

**SOMERVILLE PUBLIC SCHOOLS
SCHOOL COMMITTEE**

**RESOLUTION TO AFFIRM SOMERVILLE PUBLIC SCHOOLS AS
SAFE AND WELCOMING FOR ALL STUDENTS**

- WHEREAS**, the mission of Somerville Public Schools (“SPS”) is to maintain a multicultural school community dedicated to the realization of the full intellectual, physical, social, and emotional potential of its students;
- WHEREAS**, SPS is committed to providing a safe and welcoming learning environment in order to increase achievement and access for all students irrespective of their immigration status, national origin, ethnicity, race, religion, sexual orientation, sex and gender identity, socio-economic status, disability status, or beliefs;
- WHEREAS**, the City of Somerville (the “City”) declared its commitment to providing all people with the same rights and privileges regardless of immigration status by passing the April 22, 1993 City of Equal Opportunity Resolution;
- WHEREAS**, the City is enriched and strengthened by its diverse cultural heritage, multinational population, and welcoming attitude toward newcomers;
- WHEREAS**, education plays a critical role in furthering tolerance and inclusivity within our society;
- WHEREAS**, the United States Constitution prohibits states from denying students a public elementary or secondary education on account of their immigration status;
- WHEREAS**, the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin, among other factors, by public elementary and secondary schools (Title IV) and by recipients of federal financial assistance (Title VI);
- WHEREAS**, the Family Educational Rights and Privacy Act of 1974 (“FERPA”) and Massachusetts law generally prohibit school districts and their employees from disclosing information from a student’s education record to a third party without the prior written consent of a parent, a legal guardian, or the student;
- WHEREAS**, no law requires the City departments or employees to volunteer to federal immigration law enforcement officers information regarding the immigration status of any individual in the City;
- WHEREAS**, the United States Constitution and the Massachusetts Declaration of Rights prohibit unreasonable searches and seizures;
- WHEREAS**, searches and seizures are generally unreasonable unless conducted pursuant to a valid warrant issued by a neutral magistrate or judge, or under exigent circumstances, which typically involve hot pursuit of a criminal suspect or destruction of evidence and are extremely unlikely to be present in the context of students engaged in school activities;

WHEREAS, the U.S. Department of Homeland Security (“DHS”) and its predecessor have repeatedly affirmed as a general policy that federal immigration law enforcement officers must obtain prior approval from high-level DHS officials before conducting any enforcement actions — including arrests, interviews, searches, or surveillance — at or focused on schools, which DHS has designated as “sensitive locations”;

WHEREAS, SPS has legal custody of students during the school day and during hours of approved extracurricular activities, and it is the responsibility of SPS to protect each student’s rights regarding interactions with law enforcement officials;

WHEREAS, the School Committee has, and has delegated to the Superintendent, the authority to control access to school buildings and premises to protect the best interests of students;

WHEREAS, the policy of SPS is to prohibit access to school buildings and premises by any individual or organization whose presence will disrupt the educational setting; and

WHEREAS, the presence of federal immigration law enforcement officers on school premises or during school activities will disrupt the educational setting and will exert a chilling effect on student enrollment and attendance;

NOW, THEREFORE, be it:

RESOLVED: That all SPS students have the same right to a free public education and associated school services, and that all SPS students will be treated equally regardless of their immigration status;

RESOLVED: That SPS will not seek or maintain information regarding the immigration status of any student or family member for the purpose of fulfilling the student’s residency requirement, age requirement, or any other reason, except to inform a student about circumstances in which a determination of citizenship status is a prerequisite for establishing a student’s eligibility for scholarships or other financial awards;

RESOLVED: That all requests by federal immigration law enforcement officers to enter any Somerville public school building or premises, or to communicate with any student while that student is under the supervision of SPS during any school activity or while utilizing SPS transportation, shall be forwarded immediately to the Superintendent, the City Solicitor, and the Chief of the Somerville Police Department;

RESOLVED: That no federal immigration law enforcement officer shall be permitted to enter any Somerville public school building or premises without either written approval from the Superintendent or a valid judicial warrant signed by a neutral magistrate or judge, except under exigent circumstances;

RESOLVED: That all subpoenas or other requests received by SPS for any information from a student's education record shall be forwarded immediately to the City Solicitor who, in determining the response to such subpoenas or requests, shall consult with the Superintendent and shall exercise the full extent of the lawful authority of SPS to protect the constitutional and legal rights of SPS students;

RESOLVED: That SPS shall provide training and any additional resources it deems necessary to its existing crisis and emergency response teams in order to ensure the safety and well-being of students who may be impacted by immigration enforcement actions;

RESOLVED: That SPS shall post this Resolution at every school location and distribute it to staff and parents in the most commonly-spoken languages of the City; and

RESOLVED: That if a court of law declares any part of this Resolution to be contrary to any statute, regulation, or judicial decision, the validity of the remainder of this Resolution shall not be affected.

RESOLVED: That a copy of this resolution be delivered to the Governor, Attorney General, and the Somerville state and local legislative delegations and otherwise widely distributed.

VOTED: Unanimously

DATE: March 6, 2017

BY THE: Somerville School Committee