

REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: May 19, 2016

TO: Honorable Members of the Rules, Elections, Intergovernmental Relations, and Neighborhoods Committee

FROM: Sharon M. Tso 
Chief Legislative Analyst Council File No.: 15-0002-S136
Assignment No.: 16-03-0203

SUBJECT: Resolution (Cedillo - Martinez) Relative to Los Angeles Unified School District Safe Zones

CLA RECOMMENDATION: Adopt Resolution (Cedillo - Martinez) to include in the City's 2015-16 State Legislative Program SUPPORT for the Los Angeles Unified School District Board Resolution (Mr. Zimmer, Dr. Rodriguez, Ms. Garcia) declaring LA Unified Campuses as Safe Zones and Resource Centers for Students and Families Threatened by Immigration Enforcement (Res-032-15/16), as further described in the text of the Resolution.

SUMMARY

Resolution (Cedillo - Martinez), introduced on March 1, 2016, states that the Governing Board of the Los Angeles Unified School District has previously urged the federal government to enact humane comprehensive immigration reform, most recently in 2013 and 2014. In the case of *Plyer v. Doe* (1982), the United States Supreme Court held that no public school district has a basis to deny children access to education based on their immigration status. The Resolution also states that Immigration and Customs Enforcement (ICE) activities in and around schools, early education centers and adult school facilities would be a severe disruption to the learning environment and educational setting for students.

Some government agencies have adopted policies that resist any government action that may lead to the discovery of a person's immigration status. According to the Resolution, there is no written state or federal law that requires local districts to assist ICE in the enforcement of immigration laws.

The Resolution recommends that the City support the Los Angeles Unified School District Board Resolution declaring LA Unified Campuses as Safe Zones and Resource Centers for Students and Families Threatened by Immigration Enforcement (Res-032-15/16).

BACKGROUND

More than 68,500 unaccompanied children from Central America arrived at the southern border of the United States in 2014. Under existing federal law, minors from Central America must be admitted to the United States and be allowed to request asylum in immigration court. After decreasing in the early months of 2015, the number of unaccompanied children began to increase again in the later months of 2015. In 2016, immigration officials began targeting individuals from Central America in nationwide raids. ICE considers schools and religious institutions to be sensitive locations and does not conduct interviews, searches, arrests, or surveillance activities in public schools.

LAUSD Resolution

On February 9, 2016, the Los Angeles Unified School District Board of Education (LAUSD Board) considered a Resolution to designate LAUSD school campuses as Safe Zones and Resource Centers for Students and Families Threatened by Immigration Enforcement (Resolution).

The LAUSD Board President stated that the goal of the Resolution is to ensure that immigrant families feel safe in schools. The Resolution declares that all LAUSD sites are safe places for students and families to seek information or assistance if they experience fear and anxiety as a result of immigration enforcement efforts.

The following actions relative to immigration would take effect upon adoption of the Resolution:

1. District personnel will treat all students in an equitable manner in the delivery of all school services, including, but not limited to, the following: transportation, free and reduced lunch services, and educational instruction.
2. District personnel will be prohibited from inquiring about the immigration status of students and their families.
3. Any request by ICE for information or access to a school site will be immediately forwarded to the Superintendent or General Counsel for review and a decision on whether to allow access to the site and/or the information to ensure District compliance with *Plyler* and other applicable laws.
4. The Superintendent will create a plan within 90 days to provide resources and information for undocumented and mixed-status families, including the establishment of a rapid-response network to assist children whose family members have been detained.

On February 9, 2016, the LAUSD Board adopted the Resolution. The Resolution is consistent with City positions in support of comprehensive immigration reform and ensuring due process during federal enforcement activities.

DEPARTMENT NOTIFIED

None



Brian Randol

Analyst

Attachment: Resolution

R E S O L U T I O N

RULES, ELECTIONS & INTERGOVERNMENTAL RELATIONS

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the Governing Board of the Los Angeles Unified School District has repeatedly urged the federal government to enact humane comprehensive immigration reform; most recently in 2014 with the unanimous passage of the Keeping LAUSD Families Together resolution, as well as the 2013 Urge Action for Comprehensive Immigration Reform from the 113th Congress; and

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 that children have little control over their immigration status, the harm it would inflict on the child and society itself, and equal protection rights of the 14th Amendment; and

WHEREAS, Immigration and Customs Enforcement (ICE) activities in and around schools, early education centers, and adult school facilities would be a severe disruption to the learning environment and educational setting for students; and

WHEREAS, some government agencies have adopted policies that resist any government action that may lead to the discovery of a person's immigration status; and

WHEREAS, there is no written state or federal law that requires local districts to assist ICE in the enforcement of immigration laws; and

WHEREAS, currently pending before the Governing Board of the Los Angeles Unified School District is a Resolution (Mr. Zimmer, Dr. Rodriguez, Ms. Garcia) declaring LA Unified Campuses as Safe Zones and Resource Centers for Students and Families Threatened by Immigration Enforcement (Res-032-15/16);

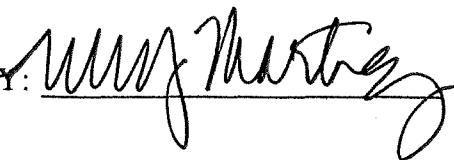
NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2015 - 2016 State Legislative Program support for the Los Angeles Unified School District Board Resolution (Mr. Zimmer, Dr. Rodriguez, Ms. Garcia) declaring LA Unified Campuses as Safe Zones and Resource Centers for Students and Families Threatened by Immigration Enforcement (Res-032-15/16), as further described in the text of this Resolution.

PRESENTED BY:



GILBERT CEDILLO
Councilman, 1st District

SECONDED BY:



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