

ARTS ACADEMY ELEMENTARY CHARTER SCHOOL

Board Policy

CATEGORY: Students

NUMBER: 307

TITLE: Documented Status

ADOPTED: August 16, 2018

REVISED:

	<p>WHEREAS: The Board of Trustees of ARTS ACADEMY ELEMENTARY CHARTER SCHOOL (hereinafter referred to as AAECs) is charged with the duty and responsibility to provide each child enrolled in its charter schools with a high quality public education in a safe and educationally conducive environment free from unnecessary disturbance, conflict and tension; and</p> <p>WHEREAS: In 1982, the United States Supreme Court decided the case <i>Plyler v. Doe</i> (457 U.S. 202), holding that the State of Texas could not withhold funds from local school districts for the education of children who were not “legally admitted” into the United States, because to do so would violate the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution; and</p> <p>WHEREAS: In the 25 years since its announcement, <i>Plyler v. Doe</i> has been recognized and interpreted by the courts and government as guaranteeing to all persons, regardless of immigration status, the right to a free elementary and secondary public education on Equal Protection grounds; and</p> <p>WHEREAS: The <i>Plyler</i> Court recognized that the Equal Protection Clause “was intended to work nothing less than the abolition of all caste-based and invidious class-based legislation”; and</p> <p>WHEREAS: The Board of Trustees of AAECs agrees with the United States Supreme Court that both “the importance of education in maintaining our basic institutions, and the lasting impact of its deprivation on the life of the child,” distinguish public education as paramount in our society, and, further, that the courts “have recognized ‘the public schools as a most vital civic institution for the preservation of a democratic system of government,’ and as the primary vehicle for transmitting ‘the values on which our society rests.’ [citations omitted]” <i>Plyler v. Doe</i> 475 U.S. 202, 221; and,</p>
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	<p>WHEREAS: As the Supreme Court stated, “it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.” <i>Plyler v. Doe</i> 475 U.S. 202, 222 (citing <i>Brown v. Board of Education</i> (1954) 347 U.S. 483, 493); and</p> <p>WHEREAS: The Board of Trustees of AAECs believes that reporting a student’s immigration status to U.S. Immigration and Customs Enforcement (ICE) or other local, state or federal law enforcement, may create a chilling effect on access to public education, deterring some parents from sending their children to school for fear that their children may be prosecuted by ICE and deported. This chilling effect may deny students their right to a public education and benefits to society as established by and recognized in <i>Plyler</i>; and</p> <p>WHEREAS: The denial of access to public education to undocumented students would “impose a lifetime hardship on a discrete class of children not accountable for their disabling status. The stigma of illiteracy will mark them for the rest of their lives. By denying these children a basic education, we deny them the ability to live within the structure of our civic institutions, and foreclose any realistic possibility that they will contribute in even the smallest way to the progress of our Nation,” as recognized by the Supreme Court in <i>Plyler</i>, 457 U.S. 202, 223.</p> <p>THEREFORE BE IT RESOLVED: That the Board of Trustees of AAECs hereby directs its administrators, faculty and staff, to not take any action not otherwise authorized or required under AAECs’s policies and procedures, that might serve to chill access to a public education, remembering that access to a public education is a critical and important right protected by the U.S. Supreme Court’s decision in <i>Plyler v. Doe</i>; and</p> <p>BE IT FURTHER RESOLVED: That the Board of Trustees of AAECs further states that all students, who register for the following services and meet the respective federal and state criteria, are entitled to receive all school services, including free or reduced meals, transportation (to the same extent as other students), and educational services, even if they or their family are undocumented and do not have a social security number and that no staff member shall take any steps that would deny students access to education based on their immigration status or any steps that would “chill” the <i>Plyler</i> rights of these students to public education; and</p>
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	<p>BE IT FURTHER RESOLVED: In order to provide a public education, regardless of a child's immigration status, absent any applicable federal, state, local law or regulation or local ordinance or court decision, the AAECs shall abide by the following conduct:</p> <ol style="list-style-type: none">1. AAECs personnel shall not treat students disparately for residency determination purposes on the basis of their undocumented status;2. AAECs 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. AAECs 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. AAECs personnel shall not require students to apply for Social Security numbers nor should the AAECs require students to supply a social security number;5. If parent and or students have questions about their immigration status, school personnel <u>shall not</u> refer them to the Immigration and Customs Enforcement Office or to other local, state or federal law enforcement;6. It is the general policy of AAECs not to allow any individual or organization to enter a school site if the educational setting would be disrupted by that visit. The Board of Trustees has found that the presence of ICE (or other law enforcement agency working with ICE) on campus during the school day is likely to lead to a disruption of the educational setting. Therefore, any request by ICE (or other law enforcement agency working with ICE) to visit a school site should be forwarded to the Chief Executive Officer's Office and to legal counsel for review before a decision is made to allow access to the site.7. All requests for documents by ICE (or other law enforcement agency working with ICE) should be forwarded to the Chief Executive Officer which in consultation with legal counsel, shall determine if the documents can or must be released to ICE. <p>BE IT FURTHER RESOLVED: That school administrators, central office staff, and campus faculty and staff will be adequately trained on how to implement this policy; and parents will receive notification of this policy to fully inform families of this policy.</p>
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