

BEFORE THE BOARD OF TRUSTEES OF COTATI-ROHNERT PARK UNIFIED SCHOOL DISTRICT

SONOMA COUNTY, CALIFORNIA

RESOLUTION 1617-21

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: All 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: The CDE recommends that local educational agencies do 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;

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 and around schools and school facilities would be a severe disruption to the learning environment and educational setting for students.

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. Whenever possible under the law, 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.
6. Whenever possible under the law, 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.
7. District personnel shall immediately send all requests by immigration enforcement agents for information or documents to the Superintendent, who 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, 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.

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.

BE IT FURTHER RESOLVED: That the Superintendent shall ensure that all teachers, school administrators and school and District office staff will be informed regarding this Resolution;

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

The foregoing resolution was introduced by Orloff who moved its adoption, seconded by Nonn, and adopted by roll call on March 14, 2017 by the following vote:

Trustee Wiltermood	AYE
Trustee Orloff	AYE
Trustee Nonn	AYE
Trustee Brown	AYE
Trustee Farrell	AYE

WHEREUPON, the President declared the foregoing resolution adopted and, and

SO ORDERED

Tracy Farrell