



Fagen Friedman & Fulfroft LLP

Pittsburg USD's Commitment as a Safe Haven School District

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Purpose of Meeting

- Pittsburg USD has made a commitment to ensure that all students feel safe, regardless of immigration status, sex, race, sexual orientation, ethnicity, ability, sex or gender identify, religion, socio-economic status, or ideological beliefs.
- The purpose of this meeting is to provide answers regarding the District's implementation of its Safe Haven Resolution.



Rights For All Students

- All students, whether undocumented or not, have a right to attend school.
- The U.S. Supreme Court has held that no state may deny access to a basic public education to any child residing within the state, whether residing in the U.S. legally or not. (*See Plyler v. Doe*, 457 U.S. 202 (1982).)



Rights For All Students Cont....

- All students have a right to be in a learning environment free from bullying, harassment, discrimination, violence, and intimidation.
- If you or your child have any concerns about possible bullying or harassment, please be sure to inform your principal or file a Uniform Complaint. (BP and AR 1312.3; forms are available online or ask the District for one.)



Common Questions

- Q: Am I required to provide to the District my or my child's legal status in order to enroll in school?
- A: No. School districts are not required to collect information regarding a student's immigration or legal status before enrolling a student in school. (Unless the child is enrolled in school on a F-1 or M-1 visa, e.g. foreign exchange students.)



Common Questions Cont...

- Q: What is DACA and How Does It Apply To My Child?
- A: DACA stands for “Deferred Action For Childhood Arrivals.” It is a policy initiated by former President Obama in 2012 that gives two-year administrative relief from deportation for specific individuals who meet specific criteria.



DACA Continued...

- Individual must be at least 15 years old, but under 31 years old as of June 15, 2012;
- Came to the United States before reaching your 16th birthday;
- Have continuously resided in the United States since June 15, 2007, up to the present time;
- Are currently in school, graduated or with a GED, or honorably discharged from Coast Guard or Armed Forces;
- Not convicted of a felony or significant misdemeanor, 3 or more misdemeanors or else pose a significant threat to national security.



DACA Continued...

- Q: Will the DACA policy continue under President Trump?
- A: It is unclear whether President Trump will continue with DACA as a policy under his administration.



Student Records

- Q: Are my child's educational records protected?
- A: Yes. FERPA protects the privacy of student records, with certain, limited exceptions. FERPA does not make any distinction between students who are legal residents with those who are undocumented.
- Student records are generally not subject to Public Records Act requests, or else are otherwise subject to redaction.



Immigration Questions

- Q: Will a staff member ask my child about our family's legal status?
- A: No, the District will not permit staff members to ask your child about your family's legal status.
- Q: What if a staff member inadvertently or innocently acquires information about my family's legal status?
- A: Employees will be directed to not share a family's immigration status to anyone or with any outside agencies.



Immigration Questions

- Q: Will ICE be allowed on campuses?
- A: In the unlikely event that ICE will be present on District campuses, the Board has passed a resolution that will only permit such presence with the prior written approval from the Superintendent.
- The District must allow ICE agents on those campuses that allow foreign exchange students (who are in the U.S. under an F-1 or M-1 visas) for onsite visits.



Immigration Questions

- Q: Is the District required to release student records to ICE, police, or other government authorities?
- A: The District will only release student records pursuant to a valid subpoena or court order in compliance with FERPA or immigration laws or regulations. The District will use all efforts to notify the parents before the release of the records so that the parents may seek protective action.



Parent Rights

- Q: Will the District release my child to ICE if I am in custody as the result of immigration enforcement?
- A: No. The District will not release your child to ICE if you are in custody. The District will instead follow the parent's instructions as listed on the child's emergency card.



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