

Resolution 1617R-007

By Directors Tatiana Joseph and Larry Miller

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 children and society itself and the equal protection rights of the Fourteenth Amendment;

WHEREAS, The vision of the Milwaukee Public Schools states, “Schools will be safe, welcoming, well-maintained, and accessible community centers meeting the needs of all”; and

WHEREAS, MPS Administrative Policy 1.04 states, “No person may be denied admission to or participation in the benefits of any public school in the Milwaukee Public Schools, or be discriminated against in any curricular, extracurricular, student service, recreational, or other program or activity, because of the person’s sex, race, color, national origin, ancestry, creed, religion, pregnancy, marital or parental status, sexual orientation, or physical, mental, emotional, or learning disability or handicap, or any other characteristic protected by law”; and

WHEREAS, The aforementioned applies to all MPS students without exception, regardless of the immigration status of a student or family; and

WHEREAS, Through its policies and practices, the District has made a commitment to provide 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; and

WHEREAS, It is the policy of Milwaukee Public Schools not to allow any individual or organization to enter a school site if the educational setting would be disrupted by that visit; and

WHEREAS, Parents and students have expressed to Milwaukee Public Schools 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; and

WHEREAS, Numerous students whose education, safety, emotional well-being, and family relationships are at risk because of their immigration status are, and will in the future be, enrolled in Milwaukee Public Schools; and

WHEREAS, Milwaukee Public Schools believes that it is in the best interests of the students, staff, families, and the community of Milwaukee Public Schools that it take action to assure all students and families that disruptions to the educational environment that the actions of Immigration and Customs Enforcement (ICE) may create will be opposed by all legal means available; and

WHEREAS, No written state or federal law mandates that local districts assist Immigration and Customs Enforcement (ICE) in the enforcement of immigration laws; now, therefore, be it

RESOLVED, That the Milwaukee Board of School Directors declare Milwaukee Public Schools (the District) to be a safe haven for its students and families threatened by immigration enforcement or discrimination, to the fullest extent permitted by the law; and be it

FURTHER RESOLVED, That as a Safe Haven the Board directs the Superintendent to:

1. within the next 30 days create a Rapid Response Team in partnership with community-based organizations, legal-service providers, and social services to assist students and family to prepare in the event a minor child 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 a cooperating law-enforcement agency;

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2. create bilingual Know-Your-Rights presentations for students and family members to cover their rights regarding interactions with law-enforcement and immigration agents;
3. designate a faculty or counselor in each school who is to serve as a resource for immigrant students and their families and establish at least one resource person in Central Office who is to be trained to serve as a immigrant liaison, with expertise in immigrant and undocumented populations;
4. establish all K-12 schools, early education centers, adult schools, and parent centers as resource and information sites for immigrant students and families;
5. work with City/County representatives to establish a Safe Haven perimeter within which families will feel safe in bringing their children to school; and
6. create and offer professional development opportunities for Central Office staff, administrators, guidance counselors, teachers, and paraprofessionals about the pathways to citizenship, opportunities available for college and training, financial aid, rights, and opportunities for immigrant and refugee students; and be it

FURTHER RESOLVED, That the Superintendent, upon notification of the intent of Immigration and Customs Enforcement (ICE) officers or other immigration-law-enforcement personnel to enter a district school, shall take the following steps to provide for the emotional and physical safety of students and staff:

- request and make photocopies of identification from the officers or agents;
- request and make photocopies of a judicial warrant;
 - If no warrant is presented, request the grounds for access, make notes, and contact legal counsel for the District;
- request and retain notes of the names of the students and the reasons for the request;
- If school-site personnel have not yet contacted the student's parents or guardians, do so;
- do not attempt to provide information or conjecture about the students, such as their schedule, for example, without legal counsel present;
- provide the agents with a copy of this Resolution 1617R-007;
- contact legal counsel for the District;
- request the agents' contact information; and
- advise the agents that you are required to complete these steps prior to allowing them access to any school site or student data; and be it

FURTHER RESOLVED, That unless specifically required by a valid court order, district employees, contractors, volunteers, and representatives shall not use district resources for the purpose of detecting or assisting in the apprehension of persons whose only violation of law is or may be being an undocumented resident in the United States, or failing to produce documents authorizing residency in the United States; and be it

FURTHER RESOLVED, That unless specifically required by a valid court order, or subsequent to receiving a signed release, district employees, contractors, volunteers, and representatives shall not report any information about a student's or parent's immigration status; and be it

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FURTHER RESOLVED, That district employees, contractors, volunteers, and representatives shall refrain from requiring any student or parent to produce documentation regarding immigration status; and be it

FURTHER RESOLVED, That district employees, contractors, volunteers, and representatives shall not, unless compelled by a valid court order, or subsequent to receiving a signed release, disclose to Immigration and Customs Enforcement (ICE) officers or to any other person or entity any information about a student's or family's immigration status; and be it

FURTHER RESOLVED, That district employees, contractors, volunteers, and representatives shall not, unless compelled by a valid court order, or subsequent to receiving a signed release, disclose to Immigration and Customs Enforcement (ICE) officers or to any other person or entity any information about any district student that is protected by the Family Educational Rights and Privacy Act (FERPA); and be it

FURTHER RESOLVED, That no Immigration and Customs Enforcement (ICE) officers or other immigration-law-enforcement personnel shall be granted immediate access to any district school for the purpose of enforcing immigration laws and shall be referred immediately to the Superintendent; and be it

FURTHER RESOLVED, That the District shall review its record-keeping policies and practices to ensure the highest level of protection of student privacy; and be it

FURTHER RESOLVED, That the Board direct the Administration to conduct a full review of the District's policies, procedures, and practices to ensure complete alignment with the Safe Haven declaration in all areas of district operations; and be it

FURTHER RESOLVED, That 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 shall be translated into all languages spoken by students at home; and be it

FURTHER RESOLVED, That any policies or procedures needing updates or revisions to reach full alignment with the Safe Haven declaration be brought to the Board for referral no later than the April 2016 Board cycle.

February 23, 2017