

SACRAMENTO COUNTY BOARD OF EDUCATION

Resolution in Support of Creating a Safe and Positive Learning Environment

Resolution No. 17-05

March 21, 2017

WHEREAS, The Sacramento County Board of Education (Board) and Sacramento County Superintendent of Schools (Superintendent) are committed to the success of all pupils in Sacramento County Office of Education (SCOE) schools and programs, regardless of the immigration status of the pupils or their family members, and believe that every SCOE school and program should be an inclusive, welcoming, safe environment for pupils and their families;

WHEREAS, All pupils have a right to attend school free of bullying, intimidation, and discrimination;

WHEREAS, The U.S. Supreme Court has held, in *Plyler v. Doe*, 457 U.S. 202 (1982), that children have a right to attend school regardless of their immigration status and states cannot constitutionally deny pupils a free public education because of the immigration status of the pupils or their families;

WHEREAS, School officials should not report undocumented pupils or their families to U.S. Immigration and Customs Enforcement (ICE) because such reporting could discourage students from enrolling in or attending school, and could effectively deny them a public education in violation of the Constitution and federal civil rights laws;

WHEREAS, The ICE policy adopted in 2011 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, it is unknown whether this policy may change;

WHEREAS, ICE activities in and around schools and educational facilities would be a severe disruption to the learning environment and educational setting for SCOE pupils;

WHEREAS, Local educational agencies should 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 for K-12 educational purposes, may discourage students from enrolling in school, and may be subject to requests from federal agents;

WHEREAS, Federal regulations and state law prohibit educational agencies from disclosing personally identifiable pupil information to anyone, including law enforcement, without consent of a parent or guardian, a court order or lawful subpoena, or in the case of a health or safety emergency;

NOW, THEREFORE, BE IT RESOLVED, The Board and Superintendent reaffirm that pursuant to federal and state law, every pupil served in SCOE schools and programs has the right to attend those schools and programs regardless of immigration status;

BE IT FURTHER RESOLVED, That the Board and Superintendent confirm that all pupils enrolled in SCOE schools and programs, regardless of immigration status, have the right to receive all educational and support services, and that SCOE personnel shall take no steps that would deny access to these services based upon the immigration status of the pupils or their family members;

BE IT FURTHER RESOLVED, In order to provide a public education, regardless of immigration status, absent any applicable federal, state, local law or regulation, local ordinance, or court decision that may lawfully provide otherwise, SCOE shall act consistent with the following practices:

1. SCOE shall not treat pupils differently for residency determination purposes on the basis of their actual or perceived immigration status and shall treat all pupils equitably in the receipt of all school services for which they are eligible.
2. SCOE shall not enter into any agreement with ICE to enforce federal immigration law, and shall not voluntarily participate in any ICE or Border Patrol enforcement actions.
3. SCOE shall not inquire about a pupil's or parent's immigration status or require documentation of legal status, such as asking for a visa or passport, during enrollment or at any other time.
4. Consistent with Education Code section 49076.7, SCOE shall not require pupils or parents to apply for Social Security numbers nor collect or solicit Social Security numbers, including the last four digits of Social Security numbers, unless otherwise required by state or federal law.
5. For enrollment and other purposes, SCOE shall not require birth certificates as the sole method of establishing a pupil's age, and shall also accept the forms of evidence listed in Education Code section 48002, including, baptismal certificates, parent affidavits, or other reliable means of proving the age of the child.
6. All requests by immigration enforcement agents for personally identifiable information or documents regarding SCOE pupils shall immediately be sent to the Superintendent, who in consultation with SCOE legal counsel, shall consider all legally permissible actions that may be taken to respond to such requests to protect the privacy rights of pupils and their families.

7. The Superintendent shall ensure that appropriate SCOE personnel are adequately informed of this Resolution's directives.

PASSED AND ADOPTED by the Sacramento County Board of Education at its regular board meeting on the 21st day of March 2017 by the following vote:

AYES	_____	_____
NOES	_____	_____
ABSENT	_____	_____
ABSTAIN	_____	_____

Jacquelyn Levy, Board President

David W. Gordon, Board Secretary