

**COMMITMENT TO EDUCATION OF ALL IMMIGRANT CHILDREN
AND OPPOSITION TO RECENT ICE RAIDS**

*Summary of SFUSD Board of Education
Resolution No. 74-24A2*

On April 24, 2007, the Board of Education adopted Resolution No. 74-24A2, Commitment to Education of All Immigrant Children and Opposition to Recent ICE Raids. In the Resolution, the Board of Education stated its commitment to provide a public education, regardless of a child's immigration status, and set forth the following procedures to be followed by District staff.

1. District personnel shall not treat students disparately for residency determination purposes on the basis of their undocumented status;
2. District personnel shall not inquire about a student's immigration status, including requiring documentation of a student's legal status, such as asking for a green card or citizenship papers, at initial registration or at any other time;
3. District personnel shall not make unreasonable inquiries from a student or his/her parents for the purpose of exposing the immigration status of the child or his/her family;
4. District personnel shall not require students to apply for Social Security numbers nor should the District require students to supply a social security number;
5. If parent and or students have questions about their immigration status, school personnel shall not refer them to the Immigration and Customs Enforcement Office ("ICE");
6. It is the general 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. The School Board has found that the presence of ICE is likely to lead to a disruption of the educational setting. Therefore, any request by ICE to visit a school site should be forwarded to the Superintendent's Office for review before a decision is made to allow access to the site.
7. All requests for documents by ICE should be forwarded to the Legal Office which in consultation with the Superintendent shall determine if the documents can be released to ICE.

**STANDING UP FOR IMMIGRANT CHILDREN
AND THEIR FAMILIES**

*Resolution passed by the UESF Executive Board
on November 5, 2008*

Whereas UESF has previously defended immigrant workers and their families; and

Whereas SFUSD has endorsed and publicized a detailed pro-immigrant and anti-ICE raid policy (SFUSD Resolution: No. 74-24A2, page 56 of the Student/Parent Handbook); and

Whereas there has been an intensification of ICE (Immigration and Customs Enforcement) raids and deportations nation-wide and locally; and

Whereas San Francisco must be strengthened as a sanctuary city and SFUSD needs to be supported and strengthened in its commitment to ALL children, especially those most vulnerable to scape-goating;

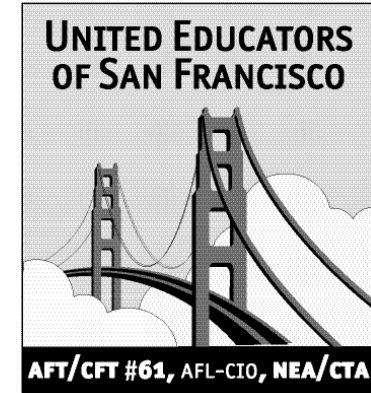
BE IT RESOLVED that UESF reiterate its commitment to defend the rights of immigrant children and their families and

BE IT FURTHER RESOLVED that UESF request that SFUSD post and publicize Resolution 74-24A2 at every school site and

BE IT FURTHER RESOLVED that UESF encourage all UBC's to make sure that Resolution 74-24A2 is, in fact, posted and publicized appropriately at all sites and

BE IT FURTHER RESOLVED that UESF request information from SFUSD about collaboration between the district and community organizations such as the SF Immigrants Rights Commission in regard to the monitoring of the implementation of SFUSD's policy as outlined in RESO 74-24A2

Know the Rights of Immigrant Youth



United Educators of San Francisco

Important information from the Asian Law Caucus on the rights of immigrant students and their families with information about resolutions passed by the San Francisco Board of Education and the UESF Executive Board.

Know The Rights of Immigrant Youth

By the Asian Law Caucus

Every child has the right to learn regardless of his or her immigration status. In 1982, the Supreme Court in *Plyer v. Doe* ruled that undocumented children have an absolute right to attend school. The Court reasoned that schools cannot discriminate against children who have no control over their immigration status and that denying undocumented children a proper education would likely contribute to "the creation and perpetuation of a subclass of illiterates within our boundaries, surely adding to the problems and costs of unemployment, welfare, and crime."

Even though San Francisco prides itself on tolerance and progressive values, suspected undocumented youth have been singled out for overly harsh treatment when they come into contact with the law. Since July 2008, the Juvenile Probation Department has reported over 160 youth to Immigration and Customs Enforcement (ICE) right after arrest at booking based on any felony charges, no matter how minor the actual offense. Because Juvenile Probation is reporting young people before they have had a chance to be heard in juvenile court, they have reported youth who are completely innocent of any crimes and who are overcharged. Once reported to ICE, these young people are taken into immigration custody and are often placed in facilities out of the county or even worse, out of state, far away from their families, while deportation proceedings are in progress.

It is particularly troubling that a significant number of these cases were reported to ICE by juvenile probation because of minor, and often first-time, incidents that occurred at school. In some cases, a small squabble at school has resulted in felony charges, which then trigger reporting to ICE by juvenile probation and the initiation of deportation proceedings. For example, a student can be charged with felony "assault" for getting into a fight with another student. Threats, even if they are not serious, can be charged as "terrorist threats." If a youth takes another's property, for example their lunch or a cell phone, he or she can be charged with felony "robbery."

Bringing a BB gun to school in a backpack, even if not used to threaten anyone, can result in a "possession of a weapon" charge. Kids, as young as thirteen years old, have been reported to ICE by juvenile probation and torn from their families. This reporting policy in San Francisco has made some immigrant parents afraid to send their kids to school for fear that they could get in trouble at school and then end up in ICE custody.

Unfortunately bullying, harassment and fighting are regular occurrences at various SFUSD schools as well as other schools across the country. Although these actions should not be permissible, they are typical at this age and for the most part, if given the appropriate admonishment and/or support services, many students are able to learn from their mistakes and avoid doing it again. Students deserve a second chance to learn from their poor choices and to get back on the right path.

What can you do? As teachers, paraprofessionals, and staff at SFUSD schools, you are often the first adults to witness problematic behavior among your students and to react to them. If you are able to intervene early on and to help de-escalate the situation before a crime is committed, you can make a big difference in a child's life. Here are a few things you and the school can do to intervene and address violence before the police, juvenile probation and Immigration Customs Enforcement (ICE) get involved:

1. Provide "know your rights" trainings to your students about violence prevention, the juvenile justice system and rights of immigrant youth. For example, your students should know that:
 - They have the right to remain SILENT when questioned by the police or juvenile probation and should feel comfortable exercising that right.
 - They also have the right to a FREE attorney and should request one before they sign anything or answer any questions.
 - They have a right to make a free call to their parents and to a lawyer within one hour of arrest. More "know your rights" resources in

English, Spanish, Chinese, Tagalog, Russian and Vietnamese can be found at www.asianlawcaucus.org.

2. When possible, intervene immediately when you see harassment or bullying among your students especially when it first begins before it escalates.
3. Call students' parents/guardians to inform them about any problematic behavior. Often times, parents are the last to know that their student was engaging in behavior that landed them in juvenile hall and then ICE detention.
4. Connect students to any resources at your school including the wellness centers, peer counselors, etc., so they can obtain services that will reduce at risk behavior.
5. Do not hesitate to seek help from the many community-based youth organizations in San Francisco, which include, but are not limited to: the Community Youth Center, Vietnamese Youth Development Center, Sunset Youth Services, Huckleberry Youth Programs, B Magic, HOMEY, and the Community Response Network.
6. Refer students to Peer Court (see www.peercourt.org) instead of the Juvenile Justice System when possible. Check with your school administration to see if the school has a relationship with Peer Court. If not, try to build one by calling Peer Court at (415) 865-2524.

If you have any questions or concerns, you can call the Juvenile Justice and Education Project at the Asian Law Caucus: (415) 896-1701, the San Francisco Public Defender's Office: (415) 753-7601, or Legal Services for Children: (415) 863-3762.

This article was written by the Asian Law Caucus, a non-profit legal organization in San Francisco serving low income and underserved immigrant communities. More information is available at www.asianlawcaucus.org