



Board of Education Report

File #: Res-001-18/19, Version: 1

Mr. Melvoin, Ms. García, Ms. Gonez, Dr. Rodriguez - Putting Kids First Means Keeping Families Together (Res-001-18/19) (Waiver of Board Rule 72) **Adopted As Amended**

Whereas, The Los Angeles Unified School District remains steadfast in our responsibility to serve all kids with a high-quality education and is proud of the remarkable diversity that comprises the second-largest school district in the United States;

Whereas, President Donald Trump's administration has created a humanitarian crisis by separating children of all ages, including those as young as infancy and those who are still breastfeeding, from their parents as their families flee violence and seek asylum at the southern border of the United States;

Whereas, Attorney General Jeff Sessions, Homeland Security Secretary Kirstjen Nielsen, White House Chief of Staff John Kelly, and other federal officials have agreed in public statements that the effect of current federal immigration policies includes the separation of children from parents;

Whereas, Secretary of Education Betsy DeVos has not issued a public condemnation of family separation despite the devastating and traumatic impact separation policies have on students' emotional and psychological well-being;

Whereas, The California Supreme Court case *Serrano v. Priest* determined that education is a fundamental right for all children in the state of California and the United States Supreme Court case *Plyler v. Doe* held that districts cannot constitutionally deny undocumented children free public K-12 education on account of their immigration status;

Whereas, The LAUSD Board's 2017 resolution "Reaffirmation of Los Angeles Unified School District Schools as Safe Zones for Families Threatened by Immigration Enforcement" (Res-093-16/17) affirmed the Board's commitment to this responsibility by declaring all our schools "safe zones," which:

- Ensure that students and their families would not be asked about their immigration status pursuant to the Family Education Rights and Privacy Act (FERPA);
- Declare that school administrators and LAUSD School Police will not cooperate with federal Immigration and Customs Enforcement (ICE) agents;
- Provide information and resources to all families to "Know Your Rights;"

Whereas, consistent with the *We Are One L.A. Unified* campaign and educational mission, the District ensures all students, regardless of immigration background, have access to educational services and opportunities;

Whereas, L.A. Unified has shown further commitment to protecting all despite immigration status by joining in an Amicus Brief in *The Regents of the University of California v. United States Department of*

Homeland Security and Kirstjen Nielsen, a 2017 California lawsuit challenging the termination of DACA;

Whereas, A health study by Bessel van der Kolk, *The Body Keeps Score* (New York: Viking, 2014) found that forcible separation of children from parents can cause irreparable trauma which can deeply affect the areas of a child's brain dedicated to pleasure, engagement, control, and trust;

Whereas, Further health studies, including Patricia Gandara and Jongyeon (Joy) Ee, "U.S. Immigration Enforcement Policy and Its Impact on Teaching and Learning in the Nation's Schools" find that forced separation from parents causes children's severe and inevitable cognitive and emotional damage, including inability to focus on learning, anxiety and withdrawal, requiring access to mental health services and long-term counseling;

Whereas, The National Association of School Psychologists has publicly stated that the federal government's policy of separation children from their families is "a form of emotional violence," that can have life-long negative consequences for the mental and emotional health of impacted children;

Whereas, Although a U.S. District Court issued a preliminary injunction ruling that all children under five years of age and separated from their families by DHS be returned to their parents within 14 days, and that all children over the age of five be reunited within 30 days, the Trump administration has stated plans to detain families indefinitely, countering prior practice, while it appeals this injunction, further demonstrating their lack of concern or intent in reunifying children and their families;

Whereas, the separation of families seeking asylum at our nation's southern border does not merely affect those in detention, but can cause emotional hardship or distress to families and staff who may have family, friends, or loved ones affected by current immigration policies; now, therefore, be it

Resolved, That the Governing Board of the Los Angeles Unified School District hereby demands the immediate end to inhumane and irresponsible immigration policies leading to the forcible separation of children and families;

Resolved further, That the Board reaffirms Resolution 093-16/17 which instructed District personnel to refuse the sharing of all voluntary information with immigration agents across all aspects of the District to the fullest extent possible under the law, pursuant to the Family Education Rights and Privacy Act (FERPA);

Resolved further, That the Board reaffirms the guidelines established in Reference Guide 6767.1 which require that, absent exigent circumstances, any request by immigration agents for information or access to a school site should be provided with adequate, written notice, and that the District personnel reserve the right to should verify the immigration agent's credentials, ask the agent why the agent requires access, and ask to see a warrant signed by a federal or state judge, pursuant to Resolution 093-16/17;

Resolved further, That the Board directs the Superintendent within 45 days to coordinate with:

- The Student Health and Human Services ("SHHS") division to seek out and ensure that any student identified as having suffered forcible family separation receives: including students within LAUSD who are placed in shelters, in foster placements, group homes, or with relatives, receive the following services:

- Deployment of crisis intervention teams to address necessary mental health services corresponding to the emotional, mental, and physical trauma caused by forcible separation policies;
- health services including vaccinations and immunization, oral and visual screening and services;
- assistance with the enrollment process and to ensure immediate enrollment in schools;
- referrals and access to food and nutritional services programs;
- ~~necessary health and mental health services corresponding to the emotional, mental, and physical trauma caused by forcible separation policies~~
- The Office of Foster Youth SHHS to create a plan of action consisting of three main components: identification determination of youth who may have been placed into foster services due to the family separation policy, concerted efforts with City and County officials, philanthropic partners, members of the faith community, immigration services providers, education leaders, health service providers, and consulates, to reunite children with their families until every possible avenue for doing so is exhausted, and identification of additional services necessary to support incoming foster youth students who may have been placed into foster services who are victims of forcible separation or lack of reunification, as permitted by law;
- The SHHS through any of its programs including, if applicable, the Homeless Education Program to create and implement a plan of action to coordinate with other agencies, consulates, and stakeholders to determine needs of any students who may have been impacted by the federal government's family separation policy or immigration enforcement, to ensure such students are able to enroll in school and receive all the supports necessary to ensure their full participation in school; and to ensure that such students receive the educational and support services for which they are eligible, and referrals to health, dental, or other appropriate services as outlined in the U.S. McKinney-Vento Homeless Assistance Act, if applicable;
- The Office of Government Relations to use its power to its fullest extent to advocate for the permanent end of immigration-related family separation policies and advocate for the swift rejoining of separated families and work in collaboration with other efforts to support and advocate for families with the County of Los Angeles, the City of Los Angeles, and other local government agencies;
- The Office of General Counsel (OGC) to investigate creation of a program to provide pro bono legal counsel to District students and families who have suffered traumatic separation due to federal immigration policies and to partner with other local government agencies in support of existing efforts, and that within 30 days the OGC should issue a report to the Board with a plan proposal;

Resolved further, That the Board welcomes all students to District schools, regardless and irrespective of documentation status, and that the Board reaffirms its steadfast commitment to providing an excellent education to every student as an inalienable civil right; and be it finally

Resolved, That the Board offers its full support to any District employees who may be impacted by family separation immigration policies, and that any employee who has endured forcible family separation should receive access to necessary health and mental health services respective of the trauma they have suffered.