



# Protecting Our Students *and* Their Families

## What are sanctuary and safe zone policies?

There's no universal definition for sanctuary and safe zone policies; however, these policies limit local and state law enforcement officers from implementing federal immigration laws. They bar local law enforcement from asking for proof of citizenship and arresting immigrants who lack proof of citizenship, and they allow local law enforcement to disregard requests from U.S. Immigration and Customs Enforcement (ICE) to indefinitely hold immigrants beyond their detention date unless they are suspected of committing other criminal offenses. Sanctuary and safe zone policies are not meant to offer safe harbor to criminals.

Schools, campuses, cities, municipalities and states have adopted a wide range of sanctuary and community trust policies to build trust between communities and local law enforcement. Sanctuary policies provide safe places of learning and communities to live free from discrimination, hate and the threat of deportation. It's important to note that sanctuary policies cannot prevent federal enforcement actions from taking place, but they can limit the degree in which immigrants are unfairly targeted and criminalized.

## What's the role of educators and school support staff in protecting and supporting immigrant students?

Educators, school support staff, community-based organizations and other service providers play a key role in defending the Deferred Action for Childhood Arrivals program and protecting undocumented students, refugees and their families from the threat of deportation. It's not only a moral obligation for educators and other school employees—it's the law. All children, regardless of immigration status, have a right to a K-12 education. Denying children residing in the United States an education based on their immigration status, or the immigration status of their parents or legal guardians, is illegal. These principles were established by federal laws and the historic U.S. Supreme Court case Plyler v. Doe.



## **Can K-12 school districts or individual schools prohibit the enrollment of undocumented students?**

No, it's illegal to deny, deter or put in place practices that chill children's access to an education, including by reporting or threatening to report children to ICE. It's imperative that all school district officials and employees understand that if they report students to ICE, or otherwise discriminate against students on the basis of national origin, they could face liability for violating Plyler, the Family Educational Rights and Privacy Act, Titles IV and VI of the Civil Rights Act of 1964, and the constitutional rights of their students.

## **What can be done if a district or school employee is violating the law?**

If you become aware that a school district or employee is discouraging students from enrolling or attending school, collaborating with ICE in any way or taking any other action that makes immigrant students feel unsafe due to their immigration status, please contact the AFT's human rights and community relations department at [afthumanrights@aft.org](mailto:afthumanrights@aft.org) or contact the AFT's legal department at 202-393-7472.

## **Why is passing a school board resolution in support of immigrant youth and families important?**

Adopting a resolution is an effective way to reaffirm the district's commitment to the educational success of all students, to create welcoming places of learning, and to protect undocumented, refugee and immigrant students from the threat of deportation. These resolutions also help to protect educators and school support staff from being used as de facto immigration officers and provide governance protecting students in case the Department of Homeland Security's "sensitive locations" guidance, which limits ICE activity in schools and other locations, is rescinded or changed.

## **Here is sample resolution language that puts the safety and well-being of children first:**

### **DECLARING THE [NAME OF THE SCHOOL DISTRICT] AS A WELCOMING, SAFE AND INCLUSIVE SCHOOL DISTRICT, COMMITTED TO PROVIDING A SECURE ENVIRONMENT FOR ALL STUDENTS, EDUCATION PERSONNEL AND FAMILIES**

**WHEREAS**, the U.S. Supreme Court held in Plyler v. Doe (1982) that, under the Equal Protection Clause of the 14th Amendment, no public school district can deny children access to free public education based on their immigration status or the immigration status of their parents; and

**WHEREAS**, it is the right of every child in [NAME OF THE STATE] to access a free public K-12 education free from discrimination, and the [NAME OF THE SCHOOL DISTRICT] should affirm its position as a district that welcomes and supports all students, regardless of immigration status, race, color, religion, gender, or country of origin; and

**WHEREAS**, the Family Educational Rights and Privacy Act (FERPA) prohibits public schools from sharing educational records with outside agencies without parental consent, a court order, a subpoena or other exception as provided by law; and

**WHEREAS**, the **[NAME OF THE SCHOOL DISTRICT]** is a district with a large immigrant and foreign-born population, including mixed-status families; and

**WHEREAS**, the Department of Homeland Security's January 20, 2025 memo rescinding the Protected Areas enforcement policy and thus allowing immigration enforcement actions in schools, college campuses, playgrounds, hospitals, places of worship and other social services facilities is causing concern among educators, students and families served by the school district.

**WHEREAS**, federal immigration law enforcement activities and raids on or around district property and transportation routes, whether by surveillance, interview, demand for information, arrest, detention or any other means, harmfully disrupt the learning environment to which all students, regardless of immigration status, are entitled and significantly interfere with the ability of all students, including U.S. citizens and students with lawful presence in the United States, to access a free public K-12 education; and

**WHEREAS**, through its policies and practices, the **[NAME OF THE SCHOOL 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, screenings of who may enter the school and the requirement of school attendance; and

**WHEREAS**, educational personnel are often the primary sources of resources and information to assist students and support their emotional and physical health:

**RESOLVED**, that the **[NAME OF THE SCHOOL DISTRICT]** declares the district to be a safe haven for its students, meaning that the district is a place free from discrimination, harassment, bullying [and that does not participate in immigration enforcement activities].. The **[NAME OF THE SCHOOL DISTRICT]** is a place for students to learn, thrive and seek assistance, information and support, including responding to threats related to any immigration enforcement or other activity that interferes with their learning experience; and

**RESOLVED**, that immigration enforcement activities on school campuses shall be prohibited unless a judicial warrant is presented and follows the protocols established by **[Name of the School District]**; and

**RESOLVED**, that U.S. Immigration and Customs Enforcement, federal, state or local law enforcement agencies acting on behalf of ICE, and agents or officers for any federal, state or local law enforcement agency attempting to enforce federal immigration laws, are to follow district policy **[NAME OF POLICY]**, 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; and

**RESOLVED**, that the district prohibits immigration enforcement agents or other federal or state or local law enforcement agencies acting on behalf of ICE from visiting a school site without a judicial warrant and approval of the superintendent's office; given the likelihood of substantial disruption posed by the presence of ICE or other federal or state or local law enforcement agencies acting on behalf of ICE, any request by ICE or other agencies to visit a school site should be presented to the superintendent's office for review as to whether access to the site is permitted by law; and

**RESOLVED**, that, 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 are being collected with respect to students' immigration status or place of birth, and that the district shall cease any such collection, as it is irrelevant to the educational mission and is potentially discriminatory; and

**RESOLVED**, that, should ICE or other law enforcement agents request any student information, the request should be referred to the superintendent's office to ensure compliance with the Family Educational Rights and Privacy Act, student constitutional privacy, standards for a judicial warrant, state and local privacy or confidentiality laws, and any other limitation on disclosure; this review should be conducted expeditiously, but before any production of information is made; and

**RESOLVED**, that the **[NAME OF THE SCHOOL DISTRICT]** shall post this resolution at every school site and distribute it to district staff, students and parents using the usual means of communication, on the district website, and that the resolution will be translated into all languages spoken by students at home; and

**RESOLVED**, that the **[NAME OF THE SCHOOL DISTRICT]** shall provide teachers, administrators, school counselors and other school personnel with training opportunities on how to support the educational success and mental health of immigrant students, including undocumented students, refugee students, DACAmented students and students with temporary protected status (TPS), and on their rights and responsibilities in the event of ICE presence on or near schools; and

**RESOLVED**, that the board affirms that certified district employees have the academic freedom to discuss this resolution during class time provided it is age-appropriate, and that students are to be made aware that district counselors are available to discuss the subjects contained in this resolution; and

**RESOLVED**, that after-school providers and other vendors and service providers that contract with the district shall be notified of this resolution within 30 days and required to abide by it; and

**RESOLVED**, that the **[NAME OF THE SCHOOL DISTRICT]** hereby extends its support of the resolution and urges all schools, worksites, centers and departments within its jurisdiction to support the districtwide observance.