

**RESOLUTION 1617R-007**  
**Final**

WHEREAS, The United States Supreme Court held in *Plyer v. Doe* (1982) that no public school district has a basis to deny children access to education based on their immigration status, citing the harm it would inflict on the children and society itself and the equal protection rights of the Fourteenth Amendment; and

WHEREAS, MPS Administrative Policy 1.04 states, "No person may be denied admission to or participation in the benefits of any public school in the Milwaukee Public Schools, or be discriminated against in any curricular, extracurricular, student service recreational, or other program or activity, because of the person's sex, race, color, national origin, ancestry, creed, religion, pregnancy, marital or parental status, sexual orientation, or physical, mental emotional, or learning disability or handicap, or any other characteristic protected by law"; and

WHEREAS, The vision of the Milwaukee Public Schools (hereinafter, "MPS") states, "Schools will be safe, welcoming, well-maintained, and accessible community centers meeting the needs of all"; and

WHEREAS, Bullying or discrimination, for any reason, is harmful to students' feelings of safety and belonging, as well as their academic success, and MPS will not tolerate any form of discrimination, harassment, or bullying; and

WHEREAS, MPS recognizes the potential for U.S. Immigration and Customs Enforcement (ICE) officials to conduct enforcement efforts to detain undocumented individuals, and that such efforts may result in ICE officials seeking to enter upon school grounds for purposes of enforcement; and

WHEREAS, Parents and students have expressed to MPS their fear and confusion in sending and/or accompanying their children to schools and leaving their homes and their right to access a free public K-12 education through district schools and programs; and

WHEREAS, It is the policy of MPS not to allow any individual or organization to enter a school site if the educational setting would be disrupted by that visit; and

WHEREAS, MPS believes ICE's activities in and around school sites would be a severe disruption to the learning environment and educational setting for students; and

WHEREAS, MPS believes it is in the best interests of the students, staff, families, and the community of MPS that it take action to assure all students and families that disruptions to the educational environment that ICE may create through its activities in and around school sites will be opposed by all legal means available; and

WHEREAS, No written state or federal law mandates that any school district assist ICE in the enforcement of immigration laws; and

WHEREAS, An ICE policy issued in a 2011 Department of Homeland Security Memorandum states that the agency will not conduct immigrant-enforcement activity at any sensitive location, including schools, without special permission by specific federal law enforcement officials, unless exigent circumstances exist or such policy is no longer effective; now, therefore, be it

RESOLVED, That the Milwaukee Board of School Directors declare MPS a welcoming and safe school environment for students and families threatened by immigration enforcement or discrimination, and such enforcement shall be opposed to the fullest extent permitted by the law; and be it

FURTHER RESOLVED, That as a welcoming and safe school environment, the Board directs the Superintendent to:

1. within the next 30 days, create a District Immigration Advisory Group in partnership with community-based organizations, legal-service providers, and social services to assist students, families, and the district to “provide” support in prevention and response measures to new and ongoing ICE activities. Further, 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, the district shall follow existing policy and procedures in contacting emergency contacts or child services if unable to find appropriate supervision;
2. In consultation with legal counsel, make available bilingual information and presentations for students and family members to provide support and resources regarding interactions with law-enforcement and ICE agents;
3. designate a staff member in each school who shall serve as a resource for immigrant and students and their families and establish at least one resource person in Central Office who is trained to serve as an immigrant liaison, with a working knowledge of immigrant and undocumented populations;
4. establish all MPS sites as resource and information sites for immigrant students and families;
5. work with cooperating city and county representatives to foster a welcoming and safe environment for undocumented students and their families in and around school sites; and
6. offer professional development opportunities for Central Office staff, administrators, guidance counselors, teachers, and paraprofessionals, and information about the pathways to United States citizenship, opportunities available for college training, financial aid, and resources for immigrant and refugee students to obtain information about their rights; and be it

FURTHER RESOLVED, That the Board directs the Superintendent or designee to take the following steps and develop a procedure, should ICE arrive at a school site unannounced or notify staff at the school site of its intent to enter a district school:

- the designated staff member at the school site shall immediately notify the Superintendent’s Office or designee that ICE officials or other immigration-law-enforcement personnel are present at a school site;
- the Superintendent or designee shall promptly contact MPS’s legal counsel to review and provide consultation with regards to any legal document, warrant, or subpoena presented by ICE or other immigration-law-enforcement personnel, prior to disclosing to ICE or other immigration-law-enforcement personnel any student’s information or access to a school site;
- the designated staff member at the school site shall request the identification of officers or agents and make photocopies of any judicial warrants or documentation presented by ICE officials and promptly forward such copies to the Superintendent’s office or designee;
- the designated staff member at the school site shall at no point disclose any information about any student or family member, including revealing whether a named student is present at the school or a student of the school, their class schedule, or family information; and

- because it is the general policy of MPS not to allow any individual or organization to enter a school site if the educational setting would be disrupted by the visit, the designated staff member shall promptly inform ICE or other immigration-law-enforcement personnel of such and that they must contact the Superintendent's Office or designee to make their request to obtain any student information or access to school site, in accordance with any applicable state and federal law, including, but not limited to, the Family Educational Rights and Privacy Act (FERPA) or Wisconsin State Statute §118.125, Pupil Records, and applicable MPS policy or procedure on student record disclosure, prior to allowing any ICE official access to the school site or to any student data; and be it

FURTHER RESOLVED, That MPS employees, contractors, volunteers, and representatives shall not use district resources for the purpose of detecting or assisting in the apprehension of undocumented persons in the United States, unless required by any applicable state or federal law and unless proper procedures are followed by district personnel prior to disclosure; and be it

FURTHER RESOLVED, MPS employees, contractors, volunteers, and representatives shall not make unreasonable inquiries from a student or his/her parents for the purpose of exposing the immigration status of the student or his/her family; and be it

FURTHER RESOLVED, MPS employees, contractors, volunteers, and representatives shall not disclose to ICE officers or other immigration-law-enforcement personnel any information about a student's or family's immigration status unless required to do so by any applicable state or federal law and unless proper procedures are followed by district personnel prior to disclosure; and be it

FURTHER RESOLVED, MPS employees, contractors, volunteers, and representatives shall not disclose to ICE or other immigration-law-enforcement personnel any information about any district student that is protected by FERPA or any applicable state or federal law, or MPS policy or procedure pertaining to confidential student records, unless required by any applicable state or federal law and unless proper procedures are followed by district personnel prior to disclosure; and be it

FURTHER RESOLVED, That no ICE officer or other immigration-law-enforcement personnel shall be granted immediate access to any district school for the purpose of enforcing immigration laws and shall be referred immediately to the Superintendent or designee; and be it

FURTHER RESOLVED, That MPS shall review its record-keeping policies and practices to ensure the highest level of protection of student privacy; and be it

FURTHER RESOLVED, That the Board direct the Administration to conduct a full review of the District's policies, procedures, and practices to ensure complete alignment with this resolution in all areas of district operations; and be it

FURTHER RESOLVED, That the District shall post this Resolution in complete and in a digest version at every school site and distribute it to district staff, students, and families through usual means of communication and that MPS shall take all reasonable measures to ensure that the Resolution shall be translated into all languages spoken by students at home; and be it

FURTHER RESOLVED, That any policies or procedures needing updates or revisions to reach full alignment with this resolution be brought to the Board for referral no later than the April 2017 Board Cycle; and be it

FURTHER RESOLVED, That the Board will do everything in its power to afford equal protection to all students and staff.