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File ID Number	25-0404
Introduction Date	2/12/2025
Enactment Number	
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Board Cover Memorandum

To Board of Education

From Valarie Bachelor, Vice President
VanCedric Williams, Director

Meeting Date February 12, 2025

Subject Introduction of Amendment to Resolution No. 1617-00892425-0207-Reaffirming District Facilities and Programs Are a Sanctuary for All Children and Adults
(Revised)

Action Requested Introduction of Amendment to **Resolution Reaffirming District Facilities, Programs Are A Sanctuary for All Children and Adults**

Background On January 9, 2008, the Governing Board of Education of the Oakland Unified School District enacted Resolution No. 0708-0139 entitled "Oakland Board of Education Commitment to the Education of all Immigrant Children." On December 14, 2016, the Board of Education restated and re-affirmed its intent with the enactment of this Resolution No. 1617-0089 ("Resolution"). The current proposed amendment to Resolution No. 1617-0089 is intended to **reaffirm the Board of Education's commitment to creating safe and welcoming school environments for all students including LGBTQ students, staff, and families as stated in Resolution No. 2324-0152 entitled "Affirming Support for LGBTQ Students, Families, and Employees."**

Discussion Within 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. **Additionally, lawmakers have introduced hundreds of anti-LGBTQ school policy bills aimed to censor curricula, restrict bathroom access, and limit or even prohibit gender and sexuality expression in schools. In response to growing fears that governmental actions towards immigrant and LGBTQ students, staff and families will have a chilling effect on their educational and civil rights of immigrant students, staff, and families, the proposed amendment to this resolution restates the Board of Education's position that all students have the right to attend school regardless of the immigration status, gender or sexual identities of the child or of the child's family**

members. It also provides that students will not be discriminated against because of their actual or perceived immigrant status, gender or sexual identity, and will not seek information about these identities, and will take steps to protect personally identifiable information from being used to harm, surveil or criminalize our students. The District will distribute the resolution, develop an implementation plan and will train staff about its content.

**RESOLUTION OF THE BOARD OF EDUCATION
OF THE
OAKLAND UNIFIED SCHOOL DISTRICT**

Reaffirming District Facilities, Programs Are A Sanctuary for All Children and Adults

Resolution No. ~~1617-0089~~2425-0207

(Proposed Amendment Introduced on February 12, 2025)

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

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: Our City and County, just like many major cities in the United States, is the home and workplace of many diverse communities, including persons of different faiths, racial and ethnic backgrounds, **gender and sexual identities**, and varying immigration status;

WHEREAS: Within 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;

WHEREAS: **Lawmakers have also proposed hundreds of anti-LGBTQ school policy bills aimed to censor curricula, restrict bathroom access, and limit or even prohibit gender and sexuality expression in schools;**

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;

WHEREAS: The United States Supreme Court has ruled 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 lifelong harm it would inflict on the child and society itself, and constitutional equal protection rights;

WHEREAS: **California Education Code, and the U.S. Constitution prohibit discrimination on the basis of gender identity, gender expression, and sexual orientation;**

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;

WHEREAS: While there are no accurate numbers of how many undocumented children are enrolled in our District's public schools, approximately 50% of our District's students speak a language other than English at home and approximately 50 native languages are spoken by families whose children are enrolled in our District;

WHEREAS: Reports of hate crimes directed at Muslims and others perceived as Middle Eastern or Muslim, and the LGBTQ community have increased in recent years;

WHEREAS: Bullying or discrimination, for any reason, is harmful to students' feelings of safety and belonging, as well as their academic success; and

WHEREAS: On January 9, 2008, the Governing Board of Education of the Oakland Unified School District enacted Resolution No. 0708-0139 entitled "Oakland Board of Education Commitment to the Education of all Immigrant Children" and the current Board of Education intends to amend, restate and re-affirm its intent with the enactment of this Resolution No. 1617-0089 ("Resolution").

WHEREAS: On September 27, 2023 the Board of Education affirmed its commitment to create safe and welcoming school environments for LGBTQ students, staff, and families as stated in Resolution No. 2324-0152 entitled "Affirming Support for LGBTQ Students, Families, and Employees."

NOW, THEREFORE, BE IT RESOLVED: That the Board of Education will uphold the rights detailed in California Education Code, federal law, and the United States Constitution prohibiting sex-based discrimination, including, sexual orientation, gender identity, or sex characteristics and reaffirm its commitment to protecting transgender and, non-binary students;

BE IT FURTHER 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 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;

BE IT FURTHER 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 rights of these students to public education;

BE IT FURTHER RESOLVED: That the Board recognizes that students have a need to understand history and politics, and supports the academic freedom of teachers to both teach and discuss current events with students as aligned with common core standards and OUSD Board policies;

BE IT FURTHER RESOLVED: That the Board declares its commitment that every District site be a welcoming

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;

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:

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 should be forwarded to the Superintendent's Office for review, in consultation with District legal counsel, who, within legal boundaries, will take action to support students, families, and staff and will immediately notify the Oakland Immigrant Legal Representation and Rapid Response Network or similar organization.
8. All requests for information or documents by ICE should be forwarded to the Superintendent, who in consultation with District legal counsel, shall determine if the information and/or documents can be released to ICE.
9. If ICE comes to a school site unannounced to interrogate or take custody of a student, staff will notify the ICE agents of Board Policy 5145.13 and will make every effort to follow that Policy, as well as notify the Superintendent's Office, who will notify the Oakland Immigrant Legal Representation and Rapid Response Network or similar organization.
10. 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.
11. 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 the Board would like to see all OUSD-authorized schools adopt similar resolutions or take steps to ensure that their facilities and programs are also sanctuaries for immigrant, Muslim (and others perceived as Middle Eastern or Muslim), LGBTQ, and any other vulnerable students;

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

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 within ninety (90) days of this Resolution's enactment date and from time to time thereafter as requested by the Board of Education; and finally;

BE IT FURTHER RESOLVED: That the Board instructs the Superintendent to distribute copies of this Resolution within thirty (30) days of the Resolution's enactment date, translated into all appropriate languages, to all school sites (including District-authorized charter school sites), and ensure that the District's ELL Subcommittee and Site ELL Subcommittees, the Oakland Mayor's Office, and Oakland immigrant community organizations are consulted and involved in monitoring the successful implementation of this Resolution.

Passed by the following vote:

PREFERENTIAL AYE:

PREFERENTIAL NOE:

PREFERENTIAL ABSTENTION:

PREFERENTIAL RECUSE:

AYES:

NOES:

ABSTAINED:

RECUSE:

ABSENT:

CERTIFICATION

We hereby certify that the foregoing is a full, true and correct copy of a Resolution passed at a Regular Meeting of the Board of Education of the Oakland Unified School District held _____, 2025.

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<u>File ID Number:</u>	<u>25-0404</u>
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<u>By:</u>	

OAKLAND UNIFIED SCHOOL DISTRICT

Jennifer Brouhard
President, Board of Education

Kyla Johnson-Trammell
Superintendent and Secretary, Board of Education



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Meeting Date February 12, 2025

Subject Introduction of Amendment to Resolution No. 2425-0207-Reaffirming District Facilities and Programs Are a Sanctuary for All Children and Adults
(Revised)

Action Requested Introduction of Amendment to **Resolution Reaffirming District Facilities, Programs Are A Sanctuary for All Children and Adults**

Background On January 9, 2008, the Governing Board of Education of the Oakland Unified School District enacted Resolution No. 0708-0139 entitled "Oakland Board of Education Commitment to the Education of all Immigrant Children." On December 14, 2016, the Board of Education restated and re-affirmed its intent with the enactment of this Resolution No. 1617-0089 ("Resolution"). The current proposed amendment to Resolution No. 1617-0089 is intended to reaffirm the Board of Education's commitment to creating safe and welcoming school environments for all students including LGBTQ students, staff, and families as stated in Resolution No. 2324-0152 entitled "Affirming Support for LGBTQ Students, Families, and Employees."

Discussion Within 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. Additionally, lawmakers have introduced hundreds of anti-LGBTQ school policy bills aimed to censor curricula, restrict bathroom access, and limit or even prohibit gender and sexuality expression in schools. In response to growing fears that governmental actions towards immigrant and LGBTQ students, staff and families will have a chilling effect on their educational and civil rights of immigrant students, staff, and families, the proposed amendment to this resolution restates the Board of Education's position that all students have the right to attend school regardless of the immigration status, gender or sexual identities of the child or of the child's family

members. It also provides that students will not be discriminated against because of their actual or perceived immigrant status, gender or sexual identity, and will not seek information about these identities, and will take steps to protect personally identifiable information from being used to harm, surveil or criminalize our students. The District will distribute the resolution, develop an implementation plan and will train staff about its content.

**RESOLUTION OF THE BOARD OF EDUCATION
OF THE
OAKLAND UNIFIED SCHOOL DISTRICT**

Reaffirming District Facilities, Programs Are A Sanctuary for All Children and Adults

Resolution No. 2425-0207

(Proposed Amendment Introduced on February 12, 2025)

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

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: Our City and County, just like many major cities in the United States, is the home and workplace of many diverse communities, including persons of different faiths, racial and ethnic backgrounds, gender and sexual identities, and varying immigration status;

WHEREAS: Within 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;

WHEREAS: Lawmakers have also proposed hundreds of anti-LGBTQ school policy bills aimed to censor curricula, restrict bathroom access, and limit or even prohibit gender and sexuality expression in schools;

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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;

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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;

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PREFERENTIAL AYE:

PREFERENTIAL NOE:

PREFERENTIAL ABSTENTION:

PREFERENTIAL RECUSE:

AYES:

NOES:

ABSTAINED:

RECUSE:

ABSENT:

CERTIFICATION

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OAKLAND UNIFIED SCHOOL DISTRICT

Jennifer Brouhard
President, Board of Education

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Superintendent and Secretary, Board of Education