a guardian or other designated adult is contacted, and all teachers, administrators and staff should be trained on such procedures;

WHEREAS, Involving school staff in enforcing federal civil immigration law will create the perception that they are immigration agents and decrease students' likelihood of cooperating with school staff based on fears that this would lead to their deportation or the deportation of family members;

WHEREAS, Some cities, counties, school districts, and higher education institutions have adopted policies that restrict entanglement with ICE and resist any government action that may lead to the discovery of a person's immigration status;

WHEREAS, ICE's longstanding policy states that it will not conduct immigration enforcement activity at any sensitive location, which includes schools, without special permission by specific federal law enforcement officials, unless exigent circumstances exist;

WHEREAS, No written state or federal law mandates that local districts assist ICE in the enforcement of immigration laws;

WHEREAS, The national presidential election has resulted in students and families expressing fear, sadness and concerns for student safety, heightened because of intolerant rhetoric made over the course of the 2016 presidential race;

WHEREAS, Youth and families across the nation have already experienced increased levels of hate speech and/or physical violence based on national origins, ethnicity, religion, or sexual orientation since the election;

Now, therefore be it RESOLVED, that the LAS Governing Board reaffirms the Language Academy of Sacramento's commitment to ensuring a safe educational environment; promoting and elevating tolerance, inclusiveness, and kindness to all students, families, and staff; and serving as a safe haven for students, families, and the community.

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

1. LAS personnel shall not inquire about or record a student's or a family member's immigration status, and pursuant to the Family Education Rights and Privacy Act ("FERPA"), shall not disclose, without parental consent, the immigration status of any student or other personally identifiable information.
2. LAS shall refuse all voluntary information sharing with immigration agents across all aspects of the school to the fullest extent possible under the law.
3. Any communication to federal agencies or officials initiated by a school or school personnel concerning confidential information about a student or a student's family member, including but not limited to: information about gender identity; sexual orientation; status as a survivor of domestic violence; survivor of sexual assault; crime witness; recipient of public

assistance; actual or perceived immigration or citizenship status; national origin; school discipline record; and all information included in an individual's or household's income tax records, is prohibited, unless permission is granted by the student's parent or guardian.

4. Maintaining that, in compliance with ICE's 2011 policy stating that it will not conduct immigration enforcement activity at any sensitive location, which includes schools, without permission by specific federal law enforcement officials; unless exigent circumstances exist; ICE shall not be allowed to enter school sites, including the LAS parking lot, without prior written approval from the Academic Director;

5. Any request by immigration agents for information or to access the school site shall be initially denied and immediately forwarded to the Academic Director and LAS Legal Counsel for review and a decision on whether to reverse the denial and allow access to the site, and/or a decision on whether the information will ensure LAS compliance with *Plyler v. Doe* and other applicable laws. The request must be provided with adequate notice so that the Academic Director and the LAS Legal Counsel can take steps to provide for the emotional and physical safety of its students and staff.

- a. Should an immigration agent request access to a school site, the Academic Director and/or LAS Legal Counsel shall ask for the immigration agent's credentials, ask the agent why the agent is requesting access, and ask to see a warrant signed by a federal or state Judge.
- b. Immigration agents must provide written authority from ICE instructing them to enter LAS property and for what purpose as well as a warrant signed by a federal or state Judge which specifies the name of the person under arrest.

6. LAS will not honor any ICE detainers or requests to enter into agreements with state or local law enforcement agencies, ICE, or any other federal agency for the enforcement of federal immigration law, except as required by law.

7. LAS will evaluate and if necessary, provide counseling that adequately acknowledges the impact of immigration status on students and their family members; and

8. LAS will ensure that students are aware of opportunities to gain access to college, in-state tuition, financial aid, scholarships, internships and career opportunities, regardless of their immigration status.

RESOLVED FURTHER, That the Board directs the Academic Director to facilitate Know Your Rights presentations for students and family members to cover their rights regarding interactions with law enforcement and immigration agents.

RESOLVED FURTHER, That the LAS Board will work closely with the City, County and other state and local municipalities and community organizations to ensure our students and families are offered a protected space.

RESOLVED FURTHER, That the Board directs the Academic Director to designate staff members to connect students or their family members who have been detained with local advocates or a rapid response network.

RESOLVED FURTHER, That the Academic Director shall ensure that all teachers, school administrators, and other staff will be trained on how to implement this policy and bilingual notification be distributed to families to fully inform them of their rights in the school.

RESOLVED FURTHER, At the start of each school year the Academic Director shall develop a plan for training teachers, administrators and other staff on how to respond to ICE personnel who are requesting information about students and families and/or are attempting to enter school property. The plan shall also include procedures for notifying families about ICE efforts to gain information about students and families, and how to support students whose family members have been displaced because of ICE. This plan shall be communicated to all families in all supported languages.

RESOLVED FURTHER, That, along with the Sacramento City Unified School District and the Los Angeles Unified School District, the LAS Board will submit a letter to the President-elect, from the Governing Board, Academic Director, as well as any LAS families, staff, and community partners that would like to be added as signatories, affirming that American ideals rooted in the LAS school mission contain core values that include liberty, equality, democracy, individualism, equity, unity, and diversity and that LAS will continue to safeguard those values.

Definitions

- “Citizenship or immigration status” means all matters regarding questions of citizenship of the United States or any other country, 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 or other federal agency charged with the enforcement of civil immigration law.

- “Immigration agent” shall mean an agent of U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, any individuals authorized to conduct enforcement of civil immigration laws under 8 U.S.C. §1357(g) or any other federal law, other federal agents charged with enforcement of civil immigration laws, and any successors.

- “Enforcement activities” include arrests; interviews; searches; surveillance; obtaining records, documents, and similar materials; and other actions for the purposes of immigration enforcement.

DATED: January 24, 2017

Board Member

Board Member

Board Member

Board Member

Board Member

Board Member

Board Member