“SAFE LOCATIONS” POLICY

Background

LACOE is the nation’s largest regional education agency, providing support to 80 public school districts and numerous other agencies that work to ensure educational excellence for the region’s two million preschool and school-age children. LACOE is committed to the success of all students regardless of their immigration status or citizenship, and believes that every school site should be a welcoming place for all students and their families. It is LACOE policy that all students have a right to attend school free of bullying, intimidation, and discrimination.

California’s public schools have a unique mission to help all students succeed in college, career, and civic life. This responsibility is reinforced by the landmark Supreme Court decision in *Plyler v. Doe*, in which the U.S. Supreme Court held that school districts must not discriminate on the basis of race, color, or national origin, and that school districts have a constitutional mandate to educate all students residing within their jurisdictional boundaries, regardless of their citizenship status. Thus, undocumented immigrant children have a right to education. The right to education is a fundamental right under the California Constitution and state entities have a duty to protect against the loss of basic educational equality. See, *Butt v. State of California*, 4 Cal.4th 668, 704 (1992).

The California Department of Education has declared California public schools as welcoming, safe places for learning and teaching for all students, reaffirming federal regulations and state law that prohibit educational agencies from disclosing personal, identifiable student information to anyone, including law enforcement, without consent of a parent or guardian, or a court order or lawful subpoena, or other specific circumstances.

Schools are required to afford all students equal rights and opportunities and cannot deny these opportunities based on any characteristic, including citizenship, religion, country of origin, or national origin.

The prospect of immigration enforcement in schools creates emotional stress and fear for many LACOE students. Because of the vulnerability of the students or their families, public displays of enforcement can subject students, both citizen and immigrant, to unnecessary anxiety and trauma. Without question, that stress or trauma affects learning.

For these reasons, LACOE has a compelling interest in ensuring that its employees are trained and equipped to provide educational services safely and efficiently to all LACOE students or others without unnecessary or unwarranted disruptions.

Recognizing that the provision of services to students is integrated into many duties performed by staff in a variety of locations, and that the constitutional interest protected by *Plyler* can be affected by ICE enforcement at various venues so as to chill the students’ exercise of their constitutional right, this policy applies to all LACOE staff.
“SAFE LOCATIONS” POLICY (continued)

Policy

LACOE defines sensitive or safe locations to include its schools, official activities of its schools, including those occurring in public places and adjacent areas, and all LACOE property, including but not limited to, facilities owned, controlled, or leased by LACOE. This includes access to and egress routes, where crossing guards are located, as well as bus stops. LACOE staff may not expend LACOE time and resources in support of immigration law enforcement at LACOE sensitive or safe locations. Such actions would violate students’ Constitutional right to access to education and rights to a safe school environment, and create potential liability.

Procedures

Inquiries regarding this policy may be directed to the Office of General Counsel at 562-922-6123.

Immigration enforcement tactics in theory may include speaking or interrogating staff or students, asking for school files, or seeking information about students or staff. If contacted by a federal immigration officer attempting to carry out any immigration enforcement or investigation activities at any LACOE safe location, the following applies:

Staff shall request documentation from the officer and immediately inform the officer that the staff member is not authorized to grant the officer access because all requests must be reviewed by the Office of General Counsel.

Staff shall attempt to personally escort the officer to the main office and provide the officer a copy of this policy. Staff will then contact their supervisor.

Staff shall not physically interfere or engage with the officer if the officer refuses to be escorted to the main office. Instead, staff is directed to immediately report the officer’s presence to a supervisor in the main office.

Staff shall immediately inform a supervisor of the situation. The supervisor shall in turn immediately contact the Office of General Counsel and provide a copy of any documentation given by the immigration officer. If a supervisor is not available, the staff person shall make immediate contact with the Office of General Counsel and provide a copy of any documentation presented by the immigration officer.

The Office of General Counsel will advise staff of the appropriate response, given the circumstances. Absent a judicial warrant, unless otherwise required by law, LACOE will not provide documents or other information.
Any communication by a school or school personnel concerning confidential pupil information protected by FERPA, state law, or Board Policy 5022, is prohibited, unless permission is granted by the student or student’s parent or guardian, or a medical emergency or exigent circumstances exist.

(cf. 5022 - Student and Family Privacy Rights)

The Office of General Counsel will respond to all staff inquiries at the time they are made.

LACOE will provide training to staff concerning this policy and its implementation.

Nothing in this policy restricts or prohibits employees from complying with Sections 1373 and 1644 of Title 8 of the United States Code or any other federal, State, or local law.

Legal Reference
EDUCATION CODE
49602 Confidentiality of pupil information
200 et seq. Equal rights and opportunities in the educational institutions of the state for all pupils
STATE CONSTITUTION
California Constitution, Article I, Section 7(a) and Article IV, Section 16(a)
California Constitution, Article IX, Section 1
UNITED STATES CODE, TITLE 20
1232g Family Educational Rights and Privacy Act
CASES
Butt v. State of California, 4 Cal.4th 668 (1992)
WEB SITES
CSBA: http://www.csba.org