



Los Alamos Public Schools School Board Resolution

Title: Citizenship Status of Students and Staff

WHEREAS, the Los Alamos Public Schools (LAPS) welcomes all students and has a responsibility to ensure that all enrolled students, regardless of immigration status, can safely access a free public education; and

WHEREAS, the Los Alamos School Board has a strategic plan that includes a focus on student and staff well-being; and

WHEREAS, The United States Supreme Court held in *Plyer 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 rights of the Fourteenth Amendment; and

WHEREAS, U.S. Immigration and Customs Enforcement's (ICE) longstanding policy states that it will not conduct immigration enforcement activity at any sensitive location, including on school property, at education-

related activities or events, and at bus stops, during periods when school children are present at the stop, unless exigent circumstances exist or without special permission from specific federal law enforcement officials; and

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

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

WHEREAS, licensed support personnel such as counselors and social workers, as part of their support to students and families, have a professional and ethical responsibility within the scope of their license to provide information regarding District and community resources; and

WHEREAS, through its policies and practices, LAPS has made a commitment to a quality education for all students, which includes a safe and stable learning environment.

NOW, THEREFORE, BE IT RESOLVED that the School Board encourages the Superintendent to enhance partnerships with non-profit

community-based organizations who provide resources to families faced with fear and anxiety about immigration enforcement efforts; and

BE IT FURTHER RESOLVED, that all students, regardless of immigration status, who register for or seek to participate in any and all benefits of a LAPS public education, receive all such school benefits and services to which they are otherwise entitled, including free or reduced-cost meals, transportation, health care treatment from the school nurse, extracurricular activities and educational services, and that no school district staff shall take any steps that would deny students access to education based on their immigration status or that would “chill” the rights of any student to the benefits of a LAPS public education;

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

BE IT FURTHER RESOLVED, that the Board directs the Superintendent to communicate to District personnel the expectation that District personnel not report undocumented students to ICE, including B-2 visa bearers who

attempt to attend school, and should ICE or other immigration law enforcement agents request any student information, the request shall be referred to the Superintendent's Office 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 will be conducted before any production of information is made; and

BE IT FURTHER RESOLVED, that the Superintendent shall post this Resolution on the LAPS website and distribute it using usual means of communication; and

BE IT FURTHER RESOLVED, that the Board affirms that certified employees have the academic freedom to discuss this Resolution during class time, provided the discussion is age-appropriate and does not promote political candidates or partisan activities; and

BE IT FURTHER RESOLVED, that any third party providing services on behalf of the District through contractual or other arrangements, including nonacademic and extracurricular services and activities, shall be notified of this Resolution and required to abide by it.

ADOPTED at a Regular Meeting of the Los Alamos School Board, October 10, 2017, by the following vote:

MEMBERS FOR RESOLUTION

Jennifer E. McCumber
Paul Ryan

Ellen S. Ben-Naim

William Ray Harg
[Signature]

MEMBERS AGAINST RESOLUTION

ATTEST

By: Ellen S. Ben-Naim

Los Alamos School Board Secretary