



Protecting Our Students and Their Families

What are sanctuary and safe zone policies?

There's no universal definition for sanctuary and safe zone policies; however, these policies limit local and state law enforcement officers from implementing federal immigration laws. They bar local law enforcement from asking for proof of citizenship and arresting immigrants who lack proof of citizenship, and they allow local law enforcement to disregard requests from U.S. Immigration and Customs Enforcement (ICE) to indefinitely hold immigrants beyond their detention date unless they are suspected of committing other criminal offenses. Sanctuary and safe zone policies are not meant to offer safe harbor to criminals.

Schools, campuses, cities, municipalities and states have adopted a wide range of sanctuary and community trust policies to build trust between communities and local law enforcement. Sanctuary policies provide safe places of learning and communities to live free from discrimination, hate and the threat of deportation. It's important to note that sanctuary policies cannot prevent federal enforcement actions from taking place, but they can limit the degree in which immigrants are unfairly targeted and criminalized.

For more information, download the National Immigration Law Center's Sanctuary City Toolkit at www.nilc.org/issues/immigration-enforcement/sanctuary-city-toolkit.

What's the role of educators and school support staff in protecting and supporting immigrant students?

Educators, school support staff, community-based organizations and other service providers play a key role in defending the Deferred Action for Childhood Arrivals program and protecting undocumented students, refugees and their families from the threat of deportation. It's not only a moral obligation for educators and other school employees—it's the law. All children, regardless of immigration status, have a right to a K-12 education. Denying children residing in the United States an education based on their immigration status, or the immigration status of their parents or legal guardians, is illegal. These principles were established by federal laws and the historic U.S. Supreme Court case *Plyler v. Doe*.

Can K-12 school districts or individual schools prohibit the enrollment of undocumented students?

No, it's illegal to deny, deter or put in place practices that chill children's access to an education, including by reporting or threatening to report children to ICE. It's imperative that all school district officials and employees understand that if they report students to ICE, or otherwise discriminate against students on the basis of national origin, they could face liability for violating Plyler, the Family Educational Rights and Privacy Act, Titles IV and VI of the Civil Rights Act of 1964, and the constitutional rights of their students.

What can be done if a district or school employee is violating the law?

If you become aware that a school district or employee is discouraging students from enrolling or attending school, collaborating with ICE in any way or taking any other action that makes immigrant students feel unsafe due to their immigration status, please contact the AFT's human rights and community relations department at afthumanrights@aft.org or contact the AFT's legal department at 202-393-7472.

Why is passing a school board resolution in support of immigrant youth and families important?

Adopting a resolution is an effective way to reaffirm the district's commitment to the educational success of all students, to create welcoming places of learning, and to protect undocumented, refugee and immigrant students from the threat of deportation. These resolutions also help to protect educators and school support staff from being used as de facto immigration officers and provide governance protecting students in case the Department of Homeland Security's "sensitive locations" guidance, which limits ICE activity in schools and other locations, is rescinded or changed.

Here is sample resolution language that puts the safety and well-being of children first:

WHEREAS, the [name of the school district] is committed to creating safe, inviting places of learning and teaching, where all students and their families feel welcomed and protected; and

WHEREAS, in 1982, the U.S. Supreme Court ruled in *Plyler v. Doe* that every child has a constitutional right to a free public education, regardless of his or her immigration status or parents' immigration status, citing the equal protection clause of the 14th Amendment; and

WHEREAS, federal law requires public schools to protect students from discrimination and harassment based on race, color, religion, sex, national origin and disability; and

WHEREAS, ensuring that [name of the school district] schools are safe and inviting for all students and their families is a commitment and reaffirmation to the educational success of all students; and

WHEREAS, U.S. Immigration and Customs Enforcement raids and activities around schools, colleges and universities, early education centers, school bus stops and adult school facilities disrupt the learning environment and educational settings for students; and

WHEREAS, recent raids and deportations separating families have caused heightened fear and anxiety for many students and their families; and

WHEREAS, involving college and university campus police departments in enforcing federal immigration law will erode the cooperation and trust between local law enforcement and students; and

WHEREAS, no written state or federal law mandates local districts to assist ICE in the enforcement of immigration laws; and

WHEREAS, some states, cities, counties, higher education institutions and school districts 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:

RESOLVED, that the [name of the school board] of the [name of the school district] hereby declares that every school in our district will serve as a safe haven and welcoming place of learning and teaching, free from harassment, discrimination and the threat of deportation; and

RESOLVED, that every school and community center in the [name of the school district] will serve as immigration resource and information sites for students and their families; and

RESOLVED, that the board encourages the superintendent to increase and enhance partnerships with community-based organizations and legal services organizations that provide resources for families facing deportation, and to establish a rapid response network to assist children whose family members have been detained; and

RESOLVED, that, absent any applicable federal, state or local law, regulation, ordinance or court decision, and in absence of proof of criminal proceedings as determined by a law enforcement agency, the district shall abide by the following conduct:

- 1.** District personnel shall provide equitable school services to all students, including but not limited to meal programs, transportation and educational instruction;
- 2.** District personnel shall not inquire about the immigration status of students or their families;
- 3.** If parents or students have questions about their immigration status, school personnel shall not refer them to any office or representative of Immigration and Customs Enforcement;
- 4.** District and school employees shall adhere to the privacy rights guaranteed under the Family Educational Rights and Privacy Act, which prohibits schools from sharing student information without parental consent; and
- 5.** Any request by ICE for data, student files or permission to visit a school site shall be forwarded to the superintendent and general counsel for review; and

RESOLVED, that the [name of the school district] will offer legal support to immigrant students and their families, counseling services for students who have witnessed an ICE raid or who have had a family member detained, presentations to students and their family members on their rights, and

services to ensure 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.

For additional resources to support and protect undocumented students and their families, visit www.aft.org/immigration.