

# **EXHIBIT A**

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11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA  
 13 SAN FRANCISCO DIVISION

15 COUNTY OF SANTA CLARA,

16 Plaintiff,

17 vs.

18 DONALD J. TRUMP, et al.,

19 Defendants.

Case No. 3:17-cv-00574-WHO

**[PROPOSED] BRIEF OF AMICI CURIAE  
 PUBLIC SCHOOLS, SCHOOL DISTRICTS,  
 AND ASSOCIATIONS OF EDUCATORS**

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1 Together, the below public school districts, public schools, and associations of educators<sup>1</sup>  
2 respectfully submit this amicus curiae brief in support of Plaintiff Santa Clara County’s Motion  
3 for a Preliminary Injunction seeking a nationwide injunction against the enforcement of Section 9  
4 of the Executive Order entitled, “Enhancing Public Safety in the Interior of the United States.”

5 **I. INTRODUCTION**

6 Children are the bedrock of our nation’s future; their education is the foundation of our  
7 democracy. Education is so “fundamental . . . in maintaining the fabric of our society” that over  
8 thirty years ago, the Supreme Court recognized that all children are entitled to equal access to a  
9 public education, regardless of immigration status. *Plyler v. Doe*, 457 U.S. 202, 219-30 (1982).  
10 Indeed, education “is the very foundation of good citizenship.” *Brown v. Bd. of Educ.*, 347 U.S.  
11 483, 493 (1954). In these days, it is doubtful that any child may reasonably be expected to  
12 succeed in life if he is denied the opportunity of an education.” *Id.*

13 Yet on January 25, 2017, President Donald J. Trump issued an Executive Order entitled  
14 “Enhancing Public Safety in the Interior of the United States” (the “Executive Order”) that  
15 imminently threatens to destroy the ability of our public schools to protect, foster, and educate our  
16 children. Specifically, Section 9 of the Executive Order purports to grant the Attorney General  
17 (the “AG”) and the Secretary of Homeland Security (the “Secretary”) the authority to unilaterally  
18 deny federal funds that support critically-needed basic services from any jurisdiction they deem to  
19 be a “sanctuary jurisdiction.” Exec. Order 13768, 82 Fed. Reg. 8799 § 9(a) (Jan. 25, 2017).  
20 Alarming, the Executive Order contains no clear definition of “sanctuary jurisdiction,” instead  
21 broadly threatening any “State, or a political subdivision of a State.” *Id.* Further, Section 9  
22 charges the AG with taking “appropriate enforcement action against any entity” that he  
23 determines has “a statute, policy, or practice” that “prevents or hinders” the enforcement of  
24 federal law. *Id.*

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28 <sup>1</sup> Although all amici to this brief are experiencing many of the harms detailed here, any given amici  
may not experience all of the harms discussed below.

1           The Executive Order transforms schools from inclusive, safe spaces to places of fear and  
2 uncertainty, ultimately undermining our entire public education system. By expansively targeting  
3 any “State” or “political subdivision of a State,” the Executive Order is causing sweeping,  
4 profound, and irreparable harm to our children and their families, our public education system,  
5 and ultimately, the future of our country. Section 9’s ambiguity, coupled with its grant of  
6 unbridled discretion to the AG and the Secretary to classify “sanctuary jurisdictions,” creates a  
7 level of unpredictability that prevents school districts from properly functioning and providing  
8 essential services to students. *See* Decl. of Ralph G. Porras (“Porras Decl.”) ¶ 11. Without the  
9 security of knowing whether they will be targeted at school because of their or their families’  
10 actual or perceived immigration status, students are increasingly fearful to attend school, and  
11 family members are increasingly reluctant to engage with school staff. *Id.* ¶ 10; Decl. of Erika  
12 Torres (“Torres Decl.”) ¶¶ 3-8; Decl. of Sonia Picos (“Picos Decl.”) ¶¶ 7, 13, 15. The serious  
13 threat that schools will be compelled to disclose the immigration status of their students and  
14 families drives a wedge between students in the classroom and members of the broader school  
15 communities, directly impeding teachers’ ability to educate their students. Torres Decl. ¶¶ 4, 10;  
16 Picos Decl. ¶¶ 7, 15. This causes students intense and irreversible mental harm. After the  
17 enactment of the Executive Order, a father was detained immediately after dropping his daughter  
18 off at school, sending waves of fear through school communities. *See* Decl. of Ricardo Mireles  
19 (“Mireles Decl.”) ¶¶ 6-7, 9-10; Jennifer Medina, *Deportation Arrest Highlights Tensions in Los*  
20 *Angeles on Immigration*, THE NEW YORK TIMES, March 4, 2017, at A17 (“*L.A. Deportation*  
21 *Arrest*”).<sup>2</sup>

22           Furthermore, the Executive Order’s ambiguity deprives school districts of the stability and  
23 predictability they need to budget for students’ needs. Public schools risk the loss of significant,  
24 indispensable federal funds if they are declared sanctuary jurisdictions or find themselves located  
25 in a state, county, or city that is deemed a sanctuary jurisdiction. In the face of this uncertainty, it  
26 is our children that continue to suffer the greatest consequences.

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28 <sup>2</sup> <https://www.nytimes.com/2017/03/04/us/los-angeles-deportation-immigration.html>.

1 In light of the profound, irreversible harm that the Executive Order is already causing our  
2 students, our communities, and our nation's future, the amici curiae public schools, school  
3 districts, and associations of educators respectfully urge the Court to enjoin the Executive Order's  
4 implementation and enforcement nationwide.

5 **II. INTEREST OF AMICI CURIAE**

6 Amici curiae are 16 California public schools, 18 California public school districts, two  
7 superintendents, and seven California associations representing 478,712 teachers, 22,400  
8 administrators, and elected school officials, who actively participate in national counterparts to  
9 these school and educational organizations. Amici schools and districts enroll approximately  
10 1,142,170 K-12 California students and 239,959 adult and college students. A significant number  
11 of those students are directly impacted by the Executive Order's emphasis on punishing  
12 jurisdictions the Trump Administration deems too protective of people with irregular immigration  
13 status. Up to 1 in 30 students in California public schools is undocumented. UNDOCUMENTED,  
14 ED 100.<sup>3</sup> Furthermore, in 2014, approximately 3.9 million K-12 students nationally, or 7.3%, had  
15 at least one undocumented parent. Jeffrey S. Passel and D'Vera Cohn, *Children of Unauthorized*  
16 *Immigrants Represent Rising Share of K-12 Students*, PEW RESEARCH CENTER (Nov. 17, 2016)  
17 (*"Pew: Rising Share of K-12"*).<sup>4</sup> This number was even higher in California, which reported that  
18 12.3% of its K-12 students had at least one undocumented parent in 2014. *U.S. Unauthorized*  
19 *Immigration Population Estimates*, PEW RESEARCH CENTER (Nov. 3, 2016).<sup>5</sup> Nationwide, there  
20 were 3.2 million K-12 U.S. citizen students who had at least one undocumented parent or  
21 guardian. *See Pew: Rising Share of K-12*.<sup>6</sup>

22 Entrusted with the safety and well-being of our children, in the wake of the Executive  
23 Order, the amici face questions and concerns from students and their families about whether  
24 schools will disclose their immigration statuses or other sensitive information to federal  
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26 <sup>3</sup> <https://ed100.org/lessons/undocumented> (last visited Mar. 17, 2017).

27 <sup>4</sup> <http://pewrsr.ch/2g1q6kg>.

28 <sup>5</sup> <http://www.pewhispanic.org/interactives/unauthorized-immigrants/>.

<sup>6</sup> This data was obtained from American Community Survey Data, not school districts.

1 immigration authorities. All students enrolled in public schools across the country—regardless  
 2 of their immigration status—face imminent, irreparable harm unless the Court enjoins the  
 3 Executive Order’s implementation and enforcement. Moreover, the Executive Order’s ambiguity  
 4 and unreasonably broad language are exposing public school districts themselves to financial  
 5 risks outside of their control, creating severe financial consequences that will further harm our  
 6 children.

### 7 **III. ARGUMENT**

#### 8 **A. The Perception That the Executive Order Requires School Districts to Assist** 9 **in Enforcing Federal Immigration Law Irreparably Harms Students Mentally** 10 **and Emotionally.**

##### 11 **1. The Executive Order Has Caused Student Attendance and Community** 12 **Participation to Drop.**

13 Following the President’s issuance of the Executive Order, student attendance has  
 14 dropped due to the perception that federal immigration agents will target schools for enforcement  
 15 actions. Porras Decl. ¶ 10; Torres Decl. ¶¶ 4-5, 7-8; Picos Decl. ¶ 7. Parent engagement in some  
 16 schools has also declined because parents fear that their presence at school events could increase  
 17 the likelihood of their own or their loved ones’ deportation. Torres Decl. ¶¶ 5-7; Picos Decl.  
 18 ¶ 13; Mireles Decl. ¶ 10.

19 This apprehension has been caused by the Executive Order’s broad objective to “ensure,  
 20 to the fullest extent of the law, that a State, or a political subdivision of a State” comply with  
 21 federal immigration law. § 9. Because school districts are arms of the state, *Belanger v. Madera*  
 22 *Unified Sch. Dist.*, 963 F.2d 248, 254 (9th Cir. 1992), students and their families worry that  
 23 school administrators or security personnel may be forced to disclose sensitive student  
 24 information to immigration officials or permit their entry into schools. Torres Decl. ¶¶ 4-5; Picos  
 25 Decl. ¶¶ 7, 15. This fear is particularly acute at large school districts that employ their own police  
 26 officers, who some worry may be required to conduct immigration enforcement actions to avoid  
 27 losing essential federal funds. *See* Porras Decl. ¶¶ 4-7. A strong relationship with community  
 28 members built on trust is central to day-to-day safety in these schools, and fracturing of these  
 relationships would be disastrous for the educational process. *Id.* ¶ 7; Mireles Decl. ¶ 8. Even if  
 schools choose to risk the loss of federal funds by affirmatively declaring themselves safe havens,

1 students and parents fear that participation in school activities could expose them to federal  
2 immigration agents. *See id.* ¶¶ 4-6; Torres Decl. ¶ 8; Picos Decl. ¶ 15; Mireles Decl. ¶¶ 10-11.

3         These fears are real, not speculative. Since the Executive Order, there have been  
4 numerous reports of students and parents being detained, sometimes in close proximity to  
5 schools. For example, Romulo Avelica-Gonzalez was detained by ICE officials earlier this month  
6 shortly after dropping off his youngest daughter at school. Mireles Decl. ¶ 6; *L.A. Deportation*  
7 *Arrest*. Not only was Mr. Avelica's family suddenly ripped apart despite Mr. Avelica posing no  
8 threat to the surrounding community, but his thirteen-year-old daughter, Fatima, was still in the  
9 car when ICE took him into custody. *Id.* Research shows that young children like Fatima whose  
10 parents have been detained or deported often experience withdrawal, disrupted eating and  
11 sleeping patterns, anger, anxiety, and depression. *See Undocumented Youth*, AMERICAN  
12 PSYCHOLOGICAL ASSOCIATION.<sup>7</sup> More long term, these children are at risk for more severe  
13 issues, such as post-traumatic stress disorder, poor identity formation, distrust of authorities,  
14 acting out, and difficulty with school. *Id.*

15         Reports of traumatic experiences like that of Fatima's family have sent chills through  
16 school communities. Mireles Decl. ¶¶ 7-9. Although ICE policy prohibits enforcement actions in  
17 and around schools unless exigent circumstances exist, an exception applies, or prior approval is  
18 obtained, *see ICE, ENFORCEMENT ACTIONS AT OR FOCUSED ON SENSITIVE LOCATIONS* (Oct. 24,  
19 2011),<sup>8</sup> ICE maintains that Mr. Avelica's arrest<sup>8</sup> was proper because he was half a mile away from  
20 the school. *L.A. Deportation Arrest*. Understandably, students and their families are fearful that  
21 even if ICE respects its own policies, Fatima's story demonstrates that in the wake of the  
22 Executive Order, those policies are insufficient to protect young students simply seeking their  
23 constitutional right to an equal education. *See Plyler*, 457 U.S. at 219-30. Indeed, since the  
24 Executive Order, schools report an uptick in unverified community rumors regarding the presence  
25 of ICE officials in and around schools. Torres Decl. ¶ 5; Mireles Decl. ¶ 5.

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28 <sup>7</sup> <http://www.apa.org/topics/immigration/undocumented-video.aspx> (last visited Mar. 16, 2017).

<sup>8</sup> <https://www.ice.gov/doclib/ero-outreach/pdf/10029.2-policy.pdf>.

1           When student attendance and parent participation in school communities decline, the  
 2 entire student body suffers. Picos Decl. ¶ 9; Porras Decl. ¶ 8; Mireles Decl. ¶ 10. Students and  
 3 family members with irregular immigration status live in a state of terror that immigration agents  
 4 might meet them at the schoolhouse door. Porras Decl. ¶ 8; Torres Decl. ¶¶ 4-8; Mireles Decl. ¶¶  
 5 5, 7, 9-10. Many students fear for their classmates, worrying about how to protect them in the  
 6 face of threatened enforcement action. *See* Porras Decl. ¶ 8; Pico Decl. ¶ 12. Schools lose voices  
 7 that contribute to the vibrancy and diversity of their classrooms, and dedicated parent volunteers  
 8 who provide essential support to students across California. *See* Porras Decl. ¶¶ 8, 10; Picos  
 9 Decl. ¶ 9.

10           **2. The Executive Order Destroys Inclusive Classroom Environments,  
 11 Replacing Them with Racial Divides and Animus.**

12           The Executive Order (particularly when coupled with the President’s other immigration  
 13 policies) teaches our students to shun immigrant members of our communities rather than value  
 14 diversity—a central tenet of education in the United States. *See Grutter v. Bollinger*, 539 U.S.  
 15 306, 332 (2003) (recognizing that “[e]ffective participation by members of all racial and ethnic  
 16 groups in the civic life of our Nation is essential if the dream of one Nation, indivisible, is to be  
 17 realized.”). Consequently, the Executive Order undermines the efforts of schools to teach and  
 18 model that classrooms are meant to be safe spaces for all children to learn and grow, without  
 19 regard to race or ethnicity. *See* Porras Decl. ¶ 9; Picos Decl. ¶¶ 6, 15.

20           The presidential policies underlying the Executive Order are now undermining years of  
 21 work that schools have invested to combat bullying amongst students. MAUREEN B. COSTELLO,  
 22 TEACHING THE 2016 ELECTION, THE TRUMP EFFECT 10-11 (2016)<sup>9</sup>; *see* Picos Decl. ¶ 15. In  
 23 recent months, there has been a significant increase in reported cases of hateful harassment, with  
 24 nearly 40% of all incidents occurring in an educational setting and the highest number of  
 25 incidents occurring in K-12 schools. S. Poverty Law Ctr. Hatewatch, *Update: Incidents of*  
 26 *Hateful Harassment Since Election Day Now Number 701*, SPLCENTER (Nov. 18, 2016)<sup>10</sup>; *see*

27 <sup>9</sup> [https://www.splcenter.org/sites/default/files/splc\\_the\\_trump\\_effect.pdf](https://www.splcenter.org/sites/default/files/splc_the_trump_effect.pdf).

28 <sup>10</sup> <https://www.splcenter.org/hatewatch/2016/11/18/update-incidents-hateful-harassment-election-day-now-number-701>.

1 also Porras Decl. ¶ 9; Picos Decl. ¶ 6. Although anti-immigrant incidents constitute the most  
2 common form of reported harassment, these incidents are not limited to immigrant students and  
3 their families. COSTELLO at 7. Children increasingly feel emboldened to use hateful language  
4 against those who appear different from themselves. *Id.* at 10-11; Picos Decl. ¶ 15. Indeed,  
5 students of diverse backgrounds express daily fears about being deported, being sent to detention  
6 camps, losing their homes, or being attacked by police, solely due to their actual or perceived  
7 identities. COSTELLO at 10-11. These incidents of hate are particularly traumatizing for students  
8 who have come to the United States seeking asylum or refuge from persecution in other countries.  
9 *Id.* at 8.

10 The irreparable mental and emotional damage the Executive Order has already caused by  
11 destroying the safe haven that classrooms traditionally have provided cannot be underestimated.  
12 See Porras Decl. ¶ 8; Picos Decl. ¶ 6.

13 **3. The Executive Order Impedes Schools' Ability to Effectively Educate**  
14 **the Entire Student Body.**

15 The Executive Order's harm is not limited to individual students' mental and emotional  
16 damage. The racial animus and divisiveness caused by the Executive Order impair educational  
17 outcomes and force schools to redirect limited funds toward mitigating racial and ethnic hostility.  
18 Picos Decl. ¶ 15. As noted by Justice Sotomayor, "I do not belong here" is indeed "the most  
19 crippling of thoughts." *Schuette v. Coal. to Defend Affirmative Action, Integration & Immigrant*  
20 *Rights & Fight for Equal. By Any Means Necessary (BAMN)*, 134 S. Ct. 1623, 1676 (2014)  
21 (Sotomayor, J., dissenting).

22 **a. Research shows that a lack of cohesion and acceptance in school**  
23 **has a measurable negative impact on educational outcomes.**

24 A positive school environment is essential to promote positive academic outcomes.  
25 Research shows a direct correlation between a positive school climate and increased short-term  
26 and long-term academic achievement. Amrit Thapa, et al., *A Review of School Climate*  
27  
28

1 Research, 83 REV. OF EDUC. RES. 357, 365 (2013).<sup>11</sup> Similarly, a sense of belonging in the  
2 classroom positively predicts end of semester grades, increases motivation, and promotes  
3 academic engagement. RW Roeser, et al., *Perceptions of the School Psychological Environment*  
4 *and Early Adolescents' Psychological and Behavioral Functioning in School*, J. EDUC. PSYCHOL.  
5 88, 408-22 (1996); C Goodenow C & KE Grady, *The Relationship of School Belonging and*  
6 *Friends' Values to Academic Motivation Among Urban Adolescent Children*, J. EXP. EDUC. 62,  
7 60-71 (1993).

8 In contrast, a negative school environment precludes educators from fostering the civil  
9 discourse necessary for an enriching educational process. See Picos Decl. ¶ 15. When students  
10 feel excluded, anger, hostility, and physical altercations replace the civil debates that classrooms  
11 traditionally promote. See COSTELLO at 11. Consequently, students experience increased anxiety  
12 for themselves and their fellow classmates, impacting their ability to concentrate. *Id.* at 7, 9;  
13 Porras Decl. ¶ 8; Picos Decl. ¶ 13.

14 **b. School districts must redirect limited resources to combat**  
15 **negative educational environments.**

16 In response to increased bullying and racial animus, school districts are legally required to  
17 take reasonable actions to stop harassing behavior. *Vance v. Spencer Cnty. Pub. Sch. Dist.*, 231  
18 F.3d 253, 261 (6th Cir. 2000); *Monteiro v. Tempe Union High Sch. Dist.*, 158 F.3d 1022, 1034  
19 (9th Cir. 1998) (holding that “a school district ‘has a legal duty to take reasonable steps to  
20 eliminate’ a racially hostile environment”). Accordingly, some public schools and school  
21 districts are being forced to redirect valuable time and finite resources to resisting the hate and  
22 divisiveness promoted by the Executive Order. Picos Decl. ¶ 15. In an environment where time  
23 and resources are scarce, these increased obligations are irreparably harming the educational  
24 process for all students. *Id.*

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28 <sup>11</sup> <http://k12engagement.unl.edu/REVIEW%20OF%20EDUCATIONAL%20RESEARCH-2013-Thapa-357-85.pdf>.

1           **B. The Executive Order Irreparably Harms Students by Jeopardizing the School**  
 2           **District Funding Necessary for Essential Services upon Which They Rely.**

3           **1. The Executive Order’s Atmosphere of Fear Reduces Student**  
 4           **Attendance, Thereby Harming School District Funding.**

5           California funds most school districts through grants based on average daily student  
 6 attendance. *LCFF Frequently Asked Questions*, Cal. Dep’t. of Educ.<sup>12</sup> Consequently, decreases  
 7 in student attendance levels have a profound negative effect on the state funds those schools  
 8 receive. Porras Decl. ¶ 10; Picos Decl. ¶ 10. During the 2009-2010 school year, San Diego  
 9 County public schools lost over \$102 million in state funding due to student absences. Joanne  
 10 Faryon, *Chronically Absent Students Cost County Schools Millions*, KPBS (June 27, 2011).<sup>13</sup>  
 11 Reports estimate that “[o]ver the past six years, school districts in California have lost an  
 12 estimated \$7.3 billion in funding due to student absences. An estimated \$1.52 billion dollars was  
 13 left unclaimed by school districts in the 2015-2016 school year alone.” *In School + On Track:*  
 14 *Attorney General’s 2016 Report on California’s Elementary School Truancy & Absenteeism*  
 15 *Crisis*, Cal. Dep’t. of Just.<sup>14</sup>

16           As discussed in Section III.A.1 *supra*, the Executive Order and the President’s related  
 17 immigration policies have created tremendous uncertainty in immigrant communities, causing  
 18 parents to keep their children at home for fear that immigration agents may raid public schools.  
 19 Porras Decl. ¶ 10; Torres Decl. ¶¶ 4-8; Picos Decl. ¶ 8. This fear deprives children of their  
 20 constitutional right to an education and reduces state funding schools need for basic operations.  
 21 Reduced funding impacts all students, regardless of immigration status, and has long-term  
 22 consequences for communities, the state, and the economy. *See In School + On Track: Attorney*  
 23 *General’s 2013 Report on California’s Elementary School Truancy & Absenteeism Crisis*, Cal.  
 24 Dep’t. of Just.<sup>15</sup> (truant elementary school students more likely to become dropouts who annually  
 25 cost California billions in “criminal justice costs, social and medical costs, lost income taxes and

26 \_\_\_\_\_  
 27 <sup>12</sup> <http://www.cde.ca.gov/fg/aa/lc/lcffffa.asp#FC> (last visited Mar. 15, 2017).

28 <sup>13</sup> <http://www.kpbs.org/news/2011/jun/27/chronically-absent-students-cost-county-schools-mi/>.

<sup>14</sup> <https://oag.ca.gov/truancy/2016> (last visited Mar. 20, 2017).

<sup>15</sup> <https://oag.ca.gov/truancy/2013> (last visited Mar. 15, 2017).

1 associated economic losses”); Picos Decl. ¶¶ 16-17.

2                   **2. School Districts Rely Upon Federal Funding for Essential**  
3                   **Programming and Basic Needs.**

4                   Section 9 fails to provide notice as to what criteria will be used by the Secretary and the  
5 AG to make “sanctuary jurisdiction” determinations. The breadth of the Executive Order  
6 compounds this uncertainty by failing to identify the limits of enforcement to be leveled against  
7 sanctuary jurisdictions or to provide a review process. Some school districts believe they cannot  
8 guarantee that they will not be deemed sanctuary jurisdictions and, even if they could, they cannot  
9 predict any potential financial consequences of being located in a state, county, or city that is  
10 deemed a sanctuary jurisdiction. Rory Carroll, Robin Respaut & Andy Sullivan, *Top 10 U.S.*  
11 *sanctuary cities face roughly \$2.27 billion in cuts by Trump policy*, REUTERS (Jan. 26, 2017)<sup>16</sup>  
12 (noting that a city’s designation as a “sanctuary” may risk loss of federal funding for public  
13 education programs). Loss of federal funding in either scenario would have severe impacts on  
14 school budgets and essential programs students rely upon. Porras Decl. ¶ 11; Picos Decl. ¶¶ 10,  
15 16; Mireles Decl. ¶ 12.

16                   The federal government provides funding for various programs that are essential to  
17 fostering healthy students and academic success. Torres Decl. ¶ 9; Porras Decl. ¶ 11; Picos Decl.  
18 ¶¶ 5, 10, 16; Mireles Decl. ¶ 12. Many schools fear that the Executive Order critically threatens  
19 the viability of these key programs, upon which our most vulnerable students depend. *Id.*

20                   Under Title I of the Elementary and Secondary Education Act, schools with high  
21 populations of low-income students receive additional federal funding to help “ensure that all  
22 children meet challenging state academic standards” in core subject areas. *Improving Basic*  
23 *Programs Operated by Local Educational Agencies* (Title I, Part A), U.S. Dep’t of Educ.<sup>17</sup>  
24 During the 2009-2010 school year, 56,000 public schools nationally received Title I funds to  
25 support “extra instruction in reading and mathematics, as well as special preschool, after-school,  
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27 \_\_\_\_\_  
16 <http://www.reuters.com/article/us-usa-trump-sanctuarycities-idUSKBN1592V9>.

28 17 <https://www2.ed.gov/programs/titleiparta/index.html?exp=0> (last visited Mar. 15, 2017).

1 and summer programs to extend and reinforce the regular school curriculum.” *Id.* The Executive  
2 Order’s ambiguity threatens this crucial Title I funding necessary to ensure the academic success  
3 of economically disadvantaged students. Porras Decl. ¶ 11; Mireles Decl. ¶ 12.

4 Additionally, many public schools provide free or reduced-cost meals to low-income  
5 students and receive reimbursement from the federal government. Torres Decl. ¶ 9; Picos Decl.  
6 ¶¶ 5, 11; Mireles Decl. ¶ 12. For many low-income students, these free or discounted meals are  
7 the only meals they know they can depend upon each day. Picos Decl. ¶ 11. The United States  
8 Department of Agriculture’s preliminary data for Fiscal Year 2016 shows that schools served  
9 breakfast to 8.9 million students daily, including 6.52 million free breakfasts and 800,000  
10 reduced-price breakfasts. *School Breakfast Program Participation and Meals Served*.<sup>18</sup>  
11 Preliminary data also shows that schools served 30.4 million lunches daily, including 20.1 million  
12 free lunches and 2 million reduced-price lunches. *NATIONAL SCHOOL LUNCH PROGRAM:  
13 PARTICIPATION AND LUNCHESES SERVED*.<sup>19</sup> These meals are essential to combating hunger,  
14 promoting student wellness, and fostering an environment where students can thrive and learn.  
15 Torres Decl. ¶ 9; Picos Decl. ¶ 11.

16 The Executive Order’s threat to public schools’ federal funding jeopardizes these essential  
17 programs for all students, regardless of immigration status. Porras Decl. ¶ 11; Picos Decl. ¶ 16.  
18 The uncertainty under the Executive Order places public schools in an unconscionable  
19 dilemma—they can either stop providing essential nutrition and support services to their students  
20 or risk a significant budgeting shortfall.

21 The Executive Order’s ambiguity poses particular challenges for California public  
22 schools. Under California’s 2014 Local Control Funding Formula (“LCFF”), school districts are  
23 legally required to develop Local Control & Accountability Plans (“LCAPs”) in consultation with  
24 parents, educators, employees and their unions, and the larger community as part of their  
25 budgeting processes. *LCFF Frequently Asked Questions*. LCAPs cover three-year periods and  
26

27 \_\_\_\_\_  
18 <https://www.fns.usda.gov/sites/default/files/pd/sbsummar.pdf> (last visited Mar. 15, 2017).

19 <https://www.fns.usda.gov/sites/default/files/pd/slsummar.pdf> (last visited Mar. 15, 2017).

1 must explain how district budgets meet annual goals for student achievement. *Id.* Because the  
2 Executive Order threatens significant federal funds for LCAPs that must be approved three years  
3 in advance, it creates a level of uncertainty that makes the LCFF community consultation process  
4 untenable. *See* Picos Decl. ¶ 14.

5 **C. The Public Interest Favors Issuing a Nationwide Preliminary Injunction**  
6 **Against the Executive Order’s Implementation and Enforcement.**

7 There is a significant public interest in ensuring that public school districts remain  
8 inclusive, welcoming environments that promote all students’ well-being and academic success.  
9 There is an equally significant public interest in providing school districts with the financial  
10 predictability needed to provide children with essential programs they depend upon to access  
11 equal educational opportunities. These concrete, paramount interests vastly outweigh the  
12 government’s amorphous assertion of “supporting the enforcement of federal immigration law.”  
13 *See* Dkt. No. 46 at 18.

14 **IV. CONCLUSION**

15 For the reasons above, the amici respectfully request that the Court issue a nationwide  
16 preliminary injunction against the Executive Order. Absent a preliminary injunction, students,  
17 their families, and entire school communities will continue experiencing immediate, irreparable  
18 harm as a direct result of the uncertainty and fear caused by the Executive Order. Students will  
19 experience increased emotional damage, and poor academic outcomes. School districts will be  
20 unable to plan for upcoming school years in compliance with local law and ensure that students  
21 continue receiving essential services.

1 Dated: March 22, 2017

Respectfully submitted,  
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16 Camino Nuevo Charter Academy  
17 Campbell Union High School District  
18 Campbell Union School District  
19 CCSA (California Charter Schools Association)  
20 CCSESA (California County Superintendents Educational  
21 Services Association)  
22 CFT (California Federation of Teachers)  
23 CLSBA (California Latino School Boards Association)  
24 CTA (California Teachers Association)  
25 East Side Union High School District  
26 Evergreen School District  
27 Fenton Charter Public Schools  
28 GALS LA (Girls Athletic Leadership School - Los Angeles)  
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Southwestern College  
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