



**TRACY UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 16-16
Commitment to Education of All Children**

WHEREAS: Our District is the home and workplace of many immigrant communities, including persons with both documented and undocumented immigration status; and

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 life-long harm it would inflict on the child and society itself, and constitutional equal protection rights; and

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; and

WHEREAS: Our District received supplemental funding for our English learners, and most students who are undocumented immigrants are English learners or speak a language at home other than English; and

WHEREAS: While there are no specific numbers of how many undocumented children are enrolled in our District's public schools, approximately 42.46% of our District's students speak another language at home, more than 43 languages are spoken by families whose children are enrolled in our District; and

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; 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; and

THEREFORE BE IT RESOLVED: That the Board of Education, in solidarity with our immigrant community, in light of the increasing tensions in immigrant communities and the possible chilling effect on the educational rights of immigrant students and families by reports about ICE raids and proposals like some of the foregoing, the Board of Education hereby restates its position that all students have the right to attend Tracy Unified schools regardless of the immigration status of the child or of the child's family members; and

FURTHER BE IT 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 *Plyler* rights of these students to public education; and

BE IT FURTHER RESOLVED: That the Board declares that every District site is a safe place for all students and their families;

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 residence 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 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 must be forwarded to the Superintendent's Office for review 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.

FURTHER BE IT RESOLVED: That the Superintendent shall ensure that all teachers, school administrators, school and District office and other staff will be appropriately and adequately trained on how to implement this resolution; and be it finally

RESOLVED: that the Board instructs the Superintendent to distribute copies of this Resolution, translated into all appropriate languages, to all school sites, and ensure that the District's DELAC – District English Learner Advisory Committee, ELACs – English Learners Advisory Committees, the Mayor's Office, and immigrant community organizations are consulted and involved in monitoring the successful implementation of this resolution.

PASSED AND ADOPTED this 15th day of February, 2017, by the Board of Trustees of the Tracy Unified School District by the following vote:

AYES: 6 NOES: 0 ABSENT: 1 (Costa) ABSTAIN: 0



 President
 Board of Trustees
 Tracy Unified School District



 Clerk
 Board of Trustees
 Tracy Unified School District