

Safe and Supportive Learning Environment for All Students

An Overview of the Issue and District Resolution

(Copy of Resolution 2016/17 #54 is posted on the District Website)

Updated Presentation with Recent DACA Information



FULLERTON JOINT UNION HIGH
SCHOOL DISTRICT

Teacher Information: October 9, 2017

The Fullerton Joint Union High School District Resolution #54 Safe and Supportive Learning Environment for All Students

The Resolution, passed on June 20, 2017, states:

WHEREAS, a fundamental underlying premise of the Fullerton Joint Union High School District (District) is that high quality education for every student is essential to maintain and build America's strength, prosperity and well-being, democracy, international competitiveness, while also enhancing the development of our communities, and,

WHEREAS, the District serves a very diverse student population, with student family origins spanning multiple continents, families speaking many languages, and including students and families with varying immigration status, and

WHEREAS, the District prioritizes the safety of all our students, staff members, and guests at each of our schools and facilities, and,



Safe and Supportive Learning Environment for All Students



WHEREAS, the District recognizes and supports its legal obligation to provide its full education programs and resources to serve all students within the District, regardless of immigration status, and,

WHEREAS, the District is committed to the success of all our students and supporting our students' overall learning environment, and,

WHEREAS, the District recognizes the concerns and fear that segments of our students face regarding their safety and their families' safety and/or potential separation, and,

WHEREAS, the District and its Trustees are obligated to operate consistently with the Constitutions and the laws of the State of California and the United States of America, and,

WHEREAS, the District has an obligation to properly handle and limit sensitive student information that is collected to support students' education and does not have the requirement to obtain and collect immigration status related data.

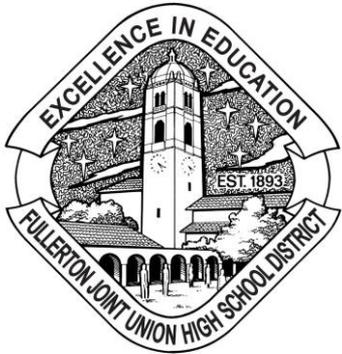
Safe and Supportive Learning Environment for All Students

NOW THEREFORE BE IT RESOLVED that the Fullerton Joint Union High School District Board of Trustees directs the Superintendent to support and implement the continued efforts for maintaining a safe, supportive school and learning environment for all our District's students. This process will include, but not be limited to, the following items:

A. Provide a Positive and Safe Environment. Update as needed and continue to follow the District Comprehensive School Safety Plans and corresponding procedures for the safety of all our students, staff, and guests, and for a positive, supportive learning environment, at all District schools and facilities consistent with the guidance of this resolution.



Safe and Supportive Learning Environment for All Students



Any unauthorized visitors should be reported to site administration

B. Manage Campus Access and Educational Disruptions. Update as needed and continue to follow the established procedures for controlling outsider entry to District schools and facilities, as well as access to students, so as to provide student safety and protection as well as limiting disruption to the learning environment, consistent with state and federal laws. In the case where a requested outsider entry to District campuses could potentially affect safety or the immediate educational environment, such as from facility access by various state and federal agencies such as Immigration and Customs Enforcement (ICE), approval by the Superintendent or designee must be provided prior to permitting campus access. The procedures should not prohibit lawful enforcement operation when there is an exigent circumstance or when appropriate documentation, such as a lawful court order or warrants or subpoenas **signed by a judge**, is provided.

Safe and Supportive Learning Environment for All Students

C. Minimize, Protect, and Update Sensitive Student Data. Update as needed and continue to follow Administrative Regulation 5311 procedures that:

(1) limit sensitive student data maintained by the District to the minimum required by law unless certain data is essential to the effectiveness of the student's educational programs and progress.

(2) control and limit external access to, and sharing of, such data.

(3) electronically and procedurally protect the data.

(4) help assure that the student related data maintained by the District is accurate and up to date. As part of this, the District will identify what sensitive student data the District maintains and not maintains, how and by whom the data will be allowed to be accessed, and the security measures (procedural and electronic) that will be used to protect the data and its access, consistent with law and student safety risk considerations.



Safe and Supportive Learning Environment for All Students

D. Provide Effective Staff Development. Continue to conduct appropriate staff training with all employees to provide them with the guidance they will need to conduct themselves properly within the District's approach to this Resolution and to cover various situations they may realistically face.



Safe and Supportive Learning Environment for All Students



E. Conduct Effective and Thorough Communication with the Full Set of Stakeholders. Communicate the District's strong commitment to the ideals and practice of an inclusive and safe educational environment. Communication methods would include, at minimum, written memoranda, website publication, meetings with staff members, parents and students at each school, parent meetings including PTA, ELAC, School Site Council, Student Advisory Committees, and FAQ's to parents. Communication will be provided in the three primary languages of the District as needed, namely Spanish, Korean, and English, and interpretation services will be provided upon request at community meetings. Written communication will also include discussion of the legal guidelines and protections for all potential affected students and parents or guardians. Additionally, information will be provided regarding guidance to parents and guardians, staff members and students concerning recommended measures to be taken regarding custody of a student if a parent has been separated.



Background: Undocumented Students and Families: The Facts Student Rights

(Source: Fagen, Friedman & Fulfroost, LLP and ACSA)

What rights do undocumented students have?

- Right to attend school and, are mandated to attend (Ed Code Sec 48200)
- All students have a right to education free from discrimination, harassment, bullying, violence, and intimidation (Ed Code Sec 220, 234 et seq.)

What student information do schools currently collect, and would it provide insight into immigration status?

- Schools districts are **not required** to (and the **District does not**) collect information regarding a student's immigration or legal status, except exchange students, ie. F-1 or M-1 Visa.
- Schools are required to collect **proof of residency**.
- **The EJUHSD District Aeries system DOES NOT contain immigration information on any student.**

Background:

Undocumented Students and Families: The Facts Parent Rights

(Source: Fagen, Friedman & Fulfroost, LLP and ACSA)

All parents, irrespective of legal status, have a right to participate in their children's education.

If a parent is in custody as the result of an immigration enforcement, are districts required to release the student to ICE or other immigration officials?

- **No.** School districts are not required to release students into the custody of ICE if their parent is in custody. If a parent is concerned about this possibility, they should make arrangements for an **authorized caregiver** to be responsible for the student should the parent be detained.
- Parents should make provisions for an **authorized caregiver** should they be separated from their children. The District will provide a link to such forms, but cannot accept such paperwork. The caregiver affidavit is to be provided to a trusted family member or friend.





Undocumented Students and Families: The Facts **Staff** Rights

(Source: Fagen, Friedman & Fulfroost, LLP and ACSA)

Must we allow Immigration Customs Enforcement (ICE) and other government authorities on campus?

- Depends. School districts have the right to limit the amount of disruption to the learning environment and ensure the safety of their staff and students, which may include denying an individual from accessing a campus during school hours (Ed Code Sec 32212, 35160). Any and all visitors must follow established visitor protocols. Access will be provided only if the ICE officer provides a **court order signed by a judge.**

Are we required to allow ICE, police, or other government authorities to have access to student records?

- Access to student records should only be allowed if the requesting agency has a valid court order or subpoena (signed by a judge) in compliance with FERPA or immigration laws (8 U.S.C. Sec 1225; 34 CFR Sec 99.31(a)(9)(i); Ed Code Sec 49076; 49077). The District must make reasonable efforts to notify parents prior to the release of information.
- The USA Patriot Act added an extension to FERPA to mandate the disclosure of educational records to a federal Att. Gen. through a judicial order based on an investigation of suspected terrorist activities (20

DACA Update

Source: State Superintendent Torkelson



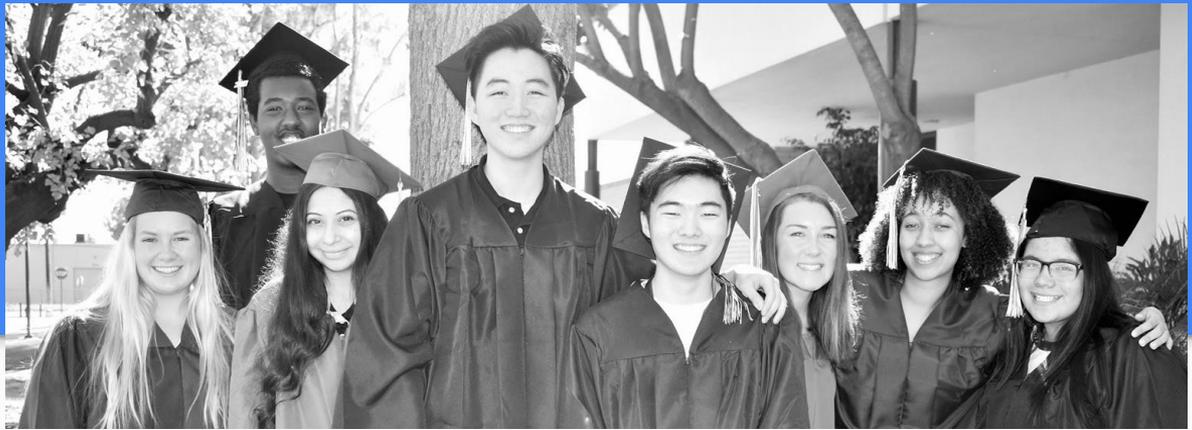
On Sept. 5, U.S. Attorney General Jeff Sessions announced that, without action by Congress to approve legislation to formally create or replace the Deferred Action for Childhood Arrivals (DACA) program, the administration would end DACA by March 2018. The decision created concerns for educational impact to students in school districts and county offices of education throughout the state.

California has long been a beacon for people from across the country and around the world. Our state's public schools pride themselves on welcoming and serving all students, regardless of race, socioeconomic background, gender identity, religion or citizenship. This is a civic and legal duty that both our education leaders and elected representatives are bound to uphold.

Our school district and county boards of education have policies in place to prevent discrimination or harassment of students on the basis of their immigration status. This includes unauthorized persons on campus. Teachers are reminded that any unauthorized visitors should be reported to site administration.

DACA Update

Source: CSBA



California's public schools have a unique mission to help all students succeed in college, career and civic life. This responsibility is reinforced, in a legal context, by the landmark Supreme Court decision in *Plyler v. Doe*. In that ruling, the Court held that school districts must not discriminate on the basis of race, color, or national origin, and that students not be barred from enrolling in schools on the basis of their immigration status or that of their parents. Immigration status can create emotional stress and fear for both undocumented students as well as for students who are citizens or residents but have family members or friends who are undocumented. The rights and responsibilities of school districts to educate students impacted by immigration status have received renewed attention due to recent developments at the federal level.



Guidance to Site Staff Members Related to Board Resolution: Safe and Supportive Learning Environment

- Update and follow the District and school site Comprehensive School Safety Plan
- Minimize, protect, and update sensitive student data. Confidentiality of all student information (esp. immigration status data)
- Provide effective staff development for all staff members
- Train all site administrators, office staff members, and counselors on how to respond to ICE visitors
- Manage access of visitors on campus (especially ICE)
- Conduct effective and thorough communication with all stakeholders- translated communiques, use of social media in a protective manner of student identities, sharing of legal guidelines, and suggested measures for parents to take regarding custody if a parent is separated from child.
- Ensure all office staff are aware of District policy



Thank you for ensuring the Safe and Supportive Learning Environment for All Students in the Fullerton Joint Union High School District.