

Memorandum

Re: Beverly Public Schools Sanctuary Resolution

March 8, 2017

**Whereas**, the city of Beverly does not currently violate any federal laws, nor will the city of Beverly violate any federal laws;

**Whereas**, The Beverly Public Schools, as well as the Beverly School Committee are considered to be part of the city of Beverly;

**Whereas**, the 10<sup>th</sup> amendment mandates that the federal government cannot compel state and local employees to enforce federal laws;<sup>i</sup>

**Whereas**, the United States Supreme Court has ruled that the federal government cannot force the states to act against their will by withholding funds in a coercive manner;<sup>ii</sup>

**Whereas**, the Beverly school district is required to educate all children, regardless of their immigration status;<sup>iii</sup>

**Whereas**, all school districts must comply with Federal civil rights laws;<sup>iv</sup>

**Whereas**, State and Federal laws prohibit educational agencies from disclosing personally identifiable student/education record information to 3<sup>rd</sup> party without the consent of a parent or guardian, a court order or lawful subpoena or in the case of a health emergency;

**Whereas**, the Beverly school district does not, and has not asked for immigration status when families register children for schools;

**Whereas**, Beverly Public Schools is committed to the success of all students regardless of their immigration status, ethnicity, race, religion, sexual orientation, ability, sex and gender identity, social economic status, or ideological beliefs;

**Whereas**, Beverly Public Schools embrace the diversity of our students and families and the rich cultural assets they bring to our City and strongly supports and encourages the participation of all parents and families in our schools;

**Whereas**, the Beverly Public Schools have a plan to support **any** student in a situation where there is no one to get them to and from school regardless of **why** there is no adult available;

**Now, Therefore, Be It Resolved**, the Beverly Public School Committee declares its unequivocal commitment that every school district site shall be a safe and welcoming place for all students to receive a quality education, and a welcoming place for their families.

**Be It Further Resolved**, the Beverly Public School Committee reaffirms its focus on promoting and elevating tolerance, inclusiveness and kindness of all students, families, and staff at all Beverly Public School sites, facilities, and material property.

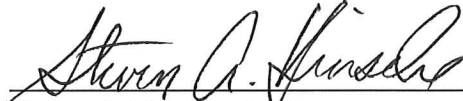
**Be It Further Resolved**, the district staff will be reminded of the existing policies that restrict sharing of student files with anyone including but not limited to file that may be used to ascertain legal or immigration status of students.

**Be It Further Resolved**, the district staff will be reminded of the existing policies and plans for situations when there is no one available to pick a child up from school regardless of the reason why there is no adult available.

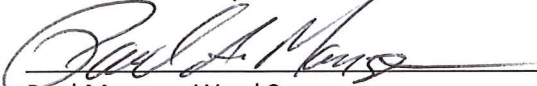
**Lastly, Be It Further Resolved**, the district will make available in each school, and communicated broadly amongst the community, a list of resources of community based organizations, legal service organizations, and other related information for any family to access. When and where possible, translations of said materials, or access to translated materials will also be made available.



Kris Silverstein – Ward 3  
President, Beverly School Committee



Steven A. Hiersche, Ed.D.  
Superintendent, Beverly Public Schools



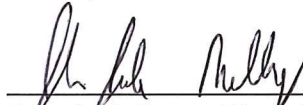
Paul Manzo – Ward 2  
Vice President, Beverly School Committee



Rachael Abell – Ward 1  
Beverly School Committee



Lorinda Visnick – Ward 6  
Secretary, Beverly School Committee



John J. Mullady – Ward 4  
Beverly School Committee



Paul Goodwin – Ward 5  
Beverly School Committee

Mayor Michael Cahill  
Beverly School Committee

<sup>i</sup> This is known as the anti-commandeering doctrine, and it is well established in constitutional jurisprudence. Four Supreme Court opinions dating back to 1842 serve as the foundation for this legal doctrine.

<sup>ii</sup> *Independent Business v. Sebelius* (2012).

<sup>iii</sup> The United States Supreme Court ruled in *Plyler v. Doe* that the state of Texas violated the Equal Rights Protection Clause of the Fourteenth Amendment to the U.S. Constitution by denying undocumented school-age children a free public education. Reasoning that such children are in this country through no fault of their own, the Court concluded that they are entitled to the same K-12 education that the state provides to children who are citizens or legal residents.

<sup>iv</sup> A “dear colleague” letter from the US Department of Justice and Department of Education dated May 8, 2014 reaffirms that all school districts must “comply with these Federal civil rights laws, as well as the mandates of the Supreme Court” ensuring that districts “do not discriminate on the basis of race, color, or national origin, and that students are not barred from enrolling in public schools at the elementary and secondary level on the basis of their own citizenship or immigration status or that of their parents or guardians. Moreover, may not request information with the purpose or result in denying access to public schools, on the basis of race, color, or national origin.”