

Resolution No. 2017-18: 127

*ACCESS TO EDUCATION, STUDENT PRIVACY, LAW AND IMMIGRATION ENFORCEMENT
POLICY - 5600*

WHEREAS, it is the right of every child, regardless of immigration status, to access a free public K-12 education and the District welcomes and supports all students;

WHEREAS, the District has a responsibility to ensure that all students who reside within its boundaries, regardless of immigration status, can safely access a free public K-12 education;

WHEREAS, law enforcement activities, whether by federal immigration officials or state or other federal agents on or around District property and transportation routes, whether by surveillance, interview, demand for information, arrest, detention, or any other means, may disrupt the learning environment to which all students, regardless of immigration status, are entitled, and may 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, various parents and students have expressed to the District fear and confusion about the continued physical and emotional safety of all students and the right to access a free public K- 12 education through District schools and programs;

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;

WHEREAS, the Policy Development and Review Committee of the Board of Education received and has recommended to the Board of Education the adoption of the Access to Education, Student Privacy, Law and Immigration Enforcement policy (5600) in accordance with Board Policy 2410, "Formulation, Adoption and Amendment of Policies"; therefore be it

RESOLVED, that the Board of Education hereby adopts **Policy 5600, "Access to Education, Student Privacy, Law and Immigration Enforcement"**, as set forth in the Policy filed with the Clerk of the Board, and incorporated by reference herein, and directs that the Clerk update the Rochester City School Board Policy Manual accordingly.

BE IT FURTHER RESOLVED, that the U.S. Immigrations Enforcement Office (ICE), state or local law enforcement agencies acting on behalf of ICE, or agents or officers for any federal, state, or local agency attempting to enforce federal immigration (or other) laws, are to follow District Policy 5600, attached to and incorporated in this Resolution, to ensure the District

meets its duty to provide all students, regardless of immigration status, access to a free public K-12 education;

BE IT FURTHER RESOLVED, that the Board declares the District to be a place for students to learn, to thrive and to seek assistance, information, and support related to any law enforcement activity that interferes with their learning experience;

BE IT FURTHER RESOLVED, 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; any request by ICE or other law enforcement agencies to visit a school site should be presented to the Superintendent's Office and the Office of General Counsel for review as to whether access to the site is permitted by law, a judicial warrant is required, or any other legal considerations apply; this review should be made expeditiously, but before any law enforcement agent or officer is granted access at a school site;

BE IT FURTHER RESOLVED, in its continued commitment to the protection of student privacy, the District shall review its record-keeping policies and practices to ensure that no data is being collected with respect to students' immigration status or place of birth; and cease any such collection as it is irrelevant to the educational enterprise and potentially discriminatory;

BE IT FURTHER RESOLVED, should ICE or other law enforcement agents request any student information, the request should be referred to the Superintendent's Office and the Office of General Counsel to ensure compliance with the Family Educational Rights and Privacy Act (FERPA), student constitutional privacy, standards for a judicial warrant, and any other limitation on disclosure; this review should be conducted expeditiously, but before any access or production of information is made;

BE IT FURTHER RESOLVED, the District shall post this Resolution at every school site and distribute it to District staff, students, and parents using usual means of communication, and that the Resolution will be translated into all languages spoken by students at home;

BE IT FURTHER RESOLVED, in the event law enforcement personnel request access to a school site or request student information, the Superintendent shall report back to the Board at its next meeting on compliance with this Resolution.

Seconded by Member of the Board