Welcoming Schools: Safe Spaces for All Students

Presented by:
• The content of this presentation and material given have been made possible thanks to the funding of The California Endowment in partnership with California Association of Bilingual Education with the intention of educating the public. Therefore, the materials given and concepts expressed in this training do not constitute legal advice. Please consult an immigration attorney for legal advice.
Topics

• Introduction to the safe zone school movement

• Federal laws that prohibit school discrimination

• AB 699, it’s purpose and the role of families

• Family preparedness plan and healthcare access for all
Expectations

Objectives

• Understand the mandated legislation AB 699 and it’s relationship to a safe school

• Learn the importance of and the purpose of resolutions

• Acquire tools needed to make immigrant families feel safe at school and in their community

Outcomes

• Reflect on the our role as parents and community in the implementation process of AB 699

• Start thinking of ways immigrant families can partner/collaborate with the school to make school grounds safer

• Share resources with other families and continue looking for trainings on the topic that empower immigrant families
Community building

• What is your vision of a safe, welcoming school for all students?

• Characteristics? How would it look like?
• **K-W-L**

• **K:**
  • What do you know about “Sanctuary cities” and “Safe Haven” schools?

• **W:**
  • What do you like to learn about safe schools?
Why are safe zones needed?

- Students
- Teachers, Educators
- District and schools
- Communities
- All of us
“You don’t want to give false promises, but you also don’t want them to feel abandoned. This is where letting kids and families know that you are a consistent member of the world can really help.”

-Mark Gaither, Principal of Wolfe Street Academy (Baltimore, MD)

“What if I apply for that benefit and they say I’m living off of that? Or maybe even they come looking for me? Or maybe they will say that’s why they don’t want us living here?”

- Mother in California

“We provide trauma-informed services, but even so… we’re not CPS. Our expertise is not to work with families who are going to be separated from their kids”

– Home visiting director in New Mexico
Current state of our school environment

Due to threats:
1. massive deportations
2. punishment for sanctuary cities

IMMIGRATION POLICY IMPACT ON SCHOOLS
Negative (-64%)

(+80%) anxiety and fear-90% behavioral and emotional problems,
+ Hate crimes

Families facing removal of family members

enrollment (-68%) attendance and parent participation

+ difficulty in connecting immigrant families to other public services

Widespread fear government could request LEA’s to share the immigration status

EDUCATORS FEEL UNPREPARED

Academic decline (-70%)

DACA teachers & classified staff

Hannah Matthews
Rebecca Ulrich
Wendy Cervantes
March 2018

Compromising Our Nation’s Future
Federal Law: prohibits school discrimination

School districts must ensure that they do not discriminate on the basis of:

- race
- color
- national origin
- their own citizenship or immigration status or that of their parents or guardians

School districts may not request information with the purpose or result of denying access to public on the basis of:

- Race
- Color
- Nationality
Federal Law: prohibits school discrimination

- Under the U.S. Constitution:
  - All students have a right to receive a public education
  - Independently of immigration status
  - Or that of their parents or guardians

Plyler v. Doe
Federal Law: prohibits school discrimination

• Federal law restricts local educational agencies from:
  • releasing certain private student information
  • Need consent of the student's parents if under 18 of age
  • Unless is Directory information
Providers should notify staff and parents about sensitive locations.
Has your school signed Safe Haven resolution?

• Currently, over 240 School Districts of 1,000

• ~40% of CA Students
  • 2.5 million students (out of 6.2 million)

https://www.cde.ca.gov/eo/in/casafehavendistrictslist.asp
SAMPLE RESOLUTIONS

ABC Unified - Los Angeles County (Resolution 16-81)

Acalanes Union High - Contra Costa County (Resolution No. 16-17-15)

Alameda COE - Alameda County
Alameda Unified - Alameda County (Resolution No. 2016-2017.48)

Albany Unified - Alameda County (Resolution No. 2016-17-13)

Alhambra Unified - Los Angeles County (Resolution 16-17-16)

Alisal Union - Monterey County (Resolution No. 1617-27)

Alum Rock Union Elementary - Santa Clara County (Resolution No. 29-16/17)

Anaheim Union High - Orange County (Resolution No. 2016/17-BOT-05)

Arvin Union - Kern County (Resolution No. 9:2016/2017)

WE CAN’T SHARE WHAT WE DON’T HAVE

http://www.calschoolnews.org/safe-haven-districts
Implementation of safe havens resolutions

• Read sample resolution look for the following:
  • administrative policies - outline procedures for employees to follow to protect students
  • Developed a plan for training - understand policy and respond accordingly
• Frontline staff
• Faculty
• Administrators
• Make announcements to student and parents
• Set clear expectations
• What does the resolution do
• What the resolution does not do

• What did you learn?
Assembly Bill 699 - Adds protection for immigrant students

1. Gathering and Handling Student and Family Information
2. Sharing Student and Family Information
3. Responding to Requests for Access to School Grounds for Immigration-Enforcement purposes
4. Responding to the Detention or Deportation of a Student’s Family Member
5. Responding to Hate Crimes and Bullying Related to National Origin or Ethnicity

- April 1, 2018 - California's attorney general published model policies
- All LEA's must adopt the A.G. model policies or equivalent policies by July 1, 2018
Enrollment policies

- Social security numbers:
  - Voluntarily and explain process

- Proof of age:
  - Religious, hospital, or physicians certificate showing date of birth
  - Entry in family bible
  - Adoption record
  - Affidavit from parent

- Date of entry into the country:
  - Should be asked separately

- LEA’s must provide information to parents and students of their rights in regards to public education

- Parent Volunteers
  - Must provide information when and where need fingerprinting

Purpose: Prevent unnecessary collection of information on the immigration status of students and their families
Circumstance 2: Sharing Student and Family Information

Instruct students and families on ways to protect against the release of student information;

Restricts sharing of student’s information without the consent of the parent or guardian.

Exceptions:

1. legitimate educational interest
   - review attendance
   - transference
   - truancy
   - judicial order
   - Abuse

2. directory information- opt out option included in annual notification

Purpose: Identify categories of student information not subject to release by LEA’s
Circumstance 3: Responding to Requests for Access to School Grounds

- Prior approval
  - Must be federal court judicial or magistrate warrant
    - Federal search-seizure-warrant
    - Federal arrest warrant

- NOT ICE:
  - Administrative warrant
  - Subpoena for production of documents or other evidence

- Follow established procedures for receiving visitors, responding to officers, ICE presence on campus

Purpose: Inform administrators on policies and practices for responding to immigration agents requesting
1. Access to school facilities
2. Student information
3. Contact with a student
Circumstance 4: Responding to the Detention or Deportation

- Parent or guardian is not available
  school first follow:

  - The emergency contact information, or other information or instructions conveyed by the parent or guardian

  - Not contact Child Protective Services unless the school is unsuccessful in arranging for the care of the child

  - Talk to families about the development of a Family Safety Plan and Caregiver’s Authorization Affidavit

  - Other resources: ICE detainee locator, Legal assistance

Purpose: Provide school administrators with policies for responding to the detention or possible deportation of a student’s family member.
“A Hemet mother of 9 was deported with 6 kids, leaving the remaining 3 with an uncertain future”

- Palm Springs Desert Sun newspaper, July 6, 2018

As the country focuses on a controversial federal immigration policy that led to family separation at the U.S.-Mexico border, Cecilia, her brother and her sister are dealing with their own traumatic separation. The three siblings are now hundreds of miles and a border away from their mother — a consequence Isabela never planned for. Now, Cecilia is struggling to determine how she will care for her siblings, especially her sister with special needs.

"I want to tell other people that they should be prepared and leave that letter to somebody they trust," she said. "I don’t want them to suffer what we’re suffering."- Cecilia

Prepare yourself and your family

- Talk to Your Children About Your Plan
- Keep card with name of important contacts
- Write Down Instructions if Your Child Has Any Medical Conditions and/or Takes Any medications
- Keep all immigration documents in a filed
- Make arrangements in advance for care of children
- Verbal Agreement
- Caregiver’s Authorization Affidavit or guardianship

- Plan with family and practice
- Constantly update everyone’s contact information and where it’s easy accessible
- Locating them if don’t know where detained
  - Call local Police and Sheriff
  - Use Ice Detainee Locator System at: https://locator.ice.gov/odls/homepage. Only over 18. Will need name, A# and birthday
  - Contact ICE office at: https://www.ice.gov/contact/ero

- When talk to them remind them of their rights- no signing, immigration status or where born before talking to an attorney
Circumstance 5: Responding to Hate Crimes and Bullying

- LEA’s must put in place policies that prohibit:
  - Discrimination
  - Harassment
  - Intimidation
  - Bullying

- Based on a student’s actual or perceived nationality, ethnicity, or immigration status

- It’s a crime to dissuade or otherwise prevent a student from reporting a hate crime to law enforcement. (pen.code 136.1)

- Victims of or witnessed to hate crimes should not be detained based on immigration status or reported to the federal immigration authorities. (pen.code 422.93)

- Polices must be adopted on receiving and investigating these complaints immediately when safe to do so, and any retaliation is prohibited.

- The agency must publicize: students, parents, agents of LEA’s and general public
  - Anti-discrimination
  - Anti-harassment
  - Anti-intimidation
  - Anti-bullying policies—including information on filing a complaint

Purpose: Provide LEA administrators with policies to prevent and respond to incidents of hate crimes and bullying related to victim’s immigration status
Hate Crimes

What is it:
• Incident motivated in whole or in part by the victim’s
  • race, religion, gender
  • sexual orientation
  • gender Identity or expression
  • disability
  • national origin
  • Ethnicity

What does it include:
• physical Violence
• verbal attacks
• attacks on property

How to de-escalate a hate crime on the rise
• If it’s possible walk away
• document the situation
• Look for help

If witness someone being subjected to a hate crime...
• do not confront perpetrator
• engage the victim in conversation
• discuss random subject with victim
• create a safe space until the perpetrator leaves
• escort the victim to a safe place if necessary
Responding to uncertainty as parents and staff

Listen
- Feelings
- Behavior change
- Trust

Connect
- Interaction
- Activities
- Check in regularly

Protect
- Maintain Structure
- Monitor conversations that trigger fear

Model
- Calm
- Optimistic behavior
- Respect opinions
- Communicate high expectations
What can schools and parents do:

Parental Mental health education interventions that are sensitive to issues specific to Latino immigrant children

- More comfortable interacting with a Spanish-speaking or bilingual mental health professional or promotora
- Teach about normal changes that can occur when feeling nervous or upset
- Fight or flight vs. rest & digest
- Mindful breathing
- Speaking up and asking for help is a source/sign of strength
- Crucial: ask or help identify one adult at school they can ask for help if experience harassment or bullying
Parents and community can be part of the implementation process

<table>
<thead>
<tr>
<th>Action</th>
<th>Description</th>
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<tbody>
<tr>
<td>Verify</td>
<td>• District's policies, rules and procedures that prohibit discrimination and harassment</td>
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<tr>
<td>Consistant</td>
<td>• Procedures and complaint forms are consistent with AB 699</td>
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<tr>
<td>Suggest</td>
<td>• District update policies, procedures and forms, and educate all school personnel, parents and students about the new requirements</td>
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<tr>
<td>Revise</td>
<td>• District’s forms and procedures for enrollment</td>
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<tr>
<td>Consult</td>
<td>• With the Superintendent and request that you update all enrollment procedures and policies prohibiting discrimination to comply with the law and that you do not discriminate against immigrant students or members of your family</td>
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<tr>
<td>Share</td>
<td>• Help educate other parents, students and community members about the new law.</td>
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<td>Ask to speak to the board</td>
<td>• On the impact of the AB 699 law and on the needs of immigrant students and their families in the district</td>
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## Ways to Obtain Healthcare Insurance

<table>
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<tr>
<th>Public Health insurance is available for undocumented Californians</th>
<th>Undocumented California's are not expected to have health insurance</th>
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<tbody>
<tr>
<td><strong>1. Employer</strong></td>
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<tr>
<td>Paid partially or fully by employer</td>
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<td><strong>2. Private</strong></td>
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<tr>
<td>Covered Ca (State Marketplace)</td>
<td>Kaiser</td>
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<tr>
<td><strong>3. Public</strong></td>
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<tr>
<td>Medicaid/Medi-Cal</td>
<td>County safety net programs</td>
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## UNDOCUMENTED AND UNINSURED

<table>
<thead>
<tr>
<th>UNITED STATES / FEDERAL</th>
<th>CALIFORNIA- Independent of immigration status</th>
<th>COUNTY</th>
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<tbody>
<tr>
<td>• “Qualified” and “Non-qualified”</td>
<td>• Own funds- Decide who are the “non-qualified” immigrants</td>
<td>• County services are provided with state money, but the counties decide how it is spent</td>
</tr>
<tr>
<td>• Affordable Care Act &amp; Medicaid-Not available to undocumented</td>
<td>• DACA-Full-Scope Medi-Cal</td>
<td>• Some county hospitals provide services</td>
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<td></td>
<td>• Under 19-Full-Scope Medi-Cal</td>
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<td></td>
<td>• Emergency medi-cal for undocumented adults</td>
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<td></td>
<td>• Screenings- breast and cervical cancer</td>
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<td></td>
<td>• Prenatal care</td>
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GENERAL PROGRAMS AVAILABLE TO UNDOCUMENTED CALIFORNIANS

• PROGRAMS OPEN TO ALL
• Emergency-room care
• Community health centers and free clinics
• Public and safety-net hospitals
• Public health services (immunizations, treatment of communicable diseases such as tuberculosis, HIV, sexually transmitted diseases)
• Emergency treatment under emergency Medicaid, including labor and delivery for pregnancy
• Hospital Financial Assistance and Charitable programs
Reach out to immigrant students and families

- Use a variety of means to communicate school policies to parents and students
- Place signs and banners in multiple languages in school buildings announcing and explaining school policies
- Distribute cards explaining the school policies; and “Know Your Rights” campaign to parents, student, and school staff;
- Send automated phone messages to students and families explaining the school policies
- Work with trusted community partners to reach out to families and students
- Coordinate with families in which parents may be detained to prepare power of attorney and guardianship forms - Family preparedness plan
- Hold school or community events meant to explain the school policies

What did you learn and found most important of this presentation?

What will you be able to do as a parent/leader with this information and/or knowledge you gained?

“Never let fear to be so great that it stops you from moving forward”
¡Gracias!