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Memo

To Board of Education

From Antwan Wilson, Superintendent
Marion McWilliams, General Counsel

Board Meeting Date December 14, 2016

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

Action Requested **Approval of 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" 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");

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. In response to growing fears that governmental actions towards immigrants will have a chilling effect on the educational rights of immigrant students and families, the proposed resolution restates the Board of Education's 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. It also provides that students will not be discriminated against because of their actual or perceived immigrant status, will not seek information about immigration status, and will take steps to protect personally identifiable information from being used for immigration enforcement to the extent possible. The District will distribute the resolution, develop an implementation plan, and will train staff about its contents.

Recommendation

Approval of Resolution Reaffirming District Facilities, Programs, and Services Are A Sanctuary for All Children and Adults

Fiscal Impact

No fiscal impact

Attachments

- Resolution 1617-0089, v2

**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

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, and varying immigration status;

WHEREAS: The 2016 presidential election has created an atmosphere of fear among immigrants, Muslims and other vulnerable groups in Oakland;

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: 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: 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 have increased in recent months;

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").

NOW, THEREFORE, BE IT 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.
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 must be released to ICE.
9. District staff shall take immediate steps to notify a student's parent or guardian if ICE or other law enforcement agencies take custody of a student from campus or questioning the student on District premises.
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) 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.

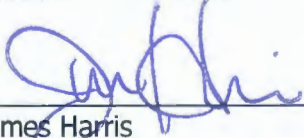
PASSED AND ADOPTED this 14th day of December 2016, by the following vote:

AYES: Roseann Torres, Shanthi Gonzales, Aimee Eng, Jumoke Hinton Hodge, Jody London, Vice President
Nina Senn, President James Harris

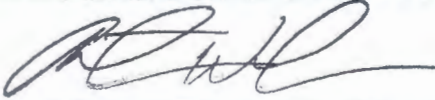
NOES: None

ABSTAIN: None

ABSENT: None



James Harris
President of the Board of Education
of the Oakland Unified School District



Antwan Wilson, Secretary, Board of Education
of the Oakland Unified School District

**RESOLUTION OF THE BOARD OF EDUCATION
OF THE
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WHEREAS: *Our City and County, just like many major cities in the United States, is the home and workplace of many diverseimmigrant communities, including persons of different faiths, racial and ethnic backgrounds, and varying immigration status;*

WHEREAS: The 2016 presidential election has created an atmosphere of fear among immigrants, Muslims and other vulnerable groups in Oakland;

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: 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;

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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:

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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, ~~before a decision is made to allowing access to the site.~~
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 ~~must~~ be released to ICE.
9. ~~District staff shall take immediate steps to notify a student's parent or guardian if ICE or other law enforcement agencies take custody of a student from campus or questioning the student on District premises. In recognition of existing Board Policy [BP 5415.13] regarding the obligation of district staff to take immediate steps to get oral consent from a student's parent or guardian prior to questioning by police, district staff should observe the same procedure before allowing students to be questioned by ICE and other law enforcement agencies.~~
- 9-11. 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.
- 10-12. 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

