



POLICE & COMMUNITY

“ONE TEAM – ONE VISION”



Senate Bill – 4 Handbook



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POLICE AND COMMUNITY

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The information provided in this handbook hopefully brings some clarification on how Senate Bill 4 applies to the San Antonio Independent School District Police Department and how the SAISD Police Department will continue to protect and serve its communities.

DISCLAIMER

The materials available in this handbook are for informational purposes only and not for the purpose of providing legal advice. You should contact your attorney to obtain advice with respect to any particular issue or problem. There are many entities and special groups with information on “Know Your Rights.”

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INTRODUCTION

POLICE AND COMMUNITY

“One Team – One Vision”

Dear Members of the SAISD Community,

I stand strong on our commitment in creating and maintaining safe and secure environments for our students, faculty, staff, visitors, and the communities we serve. In doing so, the SAISD Police Department will continue to expand our community policing efforts while enhancing our security measures and services provided to our communities.

We will continue to provide equal protection to all the people we serve and will treat all people in a respectful and professional manner, regardless of their immigration status.

For several months now, concerned citizens have asked whether the San Antonio Independent School District Police Department inquires about the immigration status of students, faculty, and staff or if the SAISD Police Department is involved in the enforcement of federal immigration laws. In both cases, the answer is no.

The United States Bureau of Immigration and Customs Enforcement (ICE) has the primary duty and jurisdiction to enforce Title 8 of the U.S. Code dealing with lawful presence in the United States. The SAISD Police Department has no authorization nor the federal training required for the enforcement of immigration law nor is it the jurisdiction, responsibility, or practice of the SAISD Police Department to do so.

We encourage our communities to feel comfortable communicating with SAISD Police Officers without concern for their immigration status. We want you to continue being part of our team as we are part of the communities we serve – “Police and Community.”

Sincerely,

Jose E. Curiel, Jr.
Chief of Police
San Antonio ISD Police Department



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SENATE BILL 4 – Enforcement of State and Federal Immigration Laws by Local Entities and Campus Police Departments

- Senate Bill 4 **does not apply** to a School District or open-enrollment charter school.
- Senate Bill 4 created a change to the Texas Code of Criminal Procedure (CCP 2.13 – Duties and Powers). Law enforcement officers, in the course of investigating an alleged criminal offense, may inquire as to the nationality or immigration status of a victim of or witness to the offense only if the officer determines that the inquiry is necessary to
 - (1) Investigate the offense; or
 - (2) To provide the victim or witness with information about federal visas designed to protect individuals providing assistance to law enforcement.

SAISD POLICE DEPARTMENT

- **SAISD Police Officers** may not detain, arrest, search, or stop a person solely based upon his or her race, ethnic background, gender, gender identity, gender expression, sexual orientation, religion, economic status, age, citizenship, immigration status, cultural group, physical disability, mental disability, or any other identifiable group.
- **SAISD Police Department** prohibits officers from engaging in racial / bias profiling in any aspect of law enforcement-initiated actions.
- **SAISD Police Officers** shall not detain or arrest solely on immigration status or for suspected immigration violations.
- **SAISD Police Officers** are prohibited from inquiring as to the immigration status of any individual, including, but not limited to, SAISD students who are detained, questioned, arrested or otherwise held in custody. *(Exception: as permitted by law)*
- **SAISD Police Officers** lack the authority to enforce federal immigration laws pursuant to the immigration statute Title 8 C.F.R., Sec. 287.5(e).



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- **SAISD Police Officers** will verify the identification and validity of any law enforcement officer, including federal agents (DHS / ICE / CBP) requesting entry to any SAISD property for the enforcement of local, state, and federal law to include the enforcement of civil immigration law.
- **SAISD Police Officers** will refer all personnel requesting entry into SAISD property for the enforcement of local, state, and federal laws, including civil immigration law, to the office of the Chief of Police and / or designee.

HOME VISITS

The SAISD Police Department handles calls for service involving missing persons, persons in crisis, threats to people and threats to SAISD campuses. SAISD Police Department takes all these calls seriously and reacts immediately to deter, prevent, and/or eliminate any threat or dangerous situation involving our communities we serve.

In doing so, we make home visits / welfare checks to confirm the validity of the situation and the magnitude of danger currently on hand. These visits / welfare checks are for the safety of students, faculty, staff, and community.

If SAISD Police goes to your home, it is because we are in need of your assistance in deterring, preventing, and / or eliminating a threat. We are there to establish that there is no viable threat to the student, his/her residence, or the campus. We are not there to enforce immigration law.

Can I deny entry into my home if SAISD Police Officers come to my home?

- The answer is **YES**, you may deny entry.

Here are examples and / or situations that would lead us, SAISD Police Officers, to make a home visit / welfare check:

- Student residing at your home:
 - It is reported student has not arrived home from school
 - Student makes an outcry of violence and danger affecting their well being
 - Student made a threat stating he / she is going to bring a gun to school
 - Student made a threat and posted gun(s) on social media
 - Student made a threat he / she is going to kill / harm themselves
 - Student made a statement of wanting to end it all
 - Report that student is missing and never got on the bus after school



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- A student walking to school did not report to school
 - Student involved in an accident and guardian has no phone
 - Student unable to contact parents at home and is in need of special items
 - Student is ill and no contact with guardian who is at home
 - Delivery of important school documents
 - Student missed the bus after school and no contact with guardian
 - Student not picked up from school, no contact with guardian
 - Student in crisis at home
- **When making home visits / welfare checks, will SAISD Police Officers ask about immigration status and inform ICE / DHS / CBP officers?**
 - The answer is **NO**.
 - SAISD Police conduct these checks to protect the communities we serve, making sure there is no viable threat to our students, their residence, and our campus.

Will SAISD Police Arrest Me?

The SAISD Police department will continue to arrest or pursue charges on anyone who violates criminal laws of our jurisdiction and may face criminal prosecution, regardless of their immigration status.

Here are some examples of behavior in school property that may violate criminal laws which result in arrest and contact with other police agencies including Bexar County Sheriff's Office / San Antonio Police Department / Homeland Security – ICE.

- Possession of a handgun
- Driving without a license
- Fighting
- Bullying
- Terroristic Threats
- Possession of drugs
- Possession of Marijuana
- Abuse
- Criminal Trespass



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REPORTING CRIME

The SAISD Police Department encourages the community to continue reporting suspicious or criminal activity to the police department. SAISD Police Officers are available twenty-four hours a day by calling our Dispatch Center (210) 271-3124 or our new number being activated soon (210) 354-9000. Feel free to approach any SAISD Police Officer without the fear of your immigration status. Remember, SAISD Police Officers are here to protect and serve our communities.

If you are not comfortable reporting a crime to an SAISD Police Officer, feel free to contact any school administrator (Principal, Assistant Principal, Teacher or Counselor).



If you are still uncomfortable reporting a crime in person, report it through the SAISD Safe School Program at (210) 227-8477. You will remain anonymous and we monitor it seven days a week, twenty-four hours a day. If you SEE SOMETHING, SAY SOMETHING. Help us keep each other safe.



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ATTACHMENTS

- **SAISD POLICE Questions & Answers**
(English and Spanish)

- **FAQs Concerning Immigration Status and Students In Public Schools** Updated March 2017.
(English and Spanish)



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SAISD POLICE

QUESTIONS & ANSWERS

Question #1. Is it true that immigrants should now be afraid of reporting any crimes to SAISD PD because if they do, SAISD PD will turn them over to Immigration and Customs Enforcement (ICE)?

Answer: NO. We continue to encourage our communities to call us when they need assistance from the police. Victims of crime or people who have information regarding criminal activity should contact the police. SAISD Police will not refer you to ICE.

Question #2. Will SAISD PD officers detain me simply because they think I am here illegally?

Answer: NO. SAISD PD Officers do not have the authority to arrest or detain a person solely on a belief that the person is in the country illegally. Officers are authorized to arrest and detain a person whom they have a reasonable suspicion to believe has committed a criminal violation.

Question #3. Is it true that SAISD PD Officers are going to ask all people they encounter for proof of legal residence / status?

Answer: NO. SAISD PD Officers are prohibited from inquiring into a person's citizenship status simply to determine if the person is in the country illegally. SAISD Police Officers are not authorized to detain or arrest a person solely on a belief that the person is in the country illegally.

Question #4. Is it true that SAISD PD will arrest any foreign person?

Answer: NO. Police Officers are not authorized to detain or arrest a person solely on the basis of their nationality or ethnicity. Officers are authorized to detain and arrest a person whom they have a reasonable suspicion to believe has committed a criminal violation.

Question #5. Is it true that SAISD PD will run a background check on all people they encounter?

Answer: NO. SAISD Police Officers do not run a background check on all people they encounter. SAISD Police Officers do have the discretion to check the wanted and warrants status of all persons who are ticketed, arrested, jailed, or legally detained.



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Question #6. Is it true that SAISD PD will call ICE on all people they encounter?

Answer: NO. SAISD Police Department may contact ICE if a criminal investigation requires the assistance of ICE.

Question #7. If I do not have identification, can I be arrested?

Answer: NO, as long as you are not driving a vehicle and have not committed a criminal offense. If you are driving a vehicle, you will need a valid driver's license to operate a motor vehicle. If your identity cannot be verified, you are subject to arrest.

Question #8. What forms of identification will SAISD PD Officers accept?

Answer: Officers will accept driver's licenses and identification cards issued by any state of the United States of America. Also, the officers will accept most other forms of government ID such as a military ID, passport, etc. Additionally, officers are advised that a "Marticula Consular" card issued by the Mexican Consulate is presumed valid unless the totality of the circumstances calls the validity of the card into question.

Question #9. If the officer stops me for a minor traffic violation will I be arrested and deported?

Answer: If you do not have a valid form of identification and your identity cannot be verified, you are subject to being arrested. If you are arrested, the intake personnel at the San Antonio Magistrate's office will attempt to verify your identity. ICE may be contacted by the Magistrate's office for further confirmation of identification. The Department of Homeland Security (ICE) makes all decisions for removing individuals from the United States of America.

Question #10. If I am in possession of a firearm, can I be arrested and deported?

Answer: YES. People carrying weapons on their persons are subject to arrest. If you are arrested and found to be in the United States illegally, the San Antonio Magistrate's office may contact ICE. DHS (ICE) would make decisions to remove individuals from the United States of America. You may be charged and prosecuted for the possession of a firearm, a felony offense.



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PREGUNTAS y RESPUESTAS

Q1. Los inmigrantes deben temer llamar a la policia para reporter algun crimen porque la policia de SAISD podrian ser reportados al Servicio de Inmigracion y Control de Aduanas de los Estados Unidos (ICE)?

Respuesta: NO. los inmigrantes que son victimas del crimen or tienen informacion sobre alguna actividad criminal deben llamar a la policia. LOS INMIGRANTES NO DEBEN TEMER que la policia de SAISD PD vaya a llamar a los agentes federales de inmigracion. LA POLICIA DE SAISD UNICAMENTE REPORTARA AL DEPARTAMENTO DE CIE a inmigrantes que tienen una orden de arresto por deportacion o se confirma que la persona HA COMETIDO UNA FELONIA (o delito mayor) y que hayo sido previamente expulsado y regresado sin permiso. Adicionalmente, la policia del gobierno federal (ICE) ofrece la oportunidad de establecer estatus legal en el pais a victimas y testigos que califican, a travez de la U-Visa.

Q2. Me detendran los oficiales e la policia de San Antonio Independent School District (SAISD) simplemente por pensar que estoy aqui ilegalmente?

Respuesta: NO. Los oficiales de la policia de SAISD no tienen autorizacion de arrestar or detener a las personas simplemente por sospechar que esten en el pais ilegalmente. Los oficiales de la policia estan autorizados a arrestar y detener a personas que ellos sospechen que han cometido un delito.

Q3. Los oficiales de la policia de SAISD requieren que toda personal muestre algun comprobante de sue status legal o residencial?

Respuesta: Oficiales de la policia de SAISD les han prohibido preguntar a las personas sobre su estatus legal o ciudadania, sis u unico proposito es determinar se residen en el pais legalmente. Los oficiales de la policia de SAISD no tienen autorizacion de arrestar o detener a las personas simplemente por sospechar que residen en el pais ilegalmente.



Q4. Es verdad que los oficiales de la policia de SAISD van a arrestar a cualquier extranjero?

Respuesta: NO. Los oficiales de la policia de SAISD no tienen autorizacion de arrestar o detener a las personas simplemente en base a su nacionalidad o etnicidad. Oficiales de la policia estan autorizados para arrestar y detener a personas que ellos sospechen que han cometido un delito.

Q5. Es verdad que los oficiales de la policia de SAISD investigaran el historial criminal de toda persona con la que se haya tenido contacto?

Respuesta: NO. Los oficiales de la policia de SAISD no revisaran el historial criminal de todas las personas con las que hayan tenido contacto. Los oficiales de la policia de SAISD poseen las discrecion de investigar el historial criminal y banco de datos de personas buscadas, o que hayan sido multados, arrestados, encarcelados, y detenidos legalmente.

Q6. Es verdad que la policia de SAISD llamara a agentes federales de inmigracion (ICE) cada vez que detenga/interrogue a una persona?

Repuesta: NO. El departamento de la policia de SAISD tambien se comunicara con el departamento de ICE si una investigacion requiere su asistencia.

Q7. Puedo ser arrestado por no tener identificacion (ID)?

Respuesta: NO. No es contra la ley no paseer un tipo de identificacion, almenos que haya estado conduciendo un vehiculo o haya cometido algun delito. Si usted ha cometido un crimen o una violacion de trafico y no tiene identificacion para presentarle al oficial de la policia y el o ella no puede verificar su identidad, el official tiene la autoridad de arrestarlo por violacion de ley. Una vez arrestado se le llevara a la carcel para ser identificado y tomar sus huellas digitales de AFIS Sistema Automatizado de Identificacion de Huellas Digitales).



Q8. Que tipo de identification sera aceptada por la policia de SAISD?

Respuesta: Los oficiales de la policia de SAISD aceptaran licencias para conducir y tarjetas de identidad (ID) de cualquier estado en los Estados Unidos de America. Los oficiales tambien aceptaran la mayoria de las identificaciones expedidas por el gobierno federal como identificacion del ejercito, pasaportes de diferentes paises, etc. Adiconalmente, se le ha notificado a los oficiales de la policia que la matricula consular aprovada por el gobierno Mexicano, es un document valido; al menos que el oficial de policia tenga una razon para poner en duda la autenticidad de la matricula consular que se le presenta.

Q9. Si un oficial me detiene por una violacion menor de transito, podria ser arrestado y deportado?

Respuesta: Los oficiales de la policia tienen la discrecion de arrestar a las personas si no pueden verificar su identidad. Usted sera arrestado si se confirma por medio del NCIC (Centro Nacional de Informacion del Crimen) o por SETCIC (Centro del Sur de Texas de Informacion del Crimen) que usted tiene una orden de arresto. Oficiales de la policia revisaran el historial criminal de personas que reciban multas, sean arrestados o encarcelados. Oficiales de la policia tambien tienen la discrecion de revisar si la persona que ellos han detenido leglamente (incluyendo a personas detenidas por violaciones menores de trafico) es buscada por alguna otra razon.

Respuesta: Si el oficial verifca durante el curso de la investigacion que usted tiene una orden de arresto por deportacion o ha cometido una felonía y ha sido previamente deportado, el oficial lo llevara a la carcel y los empleados de la carcel se comunicaran con ICE. Los oficiales de la policia de SAISD no haran decisions relacionadas a la expulsion de personas del pais.

Q10. Si soy una persona en pocesion de un arma de fuego, puedo ser arrestado y deportado?

Respuesta: Si. Personas en pocesion con armas de fuego pueden ser arrestados. Si durante este arresto, se confirma que usted no deve de estar en este paiz, es possible que el oficial de la carce de la ciudad le da notificacion a ICE. Solamente ICE toma decisiones relacionadas a la expulsion de personas del pais. La persona con la arma de fuego pueden receiver cargos de comitando una felonía y deportado.





FAQs Concerning Immigration Status and Students In Public Schools Updated March 2017

We have been hearing concerns from our community about the possible impact of immigration regulations. To help address these concerns, we are providing the information below. Our priority is to ensure our schools are welcoming spaces where all students can feel secure while they are in our care and in pursuit of their education, regardless of a student's race, ethnicity, and religion or immigration status.

Q: What impact does undocumented immigration status have on my child's education?

A: None. All children residing within SAISD boundaries have a constitutional right to equal access to education regardless of their immigration status or that of their parents. That right is based on a United States Supreme Court decision and cannot unilaterally be taken away by the President of the United States or the State of Texas.

Q: Do SAISD schools ask for information regarding a child's immigration status when he or she enrolls?

A: No. Public school districts like SAISD are obligated to enroll students regardless of their immigration status and without discrimination on the basis of race, color, or national origin.

Q: Would SAISD share a student's immigration status with federal immigration officials?

A: We do not collect this information nor share it. Other identifiable student data would only be shared under these circumstances if we have written parent consent or if a valid subpoena for the information was presented and in such case, federal law requires that we make a reasonable effort to notify the parent in advance of complying with a subpoena so you would know that we intended to comply beforehand, unless a court orders SAISD to refrain from such disclosure.



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Q. What would SAISD do if it received a request from federal immigration agents to enter a school for the purpose of speaking to a particular student?

A. SAISD administrators would follow SAISD policy on questioning of students by law enforcement or other lawful authorities found in GRA (LOCAL). These guidelines include verification and documentation of the interviewer and parental notification efforts. Additionally, until more unanswered questions are resolved on a national level, SAISD officials have been authorized to seek legal advice on a case by case basis to ensure that the District complies with all applicable laws and policies while simultaneously taking into account the legal rights of the student and those of the student's parents or guardians.

Q: What does SAISD do to ensure that no student is discriminated against or harassed?

A: The District has policies in place that prohibit discrimination, including harassment of SAISD students or employees on the base of race, color, religion, gender, gender identity, gender expression, sexual orientation, national origin, disability, or any other basis prohibited by law.

Q: What should I do if I want to better understand my immigration rights?

A: Only licensed immigration attorneys can provide you with accurate advice about immigration status and how you can pursue your legal rights.

Additional FAQ for SAISD employees:

Q: How would the District handle a situation where a student is in crisis due to a parent or guardian being deported or incarcerated?

A: A school administrator or counselor should first verify by contacting the parent, guardian or other family members listed on the student's emergency contact information. If administration is unable to make contact and the student is left on campus, a campus administrator would contact the SAISD Police Department to attempt to locate a family member. If police cannot locate a family member or individuals listed as an emergency contact, then they would contact Child Protective Services. The campus counselor would provide counseling during this time.



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Preguntas Más Frecuentes Sobre el Estatus Migratorio y Estudiantes en Escuelas Públicas

Actualizado en marzo del 2017

Hemos escuchado las preocupaciones de nuestra comunidad sobre el posible impacto de las regulaciones migratorias. Para ayudar a abordar estas preocupaciones, estamos proporcionando la siguiente información. Nuestra prioridad es asegurar que nuestras escuelas sean espacios acogedores donde todos los alumnos pueden sentirse seguros mientras están bajo nuestro cuidado en búsqueda de su educación, independientemente de la raza, origen étnico, religión o condición migratoria del estudiante.

P: ¿Qué impacto tiene el estatus de la inmigración indocumentada en la educación de mi hijo?

R: Ninguno. Todos los niños que residan dentro de los límites de SAISD tienen un derecho constitucional a la igualdad de acceso a la educación independientemente de su condición migratoria o de la de sus padres. Ese derecho se basa en una decisión de la Corte Suprema de los Estados Unidos y no pueden ser tomadas unilateralmente por el Presidente de los Estados Unidos o el Estado de Texas.

P: ¿Las escuelas de SAISD piden información relativa al estatus migratorio del niño cuando él o ella se inscribe?

R: No, los distritos escolares públicos como SAISD están obligados a inscribir a los estudiantes sin importar su estatus migratorio y sin discriminación por motivos de raza, color u origen nacional.

P: ¿Compartiría SAISD el estatus migratorio del estudiante con funcionarios federales de inmigración?

R: No recopilamos o compartimos esta información. Otros datos identificables del estudiante solo serían compartidos bajo estas circunstancias si tenemos un consentimiento por escrito de los padres o si es presentado un citatorio válido para esta información y, en tal caso, la ley federal requiere que hagamos un esfuerzo razonable para notificar a los padres antes de cumplir con una citación para que usted se entere



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de antemano que tenemos la intención de cumplir, a menos que un tribunal ordene a SAISD a abstenerse de tal revelación.

P. ¿Qué haría SAISD si recibe una solicitud de agentes federales de inmigración para entrar en una escuela, con el propósito de hablar con un alumno en particular?

R. Los administradores de SAISD seguirían la política de SAISD sobre el cuestionamiento de los estudiantes mediante autoridades u otras autoridades legales como dicta la política GRA (local). Estas directrices incluyen la verificación y documentación del entrevistador y el intento de notificación a los padres. Además, mientras más preguntas se resuelven a nivel nacional, los funcionarios de SAISD han sido autorizados a solicitar asesoramiento jurídico sobre una base de caso por caso para asegurar que el distrito cumpla con todas las leyes aplicables y las políticas mientras que, simultáneamente, tome en cuenta los derechos legales de los estudiantes y de los padres o tutores del estudiante.

P: ¿Qué hace SAISD para garantizar que ningún estudiante sea discriminado o acosado?

R: El Distrito tiene en vigor políticas que prohíben la discriminación, incluido el acoso de estudiantes o empleados de SAISD por motivos de raza, color, religión, sexo, origen nacional, discapacidad o cualquier otro motivo prohibido por la ley

P: ¿Qué debo hacer si quiero entender mejor mis derechos de inmigración?

R: Sólo abogados de inmigración con licencia pueden proporcionarle el asesoramiento exacto sobre el estatus migratorio y cómo puede proseguir sus derechos legales.

Preguntas Frecuentes adicionales para los empleados de SAISD:

P: ¿Cómo manejaría el Distrito una situación en la que un estudiante está en crisis debido a que uno de sus padres o tutores ha sido deportado o encarcelado?

R: Un administrador de la escuela o consejero debe verificarlo primero poniéndose en contacto con uno de los padres, tutores u otros miembros de la familia que aparecen en la información de contactos de emergencia del estudiante. Si la administración no puede ponerse en contacto y el estudiante se queda en el campus, un administrador del campus se pondría en contacto con el Departamento de Policía del Distrito Escolar Independiente de San Antonio (SAISD, por sus siglas en inglés) para intentar localizar a un miembro de la familia. En caso de que la policía no pueda localizar a un miembro



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de la familia o a personas que aparezcan como contacto en caso de emergencia, entonces se comunicaría con Servicios de Protección al Menor (Child Protective Services). El consejero de la escuela proporcionará ayuda profesional durante este tiempo.

P: ¿Puede una escuela distribuir materiales a los estudiantes de una organización externa?

R: Conforme a la política GKDA del Distrito local, la distribución en las escuelas de literatura no escolar debe presentarse primero al delegado del superintendente – Carmen Vazquez-Gonzalez en Relaciones Gubernamentales y Comunitarias (Governmental & Community Relations) para su revisión antes de ser permitida en el plantel.

P: ¿Cuál es la política para una organización externa que solicita el uso de instalaciones del Distrito?

R: Las solicitudes deben ser revisadas por el Director y por Servicios de Instalaciones (Facilities Services).

P: ¿Tienen permitido los empleados del SAISD participar en actividades políticas relacionadas con eventos nacionales?

R: Los empleados del SAISD pueden participar en actividades políticas en su tiempo libre.

P: ¿Pueden los maestros incluir acontecimientos actuales como parte de un plan de clase?

R: Los maestros pueden hablar sobre acontecimientos actuales en sus clases de estudios sociales, gobierno o sociología, observando cómo se desarrollan las actividades políticas y los diferentes puntos de vista que existen. Es importante que los maestros no tomen una postura y dirijan una discusión abierta. En todos los debates debe haber respeto a las diferentes opiniones.

