

## **Resolution Opposing the Immigration and Customs Enforcement Actions and the Deportation of Durham Public Schools Students**

WHEREAS, all children in the United States are entitled to equal access to a public elementary and secondary education, regardless of their or their parents' actual or perceived national origin, citizenship, or immigration status. This includes recently arrived unaccompanied children, who are in immigration proceedings while residing in local communities with a parent, family member, or other appropriate adult sponsor, and

WHEREAS, a letter from the US Department of Justice and Department of Education dated May 8, 2014 reaffirms that all school districts must “comply with these Federal civil rights laws, as well as the mandates of the Supreme Court” ensuring that districts “do not discriminate on the basis of race, color, or national origin, and that students are not barred from enrolling in public schools at the elementary and secondary level on the basis of their own citizenship or immigration status or that of their parents or guardians. Moreover, districts may not request information with the purpose or result of denying access to public schools on the basis of race, color, or national origin,” and

WHEREAS, many migrant families and children have fled their homes and are seeking asylum in the U.S. from grave threats of danger, and

WHEREAS, with the flow of migrants out of Central America in 2014, some are coming to the end of their review from immigration courts, and

WHEREAS, migrants who have lost their cases are being ordered deported by immigration judges and Immigration and Customs Enforcement (ICE) conducting a series of deportation actions in North Carolina and elsewhere, and

WHEREAS, the Durham Public Schools Board of Education is very concerned about Durham immigrant youth and families, and

WHEREAS, there are reports of families who are worried about sending their children to school for fear of deportation occurring while their children are in school, or that immigration officials may involve our schools, and

WHEREAS, school attendance should be encouraged and schools, churches and other sensitive locations must be safe sanctuaries for families, and

WHEREAS, the policy from the Director of Homeland Security dated October 24, 2011 entitled “Enforcement Actions at or Focused on Sensitive Locations” requires that “ICE officers and agents exercise sound judgment when enforcing federal law at or focused on sensitive locations and make substantial efforts to avoid unnecessarily alarming local communities”, and

WHEREAS, “the sensitive locations covered by this policy include but are not limited to, the following:

- schools (including pre-schools, primary schools, secondary schools, post-secondary schools up to and including colleges and universities, and other institutions of learning such as vocational or trade schools);
- hospitals;
- churches, synagogues, mosques or other institutions of worship, such as buildings rented for the purpose of religious services;
- the site of a funeral, wedding, or other public religious ceremony; and
- a site during the occurrence of a public demonstration, such as a march, rally or parade.

WHEREAS, ICE policy discourages enforcement actions at schools, churches, and other sensitive locations unless special circumstances exist such as:

- The enforcement action involves a national security or terrorism matter;
- There is an imminent risk of death, violence, or physical harm to any person or property;
- The enforcement action involves the immediate arrest or pursuit of a dangerous felon, terrorist suspect, or any other individual(s) that present an imminent danger to public safety; or
- There is an imminent risk of destruction of evidence material to an ongoing criminal case.

WHEREAS, if these young people are deported, this would go against our humanitarian principles and place their lives in grave danger, and

WHEREAS, these young people are low priority for deportation, and

WHEREAS, to date, the school district has not had any contact by federal immigration authorities, and

THEREFORE, BE IT RESOLVED THAT:

That these young people be granted favorable exercise of prosecutorial discretion, and

That law enforcement honor the policy not to involve schools and other sensitive locations, and

That principals and school staff are encouraged to work with and support families and students who express concern about immigration enforcement actions at school, including students who may not be attending school because of such concerns,

That ICE actions in our local community be suspended, and currently detained Durham youth be released to their families,

This the 11th day of February, 2016

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Heidi Carter, Chair

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Mike Lee, Vice Chair

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Minnie Forte-Brown

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Natalie Beyer

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Matt Sears

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Sendolo Diaminah

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Leigh Bordley

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Bert L'Homme, Ph.D., Superintendent