



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

SB 1070 Enforcement in Schools

The U.S. Constitution guarantees all children, regardless of immigration status, equal access to a basic public education. It's 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.

While *Plyler* remains the law of the land, Latino and immigrant children in Arizona continue to face barriers to the schoolhouse door. Police officers working in schools in Arizona question students about their immigration status, citing Arizona's SB 1070 as justification for this discrimination and harassment of students. 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. This provision exacerbates the longstanding problem of racial profiling by law enforcement by giving officers across the state a "green light" to harass anyone who looks and sounds "foreign." This provision leads to the unlawful harassment and detention of passengers in vehicles, domestic violence victims, students and their parents.

Here are three examples involving students who were illegally questioned about their immigration status after SB 1070 went into effect:

- **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.**
- **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 14-year-old student with special needs was threatened by a school administrator who threatened to call the police on a 14-year-old special needs student because the student was standing outside his classroom too early. The student's parents were told 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.¹ SB 1070 has had serious consequences for youth, impacting not only their immediate lives but also their futures by decreasing their ability to contribute meaningfully to the progress of our nation in the spirit of *Plyler*. As a result, the ACLU of Arizona is pursuing a long-term strategy to promote educational equity and ensure safe schools for all.

Policy Recommendations to Ensure Safe Schools, Establish Accountability

In light of documented incidents involving police officers questioning students in schools, the ACLU of Arizona has determined that the most urgent and timely need is the 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.

Most recently, the Tucson Unified School District (TUSD)² and Tucson City Council³ voted to prohibit school resource officers working in TUSD from questioning students about their immigration status. The move was the result of increased pressure from TUSD parents, students, administrators and school board members who did not want the potential for deportation and separation of families to cause students to fear the officers in TUSD schools.

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.”

In addition, we recommend inserting the following language in intergovernmental agreements between schools and police departments:

“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 provision.”

¹LEFT BACK: The Impact of SB 1070 on Arizona’s Youth available at: http://www.law.arizona.edu/depts/bacon_program/pdf/left_back.pdf and Youths’ Perspective on Senate Bill 1070 in Arizona: The Socio-emotional Effects of Immigration Policy available at: <https://amaejournal.asu.edu/index.php/amae/article/view/122>

² Arizona Daily Star: Department of Justice joins TUSD in SRO fight http://tucson.com/news/blogs/ednotes/departement-of-justice-joins-tusd-in-sro-fight/article_aa31d277-d03e-5097-a415-c418e49b3b0c.html

³ Tucson City Council Vote, December 16th, 2014, Page 7, Section 5. Resolution No. 22336 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement (IGA) between the City of Tucson (City) and Tucson Unified School District (TUSD) for School Resource Officers (SROs) funded through the Arizona Department of Education (AZDE) School Safety Program (SSP); and declaring an emergency. <http://www.tucsonaz.gov/sirepub/cache/2/qccu101ufwtf3ywgsoicsnhz/656226003092015044338226.PDF>