

RESOLUTION NO. 03132017-A

PJUSD BOARD RESOLUTION

Providing All Children Equal Access to Education, Regardless of Immigration Status

WHEREAS: The U.S. Supreme Court has held, in *Plyler v. Doe*, 457 U.S. 202 (1982), that local school districts have a constitutional mandate to educate all students residing within their jurisdictional boundaries, regardless of their immigration status;

WHEREAS: The Public Policy Institute of California reports that California is the state with the largest number of undocumented immigrants at 2.67 million, representing 25% of all undocumented immigrants nationwide, 6.8% of the total California population, and approximately 10-15% of the population of Stanislaus County;

WHEREAS: An undocumented student is defined by the National Immigration Law Center as “a foreign national who: (1) entered the United States without inspection or with fraudulent documents; or (2) entered legally as a nonimmigrant but then violated the terms of his or her status and remained in the United States without authorization”;

WHEREAS: Many undocumented immigrants are also undocumented students attending California’s K-12 public schools;

WHEREAS: All students, including undocumented students, have a right to attend school free of bullying, intimidation, and discrimination;

WHEREAS: The Governing Board is committed to the success of all students irrespective of their immigration status or citizenship, and believes that every school site should be a welcoming place for all students and their families;

WHEREAS: The California Department of Education (CDE) has declared California public schools as welcoming, safe places for learning and teaching for all students, regardless of immigration status, reaffirming federal regulations and state law that prohibit educational agencies from disclosing personally identifiable student information to anyone, including law enforcement, without consent of a parent or guardian, or a court order or lawful subpoena, or in the case of a health emergency;

WHEREAS: It is the District’s practice to not collect or maintain documents that may be related to immigration status including, but not limited to, passports, visas, and social security numbers, as they are not needed by school districts, and place student privacy at an unnecessary risk, except in those instances where such documents or data is voluntarily provided by adult students or parents/guardians for enrollment purposes or collected for the facilitation of college enrollment and scholarship applications;

WHEREAS: The U.S. Immigration and Customs Enforcement (ICE) 2011 policy states that immigration enforcement activity will not be conducted at any “sensitive” location, which includes schools, without special permission by specific federal law enforcement officials, unless exigent circumstances exist that are related to national security, terrorism, public safety, or where there is imminent risk of the destruction of evidence material to an ongoing criminal case; and

WHEREAS: ICE activities in school facilities would be a severe disruption to the learning environment and educational setting for students;

NOW, THEREFORE, BE IT RESOLVED: The Governing Board reaffirms that pursuant to federal and state law, every student has the right to attend school regardless of the child’s immigration status;

BE IT FURTHER RESOLVED: That the Governing Board confirms that all District students who are eligible to receive school services, including free or reduced price lunch and breakfast, transportation, and educational services, regardless of their immigration status, are entitled to receive those school services, and that staff shall not take any steps that would deny students access to education or the services provided based on their immigration status;

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, local ordinance, or court decision that may lawfully provide otherwise, the District shall act consistent with the following practices:

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 for which they are eligible.
2. District personnel shall not inquire about a student's immigration status or require documentation of a student's legal status, such as asking for a visa or passport, during enrollment or at any other time.
3. 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.
4. District personnel shall neither require students to apply for Social Security numbers nor require students to provide a Social Security number, passport or visa.

5. District personnel shall not allow any immigration enforcement officer or agent to enter a school site without first signing in with the school administration and making a request to enter campus, and shall forward any request by immigration enforcement agents to enter a school site (including for the services of lawful subpoenas, petitions, complaints, warrants, etc.) to the Superintendent's office for review, in consultation with District legal counsel.
6. District personnel when encountering immigration enforcement agents who are on school grounds on account of urgent or "exigent" circumstances, shall direct them to the school office and alert an administrator to contact the Superintendent's office so that legal counsel and the board of trustees are notified.
7. District personnel shall immediately send all requests by immigration enforcement agents for information or documents to the Superintendent, who in consultation with District legal counsel, shall consider all legally permissible actions that may be taken to respond to such requests to protect the privacy rights of students and their families.
8. District personnel shall not enter into any agreement with ICE to enforce federal immigration law, and shall not participate in any ICE or Border Patrol enforcement actions.
9. District personnel, as designated by the Superintendent, along with District legal counsel, shall review the impact of any changes in federal immigration laws, state laws, and policies or programs that may impact students, and develop solutions aimed at preventing and/or mitigating the impact on both students and employees that may arise from the collection of, storage of, or access to any personally identifiable information for immigration enforcement purposes, without violating the supremacy clause defined in Article IV of the United States Constitution or abrogating the responsibility of the Superintendent and Board to uphold and honor their sworn (or affirmed) oaths to "support and defend the Constitution of the United States and the Constitution of the State of California."
10. District personnel shall take all reasonable measures so that after-school program providers and other service providers that have access to student or family information will also follow the actions described herein.
11. District personnel shall continue offering citizenship education, English as a Second Language (ESL) classes, and other programs for students, parents, and adult learners who are undocumented immigrants seeking a pathway to United States citizenship.

BE IT FURTHER RESOLVED: That the Superintendent shall ensure that all teachers, school administrators and school and District office staff will be adequately trained on how to implement this Resolution;

BE IT FURTHER RESOLVED: That the Superintendent shall ensure that all parents/guardians will receive notification of this resolution to fully inform students and their families of their rights in the District;

BE IT FURTHER RESOLVED: That the Superintendent shall distribute copies of this Resolution to all school sites and to any District-authorized charter schools.

Passed and Adopted by the Board of _____ on _____ 2017, by the following vote:

AYES:

NOES:

ABSENT:

_____, Board President

_____, Board Secretary