A RESOLUTION TO REAFFIRM APS' INCLUSIVE PRACTICES AND BELIEFS FOR ALL STUDENTS REGARDLESS OF DOCUMENTATION STATUS

Background of the Resolution

The United States of America was built by diverse people. Aurora is the most diverse city in Colorado, and Aurora Public Schools educates students of diverse immigration and documentation status. Aurora’s students and families have come together to compose this resolution to embrace APS’ diversity and recognize Aurora Public Schools as an inclusive school community dedicated to serving and supporting all students. In 1975, Texas revised its education laws to withhold state funding for the education of undocumented children, authorizing school districts to deny enrollment to undocumented students. The United States Supreme Court struck down this state statute in 1982 through Plyer v. Doe, deciding that, regardless of citizenship and immigration status, all children residing in the United States shall have access to K-12 education. This includes Deferred Action for Childhood Arrival (DACA) students, documented students, and undocumented students. Education plays a critical role in empowering our society and can pave the way for equity and opportunity.

As stated in the APS 2020 strategic plan core beliefs, families are partners in education and student safety is essential to the APS vision and mission. Families and students coming together to create this resolution is in direct alignment with the school district’s plan to help every student shape a successful future.
A RESOLUTION TO REAFFIRM APS’ INCLUSIVE PRACTICES AND BELIEFS FOR ALL STUDENTS REGARDLESS OF DOCUMENTATION STATUS

1. WHEREAS: It is the goal and the commitment of the Aurora Public Schools Board of Education to support all students’ ability to succeed by cultivating learning environments that are physically and emotionally safe and supportive, to embrace and value our diversity, and to act quickly to prevent and address any and all issues of discrimination and harassment in our schools. In light of this, we believe it is necessary to adopt a resolution in support of APS’ diversity and to reaffirm our commitment to the education of all students.

2. WHEREAS: Any resident in the state of Colorado who is between the age of six (6) years and is under the age of twenty-one (21) years is entitled to attend public school in the school district where he or she is a resident. 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, we recognize our legal and moral obligation to serve and support all students attending Aurora Public Schools;

3. WHEREAS: Aurora Public Schools is the fifth largest school district in Colorado, and one of the most racially, ethnically and linguistically diverse school district in Colorado; Aurora Public Schools students come from more than 130 different countries and speak more than 130 different languages, including: Spanish, Burmese, Karen, Nepali, Somali, and Amharic. Thirty-six percent of Aurora Public Schools students speak English as a second language, of these, 82% are native Spanish speakers; 55% of the more than 40,000 students in Aurora Public Schools identify as Latino, 82% of students identify as students of color, and more than 68% percent of students qualify for free and reduced lunch;

4. WHEREAS: Public schools and school districts are subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of race, color, gender, sexual orientation, gender identity, religion, national origin, ancestry, age, marital status, pregnancy status, veteran status, or disability;

5. WHEREAS: School attendance and learning should be encouraged by the district and community with schools being made as safe and inclusive as possible for every student;

6. WHEREAS: No written state or federal law mandates that local school districts assist with the enforcement of immigration laws. Furthermore, Aurora Public Schools does not collect, maintain, or report any information regarding student or family documentation status. Aurora Public Schools will be supportive of families while complying with state and federal law;

7. WHEREAS: On February 24, 2017, Aurora Public School distributed the memo entitled: “RESPONDING TO REQUESTS FOR ACCESS TO DISTRICT PROPERTY, STUDENTS, OR STUDENT RECORDS BY IMMIGRATION AND CUSTOMS ENFORCEMENT” to its school leaders outlining the procedures and protocol when interacting with Immigration and Customs Enforcement’s (ICE);
8. WHEREAS: Concerns about immigration status create severe emotional, psychological, and physical barriers to learning, education, and the relationships that students, families and school staff develop; The school community requires access to resources that can ameliorate these barriers to learning;

1. THEREFORE, BE IT RESOLVED: That the Governing Board of the Aurora Public School District and the Superintendent hereby declare that they will continue to support students and families to foster an inclusive and safe learning environment for its students and their families as affirmed in APS 2020 and the district’s core values;

2. RESOLVED FURTHER: In the event that a parent/legal guardian is unable to retrieve a student from school, due to any situation, APS should have policies and procedures in place to protect and care for such students until a guardian or other designated adult is able to retrieve the student; all teachers, administrators and staff should understand and be able to implement the adopted procedures;

3. RESOLVED FURTHER: That the Board and the Superintendent shall allow community-based organizations and legal service organizations to provide resources and information for immigrant students and families at all district facilities, including K-12 schools, early education centers, adult schools, and parent centers. The Board and the Superintendent shall support partnerships, as deemed appropriate, with these community-based organizations and legal service organizations that combat discrimination;

4. RESOLVED FURTHER: In order to provide a public education, regardless of a child’s or family member’s citizenship or immigration status, absent any applicable federal, state, or local law, regulation, ordinance or court decision, Aurora Public School District shall continue to abide by the following:

   a. District personnel are prohibited from inquiring about or recording a student’s or a student’s family member’s immigration status, and pursuant to the Family Education Rights and Privacy Act (FERPA), shall not disclose, without parental or guardian consent, the immigration status or other personally identifiable information of any student.

   b. Prior to the start of the 2017-18 school year, the memo entitled: “RESPONDING TO REQUESTS FOR ACCESS TO DISTRICT PROPERTY, STUDENTS, OR STUDENT RECORDS BY IMMIGRATION AND CUSTOMS ENFORCEMENT” shall be translated into the top 10 languages and be made available to all APS families by posting on the district website and all school websites; All APS staff shall be provided by paper or electronically with the memo;

5. RESOLVED FURTHER: The Board and the Superintendent shall prepare a protocol regarding the action that APS school staff shall take in the event that a student’s parent/guardian is unable to retrieve his/her child from school for any reason. The Superintendent shall report back to the Board by the start of the 2017-18 school year;
6. RESOLVED FURTHER: That all schools must ensure that families are contacted every year to update student emergency contact sheets to ensure that they are accurate and to include a non-family member as an additional emergency contact. This will be included in the annual parent handbooks in a manner directed by the Superintendent.

7. RESOLVED FURTHER: That the Board directs the Superintendent to communicate with school leaders that they may partner with community organizations to coordinate Know Your Rights presentations in students’ and families’ native languages. Communication with school leaders shall occur by the start of the 2017-18 school year.

NOW, THEREFORE, BE IT RESOLVED by the Board that this resolution is approved as presented.

Adopted this 16th day of May, 2017.

JOINT SCHOOL DISTRICT #28J OF THE COUNTIES OF ADAMS AND ARAPAHOE
(Aurora Public Schools)

By: [Signature]
Amber Drevon, President
Board of Education

Attest:
[Signature]
Monica Colbert, Secretary
Board of Education