



By First Class Mail & Email: saragoodburn@smsd.org

April 19, 2017

Sara Goodburn, President
Board of Education, Shawnee Mission School District
7235 Antioch Rd.
Overland Park, KS 66204

**Re: Recent Incident at Briarwood Elementary School
Our File No.:17-0008132**

Dear President Goodburn:

As you know, a few weeks ago, 41 Action News reported that, after detaining a mother at her home, ICE agents went to Briarwood Elementary School in the Shawnee Mission School District and took a 9 year old student into custody.

In the statement released on Friday, March 24, 2017, the district “confirm[ed] that there was never an ICE agent on our school property.” The statement further indicated that “[n]o child was removed from a classroom by ICE or the police, and no child was arrested.” Later, the Shawnee Mission Post reported as follows:

Regarding the report about Briarwood specifically, the district said, “There was never an ICE agent who was on Briarwood’s school property. There was not an arrest of anyone at Briarwood. No child was removed from a classroom or in front of other students at Briarwood by ICE or the police.”

Late last month, I spoke to the immigration lawyer for the parents of the 9 year old student, and I obtained the following facts:

These events occurred on February 7, 2017. On that day, ICE agents went to the parents’ apartment looking to detain the father, who was not home at the time. The mother and her baby were home, however, and ICE agents detained the mother and called the authorities to take custody of the baby. ICE agents also asked the mother if she had any other children, and the mother told the agents that she had a 9 year old at Briarwood. ICE then apparently alerted the authorities about the 9 year old, and someone – either ICE or the state or local authorities – contacted the school. At the end of the school day, Briarwood staff members sent the student to the principal’s office and told him that he could not get on the bus to go home that day. Shortly after the end of the school day, Prairie Village police arrived and took the student into state custody, apparently as a child in need of care. Other students still at the school that afternoon saw the police escort the boy to a squad car and take him away. These events traumatized the boy. The staff at Briarwood Elementary never contacted the district’s emergency services (police) department. Later that afternoon, the children’s father picked up both of his children –

the baby and the 9 year old Briarwood student – from the Division of Children & Families (DCF) facility in Olathe.

In this instance, the 9 year old's father was at liberty when the police took the boy into state custody, and the parents had provided the school district with emergency contacts in case they were unable to pick their son up from school. So, it seems the school officials at Briarwood Elementary did not try to contact the father and did not call any of the emergency contacts the parents had listed on school forms before they turned the student over to the Prairie Village police.

I have reviewed Board Policy JCAC and have searched the Board's website for policies on contacting parents and their listed emergency contacts before releasing children to the police. But I have found no such policies. Certainly, Board Policy JCAC does not require staff to attempt to contact parents and their emergency contacts before calling the police or releasing a child to the police or DCF. Does the district have a policy directing school staff to contact parents and their listed emergency contacts when an emergency arises? If so, please identify that policy and provide me with a copy or a link to the policy on the district's website.

Because recent Executive Orders issued by President Trump call for increased immigration enforcement measures by ICE and because the district serves many immigrant families, some of which are undocumented, it is likely that the district will again confront this situation in the near future. Thus, I believe it is essential for the district to conduct an investigation of the February 7 incident in order to learn from that incident. As part of that investigation, the district should answer the following questions:

1. Did the staff at Briarwood Elementary attempt to contact the student's father and/or emergency contacts before releasing the student to the police?
2. Who contacted the school about the Briarwood Elementary student (ICE, police, or another agency)?
3. Did school staff call the state and local authorities or did ICE call those authorities?
4. Was a DCF worker present when the student was taken into custody?
5. Was the student taken into DCF custody or police protective custody?
6. Did the police present to the school officials a court order finding that the student was a child in need of care and authorizing the authorities to take the child into state custody at that time?

The district should also conduct a thorough review of its policies. In this instance, it is disturbing that the school officials apparently decided to prohibit the student from going home on the bus without any attempt by Briarwood staff to contact the father or the emergency contacts listed by the parents. In this case, these parents had foreseen and had tried to prepare for the scenario that unfolded on February 7. They had instructed their son and their emergency contacts about what they should do in such a situation. If the school officials turned the student

Sara Goodburn, President
April 19, 2017
Page 2

over to the police without a court order, they violated the parents' rights. In this case, the conduct of the Briarwood staff unnecessarily frustrated those plans.

At minimum, the school board should have the following policies:

1. A policy encouraging or mandating that all parents provide their children's schools with a list of people for school staff to contact in case of emergency, including an authorization that the school can release the children to those emergency contacts;
2. A policy requiring school staff to attempt to contact parents first and emergency contacts second before releasing children to government officials absent a valid warrant or court order; and
3. A policy directing school staff to assist parents – including undocumented immigrants – in preparing emergency plans.

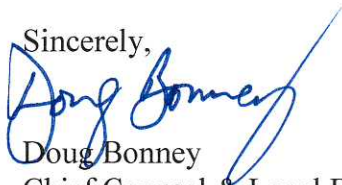
We also strongly encourage the Shawnee Mission School District's Board of Education to adopt a resolution similar to the one adopted by USD 500's board on February 28, 2017. Such a policy would allay the rising fears of undocumented immigrant parents and their children that ICE will seize students from school and detain them. Such a policy would also reaffirm the SMSD's commitment to treat all students fairly without regard to sex, race, color, ethnicity, national origin, citizenship, or immigration status.

Although the district's leadership has stated that issuing such a policy would embroil it in "political" matters, the district's leaders have a moral responsibility to oppose discrimination and to protect marginalized students from bullying and other threats. Such a policy would go a long way in showing the entire community that the district takes these moral obligations seriously. Doing nothing sends the message that the district doesn't care or, worse, that the district supports those who target marginalized children.

The current climate of fear among immigrants – both documented and undocumented – and in the wider school community requires a reassuring response from policymakers like members of the Shawnee Mission Board of Education. Failing to take action will hurt the district's mission of providing high quality education to all of the students it serves.

Please contact me if you have any questions about this letter. I look forward to hearing from you at your earliest convenience regarding the policy matters that I have addressed here.

Sincerely,



Doug Bonney
Chief Counsel & Legal Director
Direct Dial: (913) 490-4102

cc: All members of the Board of Education by Email