

APPENDIX A

Sample Safe Zone Resolution and Model Policy

It is the right of every child, regardless of immigration status, to access a free public K-12 education.

When federal immigration authorities aggressively pursue enforcement activities on or around school property and transportation routes—whether by surveillance, interviews, demands for information, arrest, detention, or any other means—it harmfully disrupts the learning environment and significantly interferes with the ability of all students, including U.S. citizen students and immigrant students legally in the country, to access a free public K-12 education.

NEA has developed a sample resolution and district policy that can be used as a template or guidance for local school districts to create their own Safe Zones resolutions. The language is closely tied to the Supreme Court case *Plyler v. Doe* which is the foundational precedent that ensures access to K-12 education for all children regardless of immigration status. The model resolution contains reassurances for students, procedures for law enforcement, and information and support for families and staff.

FAQ: Safe Zone School Board Resolutions

1. What can we do to address student fear about immigration enforcement under the new Administration?

Join with your local NEA association to lobby your local school board for a SAFE ZONE resolution. It contains reassurances for students, procedures for responding to law enforcement, and information and support for families and staff. Countless school districts across the country have already passed SAFE ZONE resolutions. These districts include large urban districts like Los Angeles, to small rural districts in Colorado and New Hampshire, and everywhere in between, such as Omaha, Nebraska, and Louisville, Kentucky.

2. What needs to take place in order for our district to become a SAFE ZONE?

Your school board can take up a proposed resolution like the one attached here at its next regularly scheduled meeting. Supply your school board with sample language and be sure to comply with the board's meeting notice requirements. Through the board's normal governance procedure, it can approve and sign a SAFE ZONE resolution, including a policy that would then take effect immediately.

3. Does a SAFE ZONE resolution require additional district expenditures, staff responsibilities, school hours, or other resources?

No, unless you wish to add support beyond NEA's template, such as adding a counselor for extra support for immigrant students who are in crisis. The template SAFE ZONE resolution reaffirms and clarifies the constitutional right all students have, regardless of immigration status, to access a free public K-12 education. The district administration will need to take steps to ensure the resolution's requirements are being fulfilled as outlined in the district policy attached to the NEA template SAFE ZONE board resolution, but it does not add new or different job duties or hours for educators.

4. Can I discuss immigration enforcement and student fears in my classroom?

Yes, if your school board passes a SAFE ZONE resolution that provides for such discussion, the discussion is age appropriate and mandatory curricular subjects are also covered in a timely way. The productivity of the learning environment improves when pressing concerns of students can be addressed. In the absence of a SAFE ZONE resolution, NEA recommends you follow existing district rules on classroom teaching.

5. Can I refuse directives from law enforcement?

No, a SAFE ZONE resolution does not provide immunity should you decline to obey directives from law enforcement. The resolution does provide steps you must request that law enforcement follow. If law enforcement refuses to cooperate, that becomes a matter for the district legal counsel and courts to determine. You are not expected to put yourself or those around you at risk to assert these rights.

6. Does the model SAFE ZONE resolution protect non-citizen students from the school-to-prison-to-deportation pipeline?

No, SAFE ZONE policies like the one attached here are aimed at protecting students' rights at school but do not address disciplinary practices that criminalize misbehavior through the involvement of law enforcement. In the case of non-citizen youth, law enforcement actions can result in barriers to obtaining or maintaining legal immigration status as well as possible detention and deportation. For information regarding the harmful immigration consequences for non-citizen youth of the school-to-prison pipeline, [click here](#).

_____ **BOARD OF EDUCATION**

RESOLUTION NO. _____

WHEREAS, it is the right of every child, regardless of immigration status, to access a free public K-12 education and the District welcomes and supports all students;

WHEREAS, the District has a responsibility to ensure that all students who reside within its boundaries, regardless of immigration status, can safely access a free public K-12 education;

WHEREAS, federal immigration law enforcement activities, 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. citizen students and students who hold other legal grounds for presence in the U.S., to access a free public K-12 education;

WHEREAS, through its policies and practices, the 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, and the requirement of school attendance;

WHEREAS, parents and students have expressed to the District 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, educational personnel are often the primary sources of support, resources, and information to assist and support students and student learning, which includes their emotional health;

NOW, THEREFORE, BE IT RESOLVED that the U.S. Immigrations Enforcement Office (ICE), state or local law enforcement agencies acting on behalf of ICE, or agents or officers for any federal, state, or local agency attempting to enforce federal immigration laws, are to follow District 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;

BE IT FURTHER RESOLVED, that the Board declares the District to be a Safe Zone for its students, meaning that the District is a place for students to learn, to thrive and to seek assistance, information, and support related to any immigration law enforcement that interferes with their learning experience;

BE IT FURTHER RESOLVED, that the District shall, within 30 days of the date of this Resolution, create a Rapid Response Team 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;

BE IT FURTHER RESOLVED, it continues to be the policy of the District not to allow any individual or organization to enter a school site if the educational setting would be disrupted by that visit; given the likelihood of substantial disruption posed by the presence of ICE or state or local law enforcement agencies acting for 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, a judicial warrant is required, or any other legal considerations apply; this review should be made expeditiously, but before any immigration law enforcement agent or officer appears at a school site;

BE IT FURTHER RESOLVED, 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 is being collected with respect to students' immigration status or place of birth; and cease any such collection as it is irrelevant to the educational enterprise and potentially discriminatory;

BE IT FURTHER RESOLVED, should ICE or other immigration law enforcement agents request any student information, the request should be referred to the Superintendent's Office to ensure compliance with Family Educational Rights and Privacy Act (FERPA), student constitutional privacy, standards for a judicial warrant, and any other limitation on disclosure; this review should be conducted expeditiously, but before any production of information is made;

BE IT FURTHER RESOLVED, 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 will be translated into all languages spoken by students at home;

BE IT FURTHER RESOLVED, the Superintendent shall report back on compliance with this Resolution to the Board at its next meeting;

BE IT FURTHER RESOLVED, the Board directs the Superintendent to review District policies and practices regarding bullying and report back to the Board at its next meeting and communicate to staff, students, and parents the importance of maintaining a bullying-free environment for all students;

BE IT FURTHER RESOLVED, the Board affirms that certificated District employees have the academic freedom to discuss this Resolution during class time provided it is age-appropriate; and students are to be made aware that District counselors are available to discuss the subjects contained in this Resolution; and

BE IT FURTHER RESOLVED, after-school providers and other vendors and service providers who contract with the District shall be notified of this Resolution within 30 days and required to abide by it.

[FOLLOWED BY SCHOOL BOARD SIGNATURE PAGE]

DISTRICT POLICY NO. _____

ACCESS TO EDUCATION, STUDENT PRIVACY, AND IMMIGRATION ENFORCEMENT

School personnel must not allow any third party access to a school site without permission of the site administrator. The site administrator shall not permit third party access to the school site that would cause disruption to the learning environment.

The School Board, in Resolution No. _____, based on its educational experience and as part of its deliberative process as our governing body, has found that access to a school site by immigration law enforcement agents substantially disrupts the learning environment and any such request for access should be referred to the Superintendent's Office immediately.

School personnel must contact the Superintendent's Office immediately if approached by immigration law enforcement agents. Personnel must also attempt to contact the parents or guardians of any students involved.

The Superintendent's Office must process requests by immigration law enforcement agents to **enter a school site** or **obtain student data** as follows:

1. Request identification from the officers or agents and photocopy it;
2. Request a judicial warrant and photocopy it;
 - a. If no warrant is presented, request the grounds for access, make notes, and contact legal counsel for the District;
3. Request and retain notes of the names of the students and the reasons for the request;
 - a. If school site personnel have not yet contacted the students' parents or guardians, do so;
 - b. Do not attempt to provide your own information or conjecture about the students, such as their schedule, for example, without legal counsel present;
4. Provide the agents with a copy of this Policy and Resolution No. _____;
5. Contact legal counsel for the District;
6. Request the agents' contact information; and
7. Advise the agents you are required to complete these steps prior to allowing them access to any school site or student data.