

# Sample “Welcoming Schools” Resolution

from Pennsylvania Immigration Coalition, ACLU of PA, and Education Law Center

Whereas, the United States Supreme Court in Plyler v. Doe (1982), guaranteed all people, regardless of immigration status, the right to a K-12 public school education; and

Whereas, the [insert School Board] has a responsibility and commitment to ensure that all students who reside within its boundaries safely access a free public K-12 education, regardless of immigration status; and

Whereas, it is the policy of [DISTRICT] not to allow individuals engaged in immigration enforcement to enter non-public areas of a school, school property, or a school-sponsored event without a judicial warrant and to ensure that the educational setting is not disrupted; and

Whereas, any disruptions by ICE in and around public schools would create a severe disturbance to the learning environment and educational setting for all students; and

Whereas, this School Board recognizes that fearful students and parents run counter to the policy of providing a safe place for learning to all children; and

Whereas, in compliance with federal and state law, including 22 Pa. Code 11.11(d) the [DISTRICT] does not inquire into the immigration status of any student; and

Whereas, the Family Education Rights and Privacy Act (“FERPA”) protects the privacy of student education records and prevents schools from releasing student information without consent; and

Whereas, there is no written state or federal law that mandates local school districts to assist ICE in the enforcement of immigration laws; and

Whereas, under the Tenth Amendment, the federal government cannot coerce localities to enforce immigration laws.

## **THEREFORE, BE IT RESOLVED THAT:**

1. All schools within this district will be a welcoming place for students and families to seek help, assistance, information, and safety if faced with fear and anxiety about immigration enforcement.
2. Information about this resolution will be shared by schools to all faculty, parents, and students in multiple languages. Schools are also tasked with training employees on how to implement these policies. For parents and students who do not speak English, schools will provide appropriate language access services to ensure parents and students are aware of how this policy is being implemented and what it means for them.

3. It is the policy of this [DISTRICT], consistent with state law, that parents or guardians may establish a child's age and residency using a range of documents, and that schools are not permitted to inquire into the immigration status of students by requesting a U.S. passport or social security number and must be flexible in requesting documents to establish residency.
4. Any request by ICE for student information from any K-12 public school will be denied. Such requests will be sent to the Superintendent who, along with the School District's General Counsel (or the Law Department), will review the request and make a final decision on the matter. Information about students will not be shared unless affirmatively required by federal law.
5. Any request by ICE to have access to a school will be immediately directed to the Superintendent who will, along with the School District's General Counsel (or the Law Department), make a decision as to whether or not to grant the ICE official entry into the school. The ICE official must: (1) present their credentials, (2) have the proper judicial warrant, and (3) receive written authority from the Superintendent to enter any school.

## **Alternative Language**

The numbered paragraphs, at the end (numbers 1–5) of the sample “Welcoming Schools” Resolution, outline what a school is required to do. Given that all school districts are different, we offer multiple options for this language. This alternative language would be placed in the numbered paragraphs, after “THEREFORE, BE IT RESOLVED THAT,” at the end of your school board resolution.

### **Here are some choices:**

1. School employees will not inquire into the immigration status of students and parents, nor will they report any student's purported immigration status to ICE.
2. The Superintendent shall ensure all teachers, school administrators, and other staff are trained on how to implement this policy. Notification in multiple languages will be distributed to families to fully inform them of their rights in this District.
3. The Superintendent, along with other Administrators, will partner with community-based and legal services organizations to create a “Detention/Deportation Plan” to outline what the school and surrounding community will do if students or parents are targeted by ICE.
4. The Superintendent will, in good faith, begin to create physical spaces on school grounds for students and families to gather. These spaces will have information for parents and students regarding immigration issues and immigrant rights.
5. The Superintendent is encouraged to increase partnerships with local community-based organizations and legal services organizations to provide resources for families facing detention and deportation.

# Sample Policy Statement

## Statement From [School Board/District] to Parents, Students, Families, and Schools

[State] – This School District is committed to providing a safe and welcoming place for all K-12 students to learn and grow. We have a legal and moral obligation to provide a quality education to all of the students within our community. Such goals cannot be met with threats from U.S. Immigration and Customs Enforcement (ICE) upon our students and their families. This School District will not tolerate any disruptions to the safety and education its students deserve.

In this District, we take the legal and moral responsibility for providing quality free public education to all children seriously. We stand with all students, regardless of immigration status. In addition, this District will not condone bullying, discrimination, or any sort of animus against its students, parents, and community members on the basis of race, religion, ethnicity, sexuality, gender, or immigration status. We will work to ensure that all students and parents feel welcomed and accepted by taking affirmative steps to address issues with bullying and to work with the community to provide language support for families who need it. From this commitment, this District pledges to encourage its schools to:

1. Refrain from inquiring into a student's immigration status, both during admission, as prohibited 22 Pa. Code 11.11(d), and as general practice.
2. Protect student information to the fullest extent permitted by law. Any requests by immigration enforcement for student information will be forwarded to the Superintendent's Office for review, to ensure that the District abides by the Family Education Rights and Privacy Act ("FERPA").
3. Develop procedures to follow in the case of enforcement actions on school property to ensure that all schools uphold their duty to serve as a safe and welcoming learning environment for all students
4. Not allow any individual engaged in immigration enforcement enter non- public areas of the school without a judicial warrant. Requests by ICE to visit a school site will be forwarded to the Superintendent's Office for review. No ICE official will be allowed on a school site without affirmative written consent from the Superintendent's Office.

We believe that the diversity of our District is one of our community's most significant assets. We value and will continue to support all of our students and families.