

**OAKLAND UNIFIED SCHOOL DISTRICT
Office of the Board of Education**

January 9, 2008

TO: Board of Education
Vince Matthews, State Administrator

FROM: Noel Gallo, Director

SUBJECT: Resolution to Affirm Oakland Unified School District's Commitment to the
Education of All Immigrant Children
Resolution No. 0708-0139

ACTION REQUESTED

Approval by the Governing Board of Resolution No. 0708-0139 – Affirming Oakland Unified School District's Commitment to the Education of All Immigrant Children.

DISCUSSION

This Resolution is prompted by an incident which occurred on one of the District's school sites on December 18, 2007. At approximately 8:30 a.m., the mother of a student was escorted onto school grounds by an officer from Immigration and Customs Enforcement ("ICE"). The ICE officer escorted the mother onto the school campus purportedly so that she could see her student off to school before accompanying the officer off site for questioning. The mother returned to the school site by noon and was able to pick up her child at the end of the school day.

Although it appears in this case that school staff followed all applicable rules and regulations, the Board desires to make a clear statement in favor of public education for all of Oakland's children, including those that may be "undocumented" or from immigrant families. Further, the Board desires to create a safe learning environment for all students and to minimize disruptions in the educational setting.

Consistent with current District policy, the Board seeks to ensure that the District meets its goal of educating all students regardless of immigration status while also cooperating with state and federal law enforcement officials when legally required to do so. To that end, the Resolution directs staff to forward all requests for information from ICE, or any other law enforcement agency, to the Legal Department and the State Administrator/Superintendent's Office for review and approval.

The Resolution, as to form and content, has been reviewed and approved as to form by the District's Interim General Counsel.

RECOMMENDATION

Approval by the Governing Board of Resolution No. 0708-0139 – Affirming Oakland Unified School District's Commitment to the Education of All Immigrant Children.

NG:DC:DH:er

Attachment: Resolution No. 0708-0139 Affirming Oakland Unified School District's Commitment to the Education of All Immigrant Children.

Legislative File

File No. 08-0005
Introduction Date 1/9/08
Enactment No. 08-0010
Enactment Date 1/9/08
By [Signature]

**RESOLUTION
OF THE
GOVERNING BOARD
OF THE
OAKLAND UNIFIED SCHOOL DISTRICT
Resolution No. 0708-0139**

**OAKLAND BOARD OF EDUCATION COMMITMENT TO THE EDUCATION OF ALL
IMMIGRANT CHILDREN**

WHEREAS, the City of Oakland, like many other major cities in the United States, is the home and workplace of large immigrant communities with both "legal" and "undocumented people;"and

WHEREAS, in 1982, the United States Supreme Court ruled in *Plyler v. Doe* that public schools were prohibited from denying immigrant students access to elementary and secondary public education; that undocumented children have the same right to a free public education as citizens of the United States and permanent residents; and

WHEREAS, there are no accurate numbers of how many undocumented children are enrolled in Oakland public schools, however, approximately 28.3 % of the District's students are English Language Learners;

WHEREAS, since the massive immigrant rights and civil rights marches and student walkouts in 2006 and 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 immigrants communities; and

WHEREAS, recent reports that United States Immigration and Customs Enforcement Office ("ICE") has conducted raids in Oakland and other Bay Area cities have caused immigrant communities to fear sending their children to school and leaving their homes, even for needed medical services;

WHEREAS, on May 15, 2007, the Oakland City Council passed a resolution affirming Oakland's City of Refugee ordinance forbidding city resources from being used to enforce federal immigration laws or to gather or disseminate information regarding the immigrant status of residents of the City unless such assistance is required by federal or state statute, or regulation or court decision,

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Oakland Unified School District, in solidarity with immigrant community organizations and consistent with the Oakland City Council's designation of Oakland as a City of Refuge, in light of the increasing tensions in immigrant communities, and the possible chilling effect on the educational rights of immigrant students by the enactment of the aforementioned laws and ordinances, restates its

position that all students have the right to attend school regardless of the immigration status of the student or of the student's family members; and

BE IT FURTHER RESOLVED that the Governing Board further states that all District students who register for school 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 will deny students access to education based on their immigration status or any steps that will "chill" the *Plyler* rights of these students to public education;

BE IT FURTHER RESOLVED that in order to provide a public education, regardless of a child'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 disparately for residency determination purposes on the basis of their undocumented status;
2. 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;
3. District personnel shall not make inquiries of a student or his/her parents for the purpose of exposing the immigration status of the student or his/her family;
4. District personnel shall not require students to apply for a Social Security number nor shall the District require students to supply a Social Security Number; and
5. If parents and or students have questions about their immigration status, school personnel shall not refer them to ICE;
6. 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. The Board of Education has found that the presence of ICE is likely to lead to a disruption of the educational setting. Therefore, any request by ICE to visit a school site should be forwarded to the State Administrator/Superintendent's Office for review before permitting ICE to access the site;
7. If ICE officers come onto campus without advance notice, the site administrator should request the person's identification and ask whether the officer has a warrant; and
8. All requests for documents by ICE should be forwarded to the Legal Department which, in consultation with the State Administrator/Superintendent, shall determine whether the documents can be released to ICE.

BE IT FURTHER RESOLVED that Central Office staff, school administrators, classroom teachers and other staff shall be adequately trained with respect to this Resolution; and parents will receive notification in various languages of this Resolution to fully inform families of their rights in the District; and

BE IT FURTHER RESOLVED that copies of this Resolution shall be distributed to all sites, which are hereby directed to comply with the general guidelines and principles outlined herein, and the State Administrator/Superintendent and Legal Department will ensure that ELAC (English Learners Advisory Council), the Mayor's Office, and other immigrant community organizations are consulted and involved in monitoring the successful implementation of this policy.

Passed by the following vote:

Ayes: Christopher Dobbins, Noel Gallo, Vice President Alice Spearman
President David Kakishiba

Nays: None

Abstained: None

Absent: Kerry Hamill, Gregory Hodge, Gary Yee

I hereby certify that the foregoing is a full, true and correct copy of a Resolution adopted by the Governing Board at a joint Regular Meeting of the Governing Board and the State Administrator of the Oakland Unified School District held January 9, 2008.


Edgar Rakestraw, Jr.
Secretary, Governing Board

Legislative File

File ID No 08-0005
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By [Signature]