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October 17, 2011

SENT VIA EMAIL

Roaring Fork School Board Members

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Re: School Resources Officers' Collaboration with Immigration and Customs Enforcement

Dear Roaring Fork School Board Members:

The American Civil Liberties Union of Colorado understands that the Roaring Fork RE-1 school board is considering adopting a policy prohibiting school resources police officers (SROs) from collaborating with Immigration and Customs Enforcement (ICE). We write to urge the school board to adopt such a policy not only because it is the right thing to do for immigrant students, but also because such a policy protects the principals underlying clearly established federal law.

SROs work in collaboration with students to increase student safety, solve crimes, and create a bridge between students, the community and criminal law enforcement. Yet, when SROs participate in the enforcement of federal immigration law, it threatens the sense of safety and security that immigrant students – whether documented or undocumented – have a right to feel in public school.

As you know, the Roaring Fork Valley boasts a substantial and growing Latino population, many of whom are immigrants – some documented and some undocumented. Under federal law, the Roaring Fork School District (“RFSD”) must not erect barriers that will discourage

undocumented children from exercising their right to a public education. The United States Supreme Court made this clear in 1982, when it ruled in *Plyler v. Doe*, 457 U.S. 202, that states violate the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution when they deny undocumented children the same public education that is provided to United States citizens. The court reasoned that in denying these [undocumented immigrant] children a basic education,” school districts “deny them the ability to live within the structure of our civic institutions, and foreclose any realistic possibility that they will contribute in even the smallest way to the progress of our Nation.” *Id.* at 224.

When SROs work in collaboration with ICE, that very act discourages families who have undocumented members from sending their children to school for fear that the SRO will use his position to gain information to share with ICE. While police may assert their SROs collaborate with ICE solely in order to enforce criminal law, such an assertion simply cannot justify the collaboration. After all, ICE’s “primary mission” is “enforcement of federal laws governing border control, customs, trade and immigration.”¹ So, when SROs collaborate with ICE, regardless of the police department’s asserted intent behind the collaboration, the message to the community and students is clear: that the SROs are working to enforce federal immigration law. Further, when SROs collaborate with ICE in such a way that leads to the deportation of undocumented immigrants, such actions threaten the sense of safety and security that undocumented students feel in school. This is particularly true in small communities, such as those within the Roaring Fork Valley, in which the details of ICE raids – including the targets of such raids and the names of SROs and other law enforcement officers involved in the raids – are likely to be known broadly throughout the community.

When undocumented students learn of these joint SRO/ICE raids (regardless of whether or not the target of the raid was allegedly involved in criminal activity), the message received by students is that the SRO at their school is a threat to the integrity of families with undocumented members. Students and community members cannot be expected to think otherwise when SROs come to community members’ homes with ICE, take away brothers, sisters, mothers and friends of students, and put them on the road to deportation. Such actions, regardless of the intent of the SRO, are bound to make undocumented immigrant students, as well as students whose parents have questionable legal status, distrustful of the SRO, reticent to share truthful information with him, and concerned that coming to school may threaten the integrity of their family. This conflicts with the mission of SROs and the requirements of well-established federal law.

Based on the foregoing, we urge you to take immediate steps to revise RFSD policies to prohibit SROs from collaborating with federal immigration authorities.

¹ See <http://www.ice.gov/about/overview/>.

Sincerely,



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