RESOLUTION 2016-07

A RESOLUTION OF THE SCHOOL BOARD OF DUVAL COUNTY, FLORIDA,
PROVIDING ASSURANCES FOR ALL STUDENTS REGARDLESS OF
IMMIGRATION STATUS OR COUNTRY OF ORIGIN

WHEREAS, The School Board of Duval County, Florida (the “School Board”), consisting of
seven elected Florida Constitutional Officers, is the governing body for the School District of Duval
County, Florida (the “district”);

WHEREAS, the district is the twentieth largest school district in the nation and the sixth largest
school district in Florida;

WHEREAS, the district’s students represent a variety of diverse backgrounds, experiences, and
cultures;

WHEREAS, in 1982, the United States Supreme Court decided, in Plyler v. Doe, that it was
unconstitutional and a violation of the equal protection clause to deny a free public education to
undocumented school-age children;

WHEREAS, in 1990, the Florida State Board of Education entered into a federal court consent
decree regarding the education of English Language Learners, and among other matters, provides
for equal access for immigrant students (see, League of United Latin American Citizens (LULAC)
et al. v. State Board of Education Consent Decree, United States District Court for the Southern
District of Florida, August 14, 1990, which is referred to as the “META Consent Decree”);

WHEREAS, the School Board has adopted equity policies, including providing for equity of
opportunity and access to programs, services and resources, regardless of race, color, political or
religious beliefs, national or ethnic origin, and other characteristics as set forth in Board Policy 1.22
(Equity Policy) and Board Policy 10.10 (Prohibiting Discrimination and Harassment);

WHEREAS, the School Board recognizes the importance of access to a free public K-12
education, and the School Board welcomes and supports all students and is committed to ensuring
a child-centric, welcoming, safe educational environment;

WHEREAS, it is the policy of the United States Immigration and Customs Enforcement (“ICE”)
that enforcement actions such as arrests, interviews, searches and surveillance should generally be
avoided at sensitive locations, which includes K-12 schools, without prior approval from
appropriate supervisory officials or exigent circumstances exist requiring immediate action;

BE IT RESOLVED, that in order to provide equity of access to programs, services and resources
for the district’s diverse student community; to provide a child-centric, welcoming, supportive
learning environment for all students regardless of immigration status or country of origin; and to
alleviate fear and uncertainty of impacted communities, the School Board adopts the following
resolutions:

1. The district shall continue to implement the requirements set forth in Plyler v. Doe and the
META Consent Decree, including but not limited to the following:

   a. The district shall provide free, equal, and unhindered access to its educational
      programs to all students regardless of immigration status or country of origin;
b. District personnel shall not ask and shall not record the immigration status of a student or a student’s parent/guardian; and if a student or parent/guardian self-discloses, then no record shall be made or maintained of such disclosure.

2. In order to provide a safe, accessible, and welcoming environment for all students, the district shall comply with law enforcement matters as follows:

a. The district does not collect or maintain immigration status in its records; and the district shall continue to comply with the requirements of the Family Educational Rights and Privacy Act (“FERPA”); and district personnel shall not disclose any confidential information regarding a student or a student’s family unless such disclosure complies with the requirements of FERPA;

b. If ICE or other law enforcement agents request any student information, then such request shall be referred to the district’s legal counsel to ensure compliance with FERPA;

c. It is the policy of ICE that immigration enforcement action activities not be enforced at the sensitive location of schools unless an exigent circumstance exists as defined by law, and it continues to be the district’s practice to not permit visitors to any school location if the educational setting would be disrupted by such visit; therefore, if ICE or other law enforcement agents request access to any school location, then such request shall be referred to the district’s legal counsel to follow appropriate procedures (including, but not limited to, requesting credentials, inquiry regarding the reason access is requested at a sensitive location, requesting written authority from appropriate supervisory officials per ICE guidelines, and requesting a lawfully issued warrant).

3. Because the district’s personnel may be the primary source of support, resources, and information to assist students, student learning, and student emotional health, the district will coordinate with community-based organizations that offer counseling and support to immigrant students and their families; and the district will create a plan to prepare for the event that a minor child attending school is deprived of adult care, supervision, or guardianship resulting from any ICE or law enforcement action.

4. The district shall post this Resolution at the front desk of every school location, implement training of district personnel, communicate this Resolution with school service providers, and translate this Resolution into the major languages of the district.

ADOPTED, on May 8, 2017, in Jacksonville, Duval County, Florida, by the School Board of Duval County, Florida

ATTEST:

By: Nikolai P. Vitti, Ed.D.
Superintendent of Schools
and Ex-Officio Secretary
to the Board

THE SCHOOL BOARD OF DUVAL COUNTY, FLORIDA

By: Paula D. Wright, Chairman