



**RESOLUTION ENSURING IMMIGRANT STUDENT ACCESS TO THE FULL BENEFITS OF  
AN LCPS EDUCATION**

**WHEREAS**, The United States Supreme Court held in *Plyer v. Doe* (1982) that no public school district has a basis to deny children access to education based on their immigration status, citing the harm it would inflict on the child and society itself, and the equal protection rights of the Fourteenth Amendment; and

**WHEREAS**, U.S. Immigration and Customs Enforcement's (ICE) longstanding policy states that it will not conduct immigration enforcement activity at any sensitive location, including on school property, at education-related activities or events, and at marked or known bus stops, during periods when school children are present at the stop, unless exigent circumstances exist or without special permission from specific federal law enforcement officials; and

**WHEREAS**, no state or federal law mandates that local school districts assist ICE in the enforcement of immigration laws; and

**WHEREAS**, Las Cruces Public Schools (LCPS) welcomes all students and has a responsibility to ensure that all students who reside within its boundaries, regardless of immigration status, can safely access a free public education; and

**WHEREAS**, educational personnel are often the primary sources of support, resources, and information to assist and support students and their families, which includes their emotional health; and

**WHEREAS**, licensed support personnel such as counselors, social workers, and family school liaisons, as part of their support to students and families, have a professional and ethical responsibility within the scope of their license to provide information regarding District and community resources; and

**WHEREAS**, through its policies and practices, LCPS has made a commitment to a quality education for all students, which includes a safe and stable learning environment.

**NOW, THEREFORE, BE IT RESOLVED** that the LCPS Board encourages the Superintendent to increase and enhance partnerships with non-profit community-based organizations who provide resources to families faced with fear and anxiety about immigration enforcement efforts; and

**BE IT FURTHER RESOLVED**, that all students, regardless of immigration status, who register for or seek to participate in any and all benefits of a LCPS public education, receive all such school benefits and services to which they are otherwise entitled, including free or reduced-cost meals, transportation, health care treatment from the school nurse or a school-based health center, extracurricular activities and educational services, and that no school district staff shall take any steps that would deny students access to education based on their immigration status or that would inhibit the rights of any student to the benefits of a LCPS public education;

**BE IT FURTHER RESOLVED**, that in its continued commitment to the protection of student privacy, the Board directs the Superintendent to review the District's record-keeping policies and practices to ensure that no data is required, or is being collected, with respect to students' immigration status or place of birth; and to cease any such collection as it is irrelevant to the educational enterprise; and

**BE IT FURTHER RESOLVED**, that the Board directs the Superintendent to communicate to District personnel the expectation that District personnel not report undocumented students to ICE, including B-2 visa bearers who attempt to attend school, and should ICE or other immigration law enforcement agents request any student information, the request shall be referred to the Superintendent's Office to ensure compliance with the Family Educational Rights and Privacy Act (FERPA), student constitutional privacy, standards for a judicial warrant, and any other limitation on disclosure; this review will be conducted expeditiously, but before any production of information is made; and

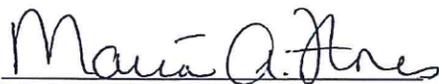
**BE IT FURTHER RESOLVED**, that the LCPS Board directs the Superintendent to create a rapid response plan to be implemented in the event a minor child attending school in the District is deprived of adult care, supervision, or guardianship outside of school due to a federal law enforcement action, such as detention by ICE or a cooperating law enforcement agency; and

**BE IT FURTHER RESOLVED**, that the Superintendent shall post this Resolution on the LCPS website and distribute it using usual means of communication; and

**BE IT FURTHER RESOLVED**, that the Board affirms that certified employees have the academic freedom to discuss this Resolution during class time, provided the discussion is age-appropriate and does not promote political candidates or partisan activities; and

**BE IT FURTHER RESOLVED**, that any third party providing services on behalf of the District through contractual or other arrangements, including nonacademic and extracurricular services and activities, shall be notified of this Resolution and required to abide by it.

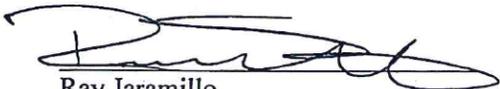
Adopted this \_\_18th\_\_ day of \_\_April\_\_ 2017, Las Cruces, New Mexico.



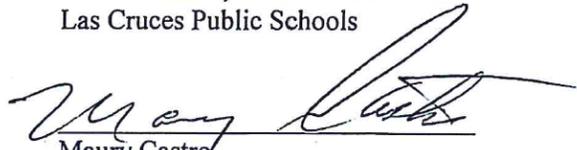
Maria A. Flores  
President, Board of Education  
Las Cruces Public Schools



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