




Handcuffs on Success: Why Immigration Enforcement in Schools Is Not the Answer

American Civil Liberties Union of
Arizona



Who We Are:

 American Civil Liberties Union (ACLU)

 American Civil Liberties Union of Arizona (ACLU of Arizona)






Today's Goals



Provide an overview of how SB 1070 harms students and their right to an education




Raise awareness about school resource officers questioning students about their immigration status




Discuss next steps on how your district can protect students and parents






Plyler v. Doe



Public education is a right that has been enshrined in law since 1982, when the U.S. Supreme Court in *Plyler v. Doe* struck down a Texas law denying immigrant children a basic education. In doing so, the Court recognized that education is crucial to ensuring immigrant children's future membership in society.







School-to-Prison Pipeline



- 📁 10,000 police in schools in 1997 vs. 17,000 by 2010.
- 📁 Increase in police presence, combined with harsh discipline policies, has pushed kids out of classrooms and into the court system.
- 📁 Rationale for having police in schools is to address serious and deadly violence; to protect students/staff during emergency "lock downs." In practice, police spend most of their time responding to minor infractions.
- 📁 Minority and disabled kids are hurt the most by these trends. In Arizona, Latino kids made up 40% of criminal referrals in 2008 (versus 30% of the general population) and African-American kids made up 8% (versus 4% of the population).



STPP Continued...



 In the 2011-12 school year, schools in the state of Arizona referred 5.1 per 1000 students to law enforcement: 7.4 per 1000 Black students, 4.9 per 1000 Hispanic students, 3.7 per 1000 White students, and 9.8 per 1000 students with disabilities.



Arizona's SB 1070

- 📖 Latino and immigrant children in Arizona continue to face barriers to the schoolhouse door.
- 📖 While most of SB 1070 has been struck down as unconstitutional, Section 2(B), also called the "show me your papers" provision, is still in effect. This section of the law permits police to question people they reasonably suspect are not authorized to be in the U.S. about their immigration status.





Examples of harm

In November 2012, a high school student was arrested and transferred to Border Patrol custody after being accused of receiving stolen property. He was held in federal immigration custody for hours before being released.



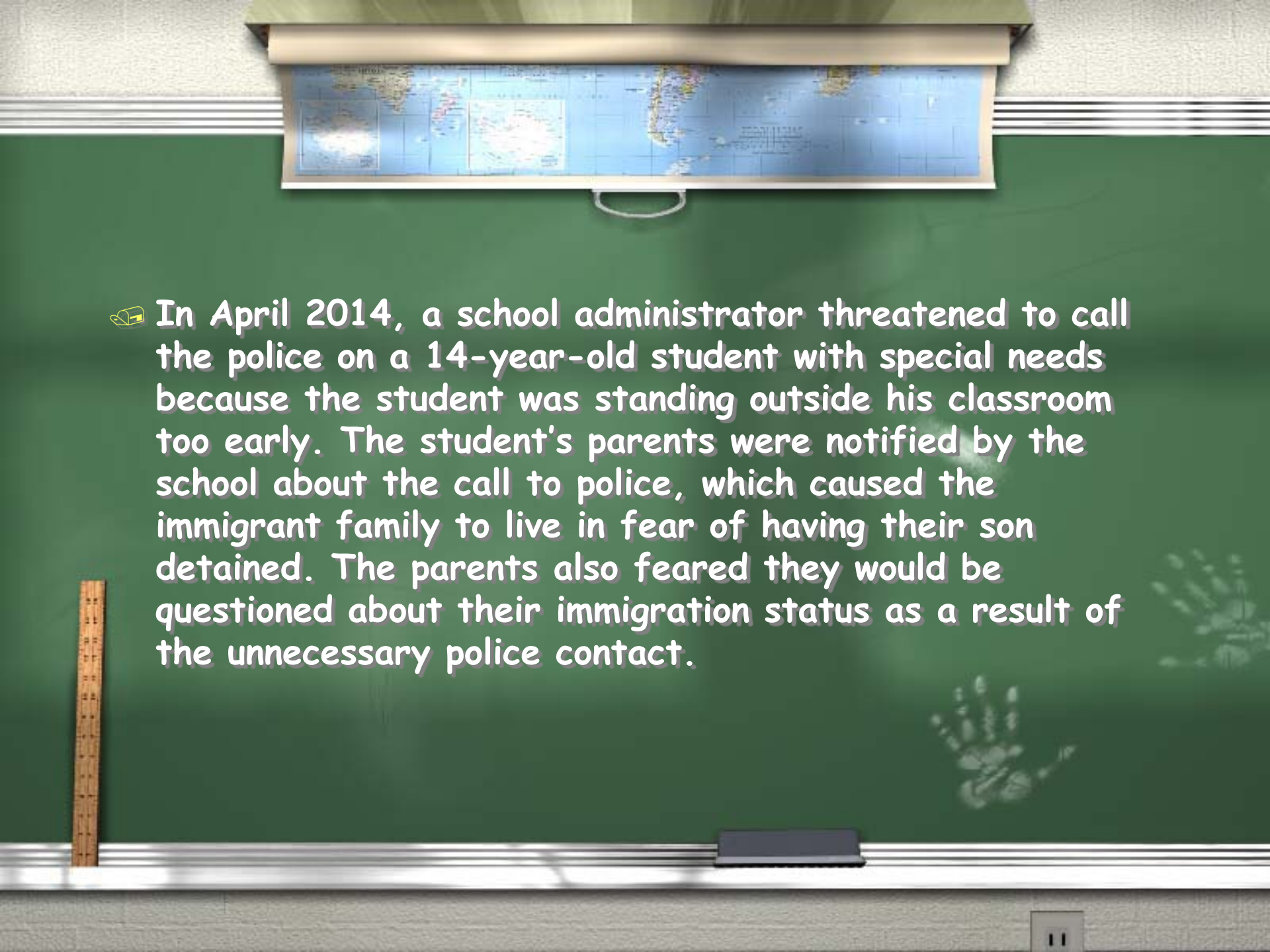
Although the charges against the student were dropped, school officials have refused to allow his return to the classroom.





Examples continued...


📖 In October 2012, a 13-year-old special needs student was arrested by police after he had a fight at a school bus stop with a classmate he claimed was a bully. The officer held the student, who was Latino, out of class while he contacted immigration officials. The student was a U.S. citizen.





📖 In April 2014, a school administrator threatened to call the police on a 14-year-old student with special needs because the student was standing outside his classroom too early. The student's parents were notified by the school about the call to police, which caused the immigrant family to live in fear of having their son detained. The parents also feared they would be questioned about their immigration status as a result of the unnecessary police contact.



Unintended Consequences for Young People



Studies conducted in the wake of SB 1070's passage reveal a range of consequences for students, including increased fear and mistrust of civic institutions like police and schools, social and academic problems, anxiety-related health effects, and the destabilization of schools, which are left to deal with everything from declining enrollment to parental distress.





Solutions



Policy Recommendations to Ensure
Safe Schools, Establish
Accountability





Enact Good Policy

Implementation of policies at both local and state levels to prohibit immigration enforcement by police in schools and ensure greater accountability for police activity in schools.



How Districts Can Do This

SROs get into schools through agreements between the District and the local Police Department. These agreements specify how SROs perform their duties.




Tucson School District Unified


TUSD

Tucson City Council
Vote




Tucson policy states:




 *To ensure all students in Arizona attend a school free from discrimination or harassment, school policies should explicitly state: "When interacting with minors, police officers or school personnel shall refrain from asking students about their immigration status."*



Our recommendation:

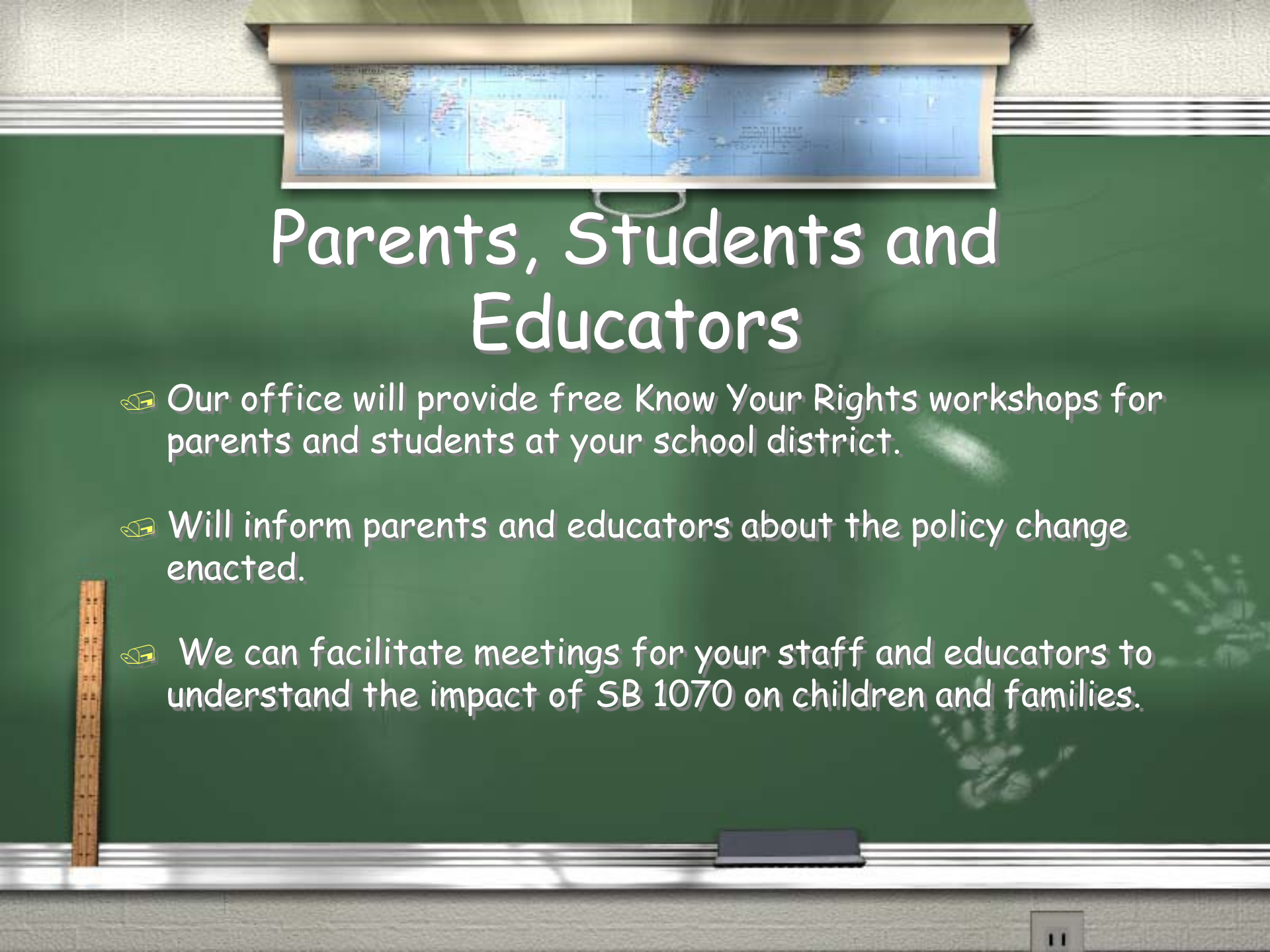


"No officer or employee of the [_____] Police Department shall question students on or near district property or during the course of their duties under this Agreement about their immigration status, or the status of their relatives, for any reason whatsoever. Students shall not be removed from district property for the purpose of making inquiries that would otherwise violate this Agreement."



Establishing Accountability





Parents, Students and Educators

- 📖 Our office will provide free Know Your Rights workshops for parents and students at your school district.
- 📖 Will inform parents and educators about the policy change enacted.
- 📖 We can facilitate meetings for your staff and educators to understand the impact of SB 1070 on children and families.



Next Steps...

1. Review your current SRO program, contract and policy
2. Talk to legal counsel
3. Pass policy to limit SRO's from questioning children about their immigration status.