



*The School Board of Broward County, Florida*

# RESOLUTION

No. 17-98

RESOLUTION DESIGNATING THE **SCHOOL BOARD OF BROWARD COUNTY, FLORIDA** AS AN INCLUSIVE, SAFE AND WELCOMING DISTRICT ENSURING A PROTECTED SPACE AND ENVIRONMENT FOR ALL STUDENTS REGARDLESS OF IMMIGRATION STATUS, RELIGION, OR COUNTRY OF ORIGIN TO LEARN AND THRIVE

**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 clause of the Fourteenth Amendment;

**WHEREAS**, it is the right of every child, regardless of immigration status, to access a free public K-12 education and the **School Board of Broward County, Florida** welcomes and supports all students;

**WHEREAS**, The **SCHOOL BOARD OF BROWARD COUNTY, FLORIDA** has a responsibility to ensure that all students who reside within its boundaries, regardless of immigration status, religion or country of origin, can safely access a free public K-12 education;

**WHEREAS**, federal immigration law enforcement activities, on the District's school property, in District buses, and/or at education-related activities, whether by surveillance, interview, demand for information, arrest, detention, or any other means, harmfully disrupt the learning environment to which all students, regardless of immigration status, are entitled, and significantly interfere with the ability of all students, including U.S. citizen students, and students who hold other legal grounds for presence in the U.S., to access a free public K-12 education;

**WHEREAS**, through its policies and practices, the District has made a commitment to a quality education for all students, which includes a safe and stable learning environment, means of transportation to and from school sites, the preservation of classroom hours for educational instruction, and the requirement of school attendance;

**WHEREAS**, U.S. Immigration and Custom Enforcement's (ICE) longstanding policy states that it will not conduct immigration enforcement activity at any sensitive location, which includes schools and college/university campuses, without special permission by specific federal law enforcement officials, unless exigent circumstances exist;



**WHEREAS**, Immigration enforcement activities at schools would create hardships and barriers to health and educational attainment, and a pervasive climate of fear, conflict and stress that affects all students in our District schools, in District buses and/or at education-related activities, regardless of their background or status, such that children who have a status but whose family members, friends, or schoolmates do not, and students who are themselves undocumented, are all affected and at risk;

**WHEREAS**, educational personnel are often the primary sources of support, resources, and information to assist and support students and student learning, which includes their emotional health;

**NOW, THEREFORE, BE IT RESOLVED** that the Board declares the District's schools, District buses and/or at education-related activities, to be a Safe Place for its students, meaning that the District is a place for students to learn, to thrive and to seek assistance, information, and support related to immigration law enforcement.

**RESOLVED FURTHER**, immigration enforcement activities will not be conducted on school campuses; unless exigent circumstances exist, as defined by U.S. Department of Homeland Security;

**RESOLVED FURTHER**, that the state, local or school law enforcement agencies acting on behalf of ICE, or agents or officers for any federal, state, or local agency attempting to enforce federal immigration laws, the District shall abide by the following conduct to ensure the District meets its duty to provide all students, regardless of immigration status, access to a free public K-12 education:

1. District personnel shall not inquire about or record, a student's, student's parent or guardian or eligible student's immigration status. If a student or family member self-discloses their immigration status, no record shall be kept of the disclosure.
2. Should ICE or other immigration law enforcement agents request any student information, the request shall be referred to the General Counsel's Office to ensure compliance with Family Educational Rights and Privacy Act (FERPA).
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 is prohibited. This includes 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 a student's educational record, unless permission is granted in writing by an eligible student or student's parent or guardian.
4. The District will ensure compliance when immigration enforcement requests information.





5. Any request by immigration agents or to access a school site shall be immediately forwarded to the General Counsel for review and a decision on whether to allow access to the site will ensure District compliance with *Plyler v. Doe* and other applicable laws. The request must be provided with adequate notice so that the School District Administration 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 General Counsel will be contacted and will follow appropriate procedures including asking for credentials, why access is being requested, and asking to see a judicial warrant.
  - b. Immigration agents must provide written authority from ICE directing them to enter District school property, its District buses, and/or at education-related activities as well as a judicial warrant.
  
6. The District in coordination with community-based organizations will offer (a) support to immigrant students and their families; (b) counseling that adequately acknowledges the impact of immigration status on students and their family members; and (c) Know Your Rights presentations to students and parents in language spoken by the parent, if possible; and (d) the District will ensure that students are aware of opportunities to gain access to college, in-state tuition, out-of-state fee waivers for undocumented students, financial aid, scholarships, internships and career opportunities, regardless of their status.

**RESOLVED FURTHER**, that the District shall, in coordination with community-based organizations, within 60 days of the date of this Resolution, create a Safe Place Plan to prepare in the event a minor child or eligible student attending school in the District is deprived of adult care, supervision, or guardianship outside of school due to a federal law enforcement action, such as detention by ICE or possible or pending deportation;

**RESOLVED FURTHER**, it continues to be the policy of the District not to allow any individual or organization to enter a school site if the educational setting would be disrupted by that visit;

**RESOLVED FURTHER**, the District shall post this Resolution on every school site and share it with District staff, after school providers and service providers who contract with the District, students and parents using usual means of communication, and that the Resolution will be translated into the district's top languages, where feasible;

**RESOLVED FURTHER**, copies of this resolution shall be transmitted to the Florida School Boards Association, Broward County Board of County Commissioners, the Broward County State Legislative Delegation and other state and federal elected officials when deemed necessary.



**NOW, THEREFORE BE IT RESOLVED**, that The School Board of Broward County, Florida, hereby extends its support of the intent of the

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and urges all schools, centers, and departments within its jurisdiction to support this District-wide observance.

Given at Fort Lauderdale, Florida, this 7<sup>th</sup> day of March, 2017

**THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA**

**BY:** \_\_\_\_\_

Abby M. Freedman, Chair

**ATTEST:** \_\_\_\_\_

Robert W. Runcie, Superintendent of Schools





## **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 actions” include arrests; interviews; searches; surveillance; obtaining records, documents, and similar materials; and other actions for the purposes of immigration enforcement.