

**NOVATO UNIFIED SCHOOL DISTRICT  
RESOLUTION No. 19 – 2016/2017**

**COMMITMENT TO THE EDUCATION OF ALL STUDENTS AND MAKING ALL  
CAMPUSES A SAFE ZONE FOR STUDENTS AND FAMILIES THREATENED BY  
IMMIGRATION ENFORCEMENT**

**WHEREAS**, Our City and County, just like many major cities in the United States, are the home and workplace of many immigrant communities, including persons with both documented and undocumented immigration status;

**WHEREAS**, All students have a right to attend school regardless of their immigration status. The United States Supreme Court in 1982 ruled in *Plyler v. Doe* 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**, 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**, 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 35% of our District's students speak a language other than English at home and multiple native languages are spoken by families whose children are enrolled in our District;

**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 and our school programs would be a severe disruption to the learning environment and educational setting for students;

**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 states 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 declares its commitment that every District site be a safe and welcoming place for all students and their families and encourages the Superintendent to 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 conduct:

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, before a decision is made to allow 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 can be released to ICE. Pursuant to FERPA, the District shall not disclose, without parental consent, personal information for any Novato Unified student.

**BE IT FURTHER RESOLVED:** That the Superintendent shall ensure that all teachers, school administrators and school and District office staff will be appropriately informed about this Resolution; and parents/guardians will have access to this resolution in English and Spanish to fully inform families of their rights in the District;

**BE IT FURTHER RESOLVED:** That the Board of Trustee instructs the Superintendent to distribute copies of this Resolution in both English and Spanish to all school sites and ensure that the District’s DELAC (District English Learner Advisory Committee), ELACs (English Learners Advisory Committees), the Novato Mayor’s Office, and the Novato immigrant community organizations are consulted and involved in monitoring the successful implementation of this Resolution.

Passed by the following vote, at the December 20, 2016 meeting of the Novato Unified School Board of Education:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Abstain: \_\_\_\_\_

Absent: \_\_\_\_\_

\_\_\_\_\_  
Jim Hogeboom, Superintendent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Tom Cooper President, Board of Education

\_\_\_\_\_  
Date