Amendments to
Resolution No. 17-07

Board of Education's Commitment to the Education of All Children and Affirming all District Facilities and Programs are a Sanctuary for Students and Families Threatened by Immigration Enforcement

WHEREAS: San Leandro and Alameda County, just like many major cities and counties in California, is the home and workplace of many diverse communities, including persons of different faiths, racial and ethnic backgrounds, and varying immigration status;; and

WHEREAS: All students have a right to attend school free of fear, bullying and discrimination because it is harmful to students' feelings of safety and belonging, as well as their academic success. The United States Supreme Court in 1982 ruled in *Plyler v. Doe* that public schools were prohibited from denying students access to elementary and secondary public education based on their immigration status, citing that children have little control over their immigration status, the life-long harm it would inflict on the child and society itself, and constitutional equal protection rights; and

WHEREAS: The Board of Education embraces the diversity of our students and families and the rich language and cultural assets they bring to our District and strongly supports and encourages the participation of all parents and families in our schools;

WHEREAS: On November 8, 2016, California voters passed Proposition 58, which recognizes the value and importance of students graduating from our schools proficient in both English and one or more other languages and a diverse student population greatly helps in accomplishing this goal; and

WHEREAS: While there are no accurate numbers of how many undocumented children are enrolled in our District's public schools, more than half (53%) of our District's students speak another language at home and more than 39 languages are spoken by families whose children are enrolled in our District; and

WHEREAS: Recent events have created an atmosphere of fear among immigrants, Muslims and other vulnerable groups in San Leandro; and

WHEREAS: In the last few months, federal, state and local government officials throughout the country have proposed or passed laws and ordinances that propose stemming the tide of undocumented immigrants by cutting off opportunities for jobs, government benefits, housing, and imposing fines on companies employing undocumented immigrants, thereby increasing tensions in immigrant communities; and

WHEREAS: Reports of potential raids by the U.S. Immigration and Customs Enforcement Office (ICE) have caused immigrant communities to fear sending and/or accompanying their children to schools and leaving their homes, even for needed medical services; and

WHEREAS: ICE activities in and around schools, early education centers, and adult school facilities would be a severe disruption to the learning environment and educational setting for students; and

WHEREAS: Reports of hate crimes directed at immigrants, Muslims, others perceived as Middle Eastern or Muslim and/or other vulnerable groups have increased;

THEREFORE BE IT RESOLVED: That in response to a growing fear that reports of actual or possible ICE raids are having or will have a chilling effect on the educational rights of immigrant students and families, the Board of Education, in solidarity with our immigrant community organizations, hereby restates its position that all students have the right to attend school regardless of the immigration status of the child or of the child's family members; and

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FURTHER BE IT RESOLVED: That the Board of Education states that all District students, who register for the following services and meet the federal and state criteria, are entitled to receive all school services, including free lunch, free breakfast, transportation, and educational services, even if they or their family are undocumented and do not have a social security number and that no school district staff shall take any steps that would deny students access to education based on their immigration status or any steps that would "chill" the *Plyler* rights of these students to public education; and

BE IT FURTHER RESOLVED: That the Board recognizes that students have a need to understand history and politics and institute equitable, culturally and linguistically relevant teaching and practices, and supports teachers to both teach and discuss current events and social justice, as well as utilize restorative practices with students as aligned with state standards and District Board policies;

BE IT FURTHER RESOLVED: That the Board declares that every District site is a safe place for all students and their families and encourages the Superintendent to increase and enhance partnerships with community-based organizations and legal services organizations who provide resources for families facing deportation and that a rapid response network be created to assist children whose family members have been detained;

BE IT FURTHER RESOLVED: In order to provide a public education, regardless of a child's or family's immigration status, absent any applicable federal, state, local law or regulation or local ordinance or court decision, the District shall abide by the following conduct:

1. District personnel shall not treat students differently for residency determination purposes on the basis of their actual or perceived immigration status and shall treat all students equitably in the receipt of all school services, including but, not limited to, the free and reduced lunch program, transportation and educational instruction.
2. District personnel shall review the list of documents that are currently used to establish residency and shall ensure that any required documents would not unlawfully bar or discourage a student who is undocumented or whose parents are undocumented from enrolling in or attending school.
3. District personnel shall not inquire about a student's immigration status, including requiring documentation of a student's legal status, such as asking for a green card or citizenship papers, at initial registration or at any other time.
4. District personnel shall not make unreasonable inquiries from a student or his/her parents for the purpose of exposing the immigration status of the child or his/her family.
5. District personnel shall not require students to apply for Social Security numbers nor should the District require students to supply a Social Security number.
6. If parent and or students have questions about their immigration status, school personnel shall not refer them to ICE but should instead refer them to community-based and legal organizations that provide resources for immigrant families and families facing deportation.
7. Because it is the general policy of the District not to allow any individual or organization to enter a school site if the educational setting would be disrupted by that visit, any request by ICE to visit a school site must be forwarded to the Superintendent's Office for review before a decision is made to allow access to the site.
8. All requests for information or documents by ICE shall be forwarded to the Superintendent, who in consultation with District legal counsel, shall determine if the information and/or documents must be released to ICE.
9. District legal counsel, and other District personnel as designated by the Superintendent, will review the impact of changes in federal immigration laws programs such as Deferred Action for Childhood Arrivals (DACA) and work to prevent and mitigate the negative impact on both students and employees from the collection or storage of any personally identifiable information for immigration enforcement purposes.

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10. District personnel will take all reasonable measures so that after school providers and other service providers that have access to student, family or employee information will also follow the actions described herein.

BE IT FURTHER RESOLVED: That all District schools are directed to take steps to ensure that their facilities and programs are also sanctuaries for immigrant, Muslim (and others perceived as Middle Eastern or Muslim) and any other vulnerable students;

FURTHER BE IT RESOLVED: That the Superintendent shall ensure that all teachers, school administrators and school and District office and other staff will be appropriately and adequately trained on how to implement this policy; and parents will receive notification in various languages of the new District policy to fully inform families of their rights in the District; and

BE IT FURTHER RESOLVED: That the Superintendent shall prepare an implementation plan defining partnerships with community organizations and training and support for school site employees and report back to the Board of Education in 90 days;

RESOLVED: That the Board instructs the Superintendent to distribute copies of this Resolution for classrooms, school sites and District facilities, translated as required into all of the District's major languages, and ensure that the District's DELAC – District English Learner Advisory Committee, ELACs – English Learners Advisory Committees, and all stakeholders in the community are consulted and involved in monitoring the successful implementation of this policy; and be it finally,

RESOLVED: That the Board supports and builds structures that provides training, community forums, and similar activities for staff, students, and families surrounding this policy.

Approved:

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