

Oregon City School District School Board Meeting

1617-427 A Resolution in Support of Immigrant Students and their Families

Contact: Larry Didway

Discussion

Under federal law, state and local educational agencies are required to provide all children with equal access to public education at the elementary and secondary level. Some students have expressed vulnerability, fear, and confusion. Some have been targets of hurtful harassment and intimidation based upon their or their parents' or guardians' actual or perceived citizenship or immigration status.

This climate produces alarming levels of fear and anxiety, especially among children of immigrant families. The fear is tremendous and profound. All students, regardless of whether they are members of targeted groups, are vulnerable to the ensuing stress that can impact both academics and behavior.

As community leaders for educational equity, we have a unique responsibility to stand together to seek to provide public schools that are free from harassment and discrimination. This resolution reassures families of the district commitment to providing a safe environment conducive to learning for all children and the district protocol related to accessing students and student information.

Recommendation: Approve.

1617-427 A RESOLUTION IN SUPPORT OF IMMIGRANT STUDENTS AND THEIR FAMILIES

WHEREAS, under federal law, the district is required to provide all children with equal access to public education at the elementary and secondary level without regard to their or their parents' or guardians' actual or perceived citizenship or immigration status; and

WHEREAS, the Oregon City School District is committed to creating safe and inclusive learning environments for all students, staff and families; and

WHEREAS, the Oregon City School District welcomes and educates students from all over the world; and

WHEREAS, the Oregon City School District does not collect immigration documents for enrollment in our schools; and

WHEREAS, Oregon law (ORS) 181A.820(1) states, "No law enforcement agency of the State of Oregon or of any political subdivision of the state shall use agency moneys, equipment or personnel for the purpose of detecting or apprehending persons whose only violation of law is that they are persons of foreign citizenship present in the United States in violation of federal immigration laws;" and

WHEREAS, the Board of Education for Oregon City School District affirms the following applicable district policies:

1. JOA—Directory Information that states:

“Directory information means those items of personally identifiable information contained in a student education record which is not generally considered harmful or an invasion of privacy if released.”

2. JOB—Personally Identifiable Information that states:

“Personally identifiable information will not be released without prior signed and dated consent of the parent, student 18 years of age or older or emancipated.”

3. JO/IGBAB—Education Records/Records of Students with Disabilities that states:

“The district shall maintain confidential education records of students in a manner that conforms with state and federal laws and regulations.”

4. KN—Relations with Law Enforcement Agencies that states:

“The district, as a matter of courtesy, requests that law enforcement officers report their presence in a building to the principal, administrative designee, or school resource officer, unless there is an emergency.”

And WHEREAS, district personnel are therefore forbidden from using district resources to enforce federal immigration laws pursuant to Oregon Revised Statute (ORS) 181A.820(1);

THEREFORE, BE IT RESOLVED, that district personnel shall observe the following specific protocols, policies and laws in place when asked by law enforcement agencies for access to students or student information:

Access to Information About Students

- Directory information shall be released only with administrative direction.
- Directory information considered by the district to be detrimental will not be released.
- Information will not be given over the telephone except in health and safety emergencies.
- At no point will a student’s Social Security Number or student identification number be considered directory information.
- Any information that is not designated as directory information can only be disclosed with a court order (e.g., subpoena) or with permission from either the parent or other legally qualified designee.

Access to Students During the School Day

- If law enforcement arrives at a school building to question a student, district staff should handle this situation just as any other visit from law enforcement.
- Any law enforcement officer may be required to show identification and documentation of purpose. The building administrator must be notified

and will determine if access will be granted, what notification is provided to parents, and whether an administrator should be present during the meeting between law enforcement and the student.

- In all cases, Oregon City School District will meet our obligation to educate **every** student by following existing law and implementing our existing policies and procedures to ensure all students receive an education.

Reporting Requirements

- All public schools have a legal obligation to educate every child within the ages of 5 thru 18 who has not completed the 12th grade, or until 21 if required by the Individuals with Disabilities Education Act (IDEA).
- This obligation is not dependent on whether or not the child is legally within the United States.
- Reporting students to law enforcement (e.g., Immigration & Customs Enforcement) may result in the district preventing a student from receiving the education they are required to provide due to the student being removed by I.C.E., and is therefore prohibited.¹

And, BE IT RESOLVED, that the Superintendent shall ensure that the Oregon City School District administration and staff understand and follow the principles and practices supported and reaffirmed by this resolution; and

BE IT RESOLVED, that the Superintendent shall ensure that the Oregon City School District community, including all parents and students, will have easy access to information about the district policies and practices to promote nondiscrimination and an environment free of harassment that are supported and reaffirmed by this resolution; and

BE IT RESOLVED, further that the Oregon City School Board authorizes the Superintendent to carry out this resolution and communicate its content as needed, and provide updates as to the implementation and effectiveness of such efforts to the School Board.

¹ See Plyler Dear Colleague Letter from the US Dept. of Justice and the US Dept. of Education Office of Civil Rights.