

Ms. Lubby Navarro, Board Member

SUBJECT: CONTINUED ADVOCACY AND PROTECTIONS FOR UNDOCUMENTED IMMIGRANT STUDENTS FROM FEDERAL IMMIGRATION AUTHORITIES AND OTHER LAW ENFORCEMENT AUTHORITIES ON SCHOOL GROUNDS } Revised

COMMITTEE: INNOVATION, GOVERNMENTAL RELATIONS & COMMUNITY ENGAGEMENT

LINK TO STRATEGIC BLUEPRINT: INFORMED, ENGAGED AND EMPOWERED STAKEHOLDERS

In *Plyler v. Doe* (1982) the U.S. Supreme Court held that it is unconstitutional to deny a free public education to children who are not legally admitted to the United States. As a result of this long-standing Supreme Court precedent, undocumented students have access to a free public education. Additionally, state and federal law, such as the Family Educational Rights and Privacy Act (“FERPA”) prohibit school districts from releasing or sharing personally identifiable information, including citizenship status, with respect to students enrolled in their schools with outside entities unless compelled by law. However, due to recent changes to U.S immigration policy, many students and their families enrolled at Miami-Dade County Public Schools, as well as families and students attending schools across the country, have experienced a heightened level of anxiety due to announced changes in U.S. immigration policy. } Revised

In order to safeguard undocumented children’s right to a free public education, several school districts around the country have implemented policies and/or passed resolutions pertaining to federal immigration and other law enforcement authorities on school grounds. These measures have been taken to alleviate the fear and uncertainty among many impacted communities. The presence of federal immigration authorities and other law enforcement on school grounds has the potential to disrupt the learning environment to which all students, regardless of immigration status, are entitled. Threats of legal action and particularly of separation and deportation against students and their families create severe emotional, psychological, and physical barriers to learning and education. } Revised

Through its policies and practices, this Board, our Superintendent and the District have made a long-standing commitment to provide educational opportunities for all students, regardless of their immigration status. Time after time, over many years, we have stood with students; and through advocacy, we have protected the sanctity of our schools. } Revised

Our public schools currently guarantee undocumented students the right to enroll and in accordance with law and Board Policy 5114, schools do not require undocumented students or their parents to divulge their legal status, present a social security number and are not obligated to enforce immigration laws. All students, regardless of their immigration status, have access to counselors may transfer from one school to another, are guaranteed the right to a free or reduced lunch if they otherwise qualify, and are provided the same services provided to all other students regardless of the immigration status.

In anticipation of parent and student concerns, the District has already taken strong proactive measures to reaffirm that our schools are safe places to learn and have reminded all school site administrators of important protocols. These communications were distributed January of this year and again as recently as last week in an effort to consistently ease the apprehension of students and parents.

It is in the best interest of the students, staff, families, and communities we serve that we take action, once again, to assure all students and families that our schools are a safe haven for all students. It is essential, that we codify the work we have done and take the necessary steps to determine if there is anything more the District can do. At the January 25, 2017 School Board Meeting, the board unanimously passed board item H-5 in support for reasonable immigration relief for undocumented students who have grown up in the United States and authorized the Superintendent to engage in dialogue with the new federal administration in support of reasonable immigration relief for undocumented students who have grown up in the United States, have good moral character, and are enlisted in the military or pursuing a college education. Subsequently to this action, the Superintendent of Schools has followed up with the White House advocating for all children protected under the previous administration's executive order.

This item seeks Board approval to request that the Superintendent, with the assistance of the School Board Attorney review current local, state, and federal policies and protocols pertaining to immigration and law enforcement authorities on school grounds to ascertain what additional actions, if any, the District may advocate for at all levels of government to safeguard undocumented immigrant students' right to a free public education. In addition, the U.S. Immigration and Custom Enforcement's (ICE) longstanding policy states that it will not conduct immigration enforcement activity on school campuses. However, appropriate procedures, should be developed to instruct school sites to seek approval from School Police and/or the School Board Attorney's Office if any immigration agent seeks access to the school site or requests parent or student information.

Additionally, upon the District's review of its policies and procedures, the District shall distribute guidelines to parents, students, and employees by appropriate means of communication and collaborate with community organizations on joint advocacy efforts.

This item has been voluntarily submitted for review to the School Board Attorney and has been approved as to form and legal sufficiency.

Added

Added

Revised

**ACTION PROPOSED BY
LUBBY NAVARRO:**

That The School Board of Miami-Dade County, Florida reaffirm the Board's and Superintendent's work over the last several years, advocating for the rights of undocumented students and their families and request that the Superintendent, with the assistance of the School Board Attorney:

1. continue to ensure that the District and all school sites are safe havens for all students, particularly undocumented children, whose immigration status or that of their parents' makes them uniquely vulnerable, and
2. review current local, state, and federal policies and protocols pertaining to immigration and law enforcement authorities on school grounds to ascertain what additional actions, if any, the District may advocate for at all levels of government to safeguard undocumented immigrant students' right to a free public education, and
3. continue to distribute guidelines to parents, students, and employees, by appropriate means of communication, and
4. collaborate with community organizations on joint advocacy efforts.

Revised

Added