

EXHIBIT A

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 9 Public Schools, Public School
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11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN FRANCISCO DIVISION

15 CITY AND COUNTY OF SAN
 16 FRANCISCO,
 Plaintiff,
 17
 vs.
 18 DONALD J. TRUMP, et al.,
 19 Defendants.
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Case No. 3:17-cv-00485-WHO

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

22 COUNTY OF SANTA CLARA,
 Plaintiff,
 23
 vs.
 24 DONALD J. TRUMP, et al.,
 25 Defendants.
 26

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

1 Together, the below public school districts, public schools, and associations of educators
2 respectfully submit this *amicus curiae* brief in support of Plaintiffs City and County of San
3 Francisco’s and County of Santa Clara’s oppositions to Defendants’ Motion to Dismiss.

4 **I. INTRODUCTION**

5 Defendants’ Motions should be denied because they are based on the erroneous notion
6 that the harms caused by Executive Order 13,768 (the “Executive Order”) have been somehow
7 cured by the Attorney General’s Memorandum on implementing Section 9(a) of the Executive
8 Order (the “AG Memorandum”).¹ To the contrary, the AG Memorandum has done nothing to
9 eradicate the present harms to our students, their families, and our broader communities caused
10 by potential future enforcement of the Executive Order. Despite the relief provided by the
11 Court’s preliminary injunction (SF Dkt. 82, SC Dkt. 98), the administration’s policy goals, public
12 statements, and court positions continue to perpetuate harm in school communities. The AG
13 Memorandum has done nothing to combat these harms and should not be the basis for granting
14 Defendants’ Motions to Dismiss.

15 **II. INTEREST OF AMICI CURIAE**

16 *Amici curiae* include public schools, public school districts, a superintendent, and five
17 California professional associations.² As set forth in more detail in Educational *Amici*’s initial
18 brief, they are responsible for the education, safety, and well-being of California’s students.

19 **III. THE UNCERTAINTY SURROUNDING THE EXECUTIVE ORDER’S**
20 **IMPLEMENTATION CONTINUES TO HARM STUDENTS’ EDUCATIONAL**
21 **OUTCOMES AND THREATEN SCHOOL FUNDING.**

22 Despite the AG Memorandum’s novel interpretation of the Executive Order, all students
23 enrolled in public schools across the country—regardless of their immigration status—continue to
24 face the imminent, irreparable harms described in the Educational *Amici*’s briefs filed in support
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26 ¹ These harms are detailed in Educational *Amici*’s earlier brief. (SF. Dkt. 58; SC. Dkt. 77).

27 ² Summer vacation coupled with the short time-frame given to respond to the Motions has
28 prevented a number of amici who joined the Educational *Amici*’s earlier brief from joining here.

1 of the Plaintiffs' Motions for a Preliminary Injunction.³ For example, the Executive Order
2 continues to create racial animus and divisiveness, forcing schools to redirect limited resources
3 toward mitigating the emotional harm caused by racial and ethnic hostility. *See* Jenny Manrique,
4 *California Schools Respond to Students' Fears of Trump Immigration Policies*, Univision (May
5 30, 2017), [http://www.univision.com/univision-news/education/california-schools-respond-to-](http://www.univision.com/univision-news/education/california-schools-respond-to-students-fears-of-trump-immigration-policies)
6 [students-fears-of-trump-immigration-policies](http://www.univision.com/univision-news/education/california-schools-respond-to-students-fears-of-trump-immigration-policies) (noting that California public schools are offering
7 alternative therapies, including mediation, sports, and art therapy, as well as leveraging school
8 clubs, to help immigrant students cope with emotions generated by the administration's
9 immigration policies). Parents, afraid that immigration officials will target schools for
10 enforcement actions, no longer actively engage with their children's schools, and children,
11 nervous about their parents' status, are unable to concentrate on schoolwork. *See* Claudia Boyd-
12 Barrett, *Anxiety Grips California Students Amid Immigration Crackdown*, California Health
13 Report (May 04, 2017), [https://www.calhealthreport.org/2017/05/04/anxiety-grips-california-](https://www.calhealthreport.org/2017/05/04/anxiety-grips-california-students-amid-immigration-crackdown/)
14 [students-amid-immigration-crackdown/](https://www.calhealthreport.org/2017/05/04/anxiety-grips-california-students-amid-immigration-crackdown/) (reporting that amid increased deportation efforts under
15 the Trump Administration, there have been reports of parents being detained while transporting
16 their children to or from school and "[s]chool counselors report high levels of anxiety and stress
17 among students from immigrant families, which affects the students' ability to do schoolwork and
18 pay attention in class"). In sum, the Executive Order continues to cause students increased
19 emotional damage and poor academic outcomes.

20 Furthermore, in making budgeting decisions that affect California's schools, students, and
21 their broader communities, Educational *Amici* look not to the non-binding interpretation offered
22 by the AG Memorandum, but to the unchanged, plain text of the Executive Order itself. The
23 plain text creates significant risk that the federal government will deny sanctuary jurisdictions
24 funding for essential services and crucial programming that all students rely upon.⁴

25 Consequently, school districts and charter schools are facing severe uncertainty and potential
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27 ³ SF. Dkt. 58; SC. Dkt. 77.

28 ⁴ *See* SF. Dkt. 58 at 9-12, SC. Dkt. 77 at 9-12.

1 major budgetary shortfalls as they plan for upcoming school years and work to ensure that
2 students continue receiving essential services. *See* Decl. of Ralph G. Porras (SF Dkt. 58-2, ¶11;
3 SC Dkt. 77-2, ¶11) (describing school officials’ “great concern” for students given potential
4 budgetary shortfalls stemming from the Executive Order).

5 **IV. CONCLUSION**

6 For the reasons above, the below *Amici* respectfully request that the Court deny
7 Defendants’ Motions to Dismiss. Students, their families, and entire school communities are
8 continuing to experience immediate, irreparable harm as a direct result of the animus, uncertainty,
9 and fear caused by the Executive Order.

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Respectfully submitted,
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