

ELK GROVE UNIFIED SCHOOL DISTRICT
Elk Grove, California

Confirmation of a Safe and Positive Learning Environment for All

Resolution No. 77, 2016-17

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 Elk Grove Unified School District (EGUSD) is the fifth largest district in the state of California and celebrates the rich diversity of our students and communities irrespective of their immigration status or citizenship and ensures that every school site is a welcoming place for all students and their families;

WHEREAS: The Governing Board reaffirms that Elk Grove Unified School District schools are welcoming, safe places for learning and teaching for all students, regardless of immigration status, reaffirms 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 Governing Board concurs with the California Department of Education (CDE) recommendation 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;

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.
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 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. Outside of exigent circumstances, or the service of a warrant or subpoena, immigration agents or officers shall not be allowed onto a school campus prior to the approval of the Superintendent.
7. 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.
8. 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.
9. 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.
10. The Superintendent shall ensure EGUSD staff and parents are informed about the content of this Resolution and copies of the Resolution will be distributed to all schools of the District.

Passed and Adopted by the Governing Board on June 13, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Carmine S. Forcina, Board President

Christopher R. Hoffman
Secretary to the Board of Education