

West Contra Costa Unified School District
Resolution No. 54-1617 in Support of Students who are Undocumented, Muslim or Persons of Color
and their Families and Protocols for Immigration and Customs Enforcement Access to Schools

WHEREAS, the Constitution of the United States enumerates several rights, including the freedom of expression and religion, protection from unreasonable searches and seizures, due process of law before the deprivation of life, liberty or property, and equal protection of the law; and

WHEREAS, the Constitution of the State of California guarantees the right to free exercise and prevents the deprivation of life, liberty or property or equal protection of the laws; and

WHEREAS, Article I Section 28 of the California Constitution states that public schools shall be safe, secure and peaceful; and

WHEREAS, Article I Section 31 of the California Constitution prohibits discrimination against any individual or group on the basis of race, sex, color, ethnicity, or national origin in public education; and

WHEREAS, in Plyler v. Doe (1982), the United States Supreme Court held that no public school district has a basis to deny children access to education based on their immigration status, citing the equal protection rights under the 14th Amendment to the Constitution of the United States, recognizing that children have little control over their immigration status, and affirming the harm it would inflict on the child and society itself; and

WHEREAS, the West Contra Costa Unified School District is a diverse community with 51 percent of its students being of Hispanic or Latino heritage, 18 percent African American, 16 percent Asian or Filipino, 11 percent White and 2 percent two or more races; and

WHEREAS, the democratic principal that people of all faiths are welcomed and that they will not be treated differently by their government is essential to who we are as a nation; and

WHEREAS, members of the Muslim faith are part of the fabric of our local communities and deserving of the same respect and equal protections that all people enjoy regardless of religious ideology; and

WHEREAS, the strength of this District, the State of California, and this nation is based on its diversity; and

WHEREAS, the rhetoric utilized in the recent presidential campaign was divisive, abusive, and dangerous to specific populations; and

WHEREAS, incidents of hate crimes targeted towards people of color and those perceived as being undocumented or Muslim have risen significantly with the Southern Poverty Law Center documenting more than 800 incidents of hateful harassment since the election on November 8; and

WHEREAS, recent incidents of alleged religious intolerance and racially motivated hate crimes have occurred within Contra Costa County;

WHEREAS, families in our communities have expressed fear and uncertainty about their safety; and

WHEREAS, hundreds of students have marched in unity to express their constitutionally protected views and share their values based on the pluralistic principles of this nation; and

WHEREAS, immigration enforcement issues affect West Contra Costa Unified School District schools and families every day, and while threats of mass deportations and registering certain populations based on their religious affiliation or country of origin put forth during the presidential election have not yet been carried out, we denounce the divisive rhetoric and subsequent normalizing of hate speech that has followed the presidential election as it has created a climate of fear and anxiety for many District students, families, teachers and school communities; and

WHEREAS, immigration enforcement 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

WHEREAS, U.S. Immigration and Custom Enforcement (ICE) policy states that it will not conduct immigration enforcement activity at any sensitive location, which includes schools, without special permission by specific federal law enforcement officials; unless exigent circumstances exist; and

WHEREAS, there is no written state or federal law that mandates that local school districts assist ICE in the enforcement of immigration laws; and

WHEREAS, precedence exists for government agencies rejecting certain actions with the objective of discovering the immigration status of a person; and

NOW THEREFORE BE IT RESOLVED that the West Contra Costa Unified School District Board of Education urges the federal government to enact humane comprehensive immigration reform that includes a path to citizenship, keeps families together, and improves border security and enforcement.

BE IT FURTHER RESOLVED that the West Contra Costa Unified School District Board of Education declares that every school site or office of West Contra Costa Unified School District is a safe place for all its students and their families, and that students and their families can come to any District school or office to seek help, assistance, information, shelter and safety if faced with fear and anxiety about any and all non-criminally related immigration enforcement efforts.

BE IT FURTHER RESOLVED that the West Contra Costa Unified School District Board of Education directs the Superintendent to establish all schools as resource and information sites for students and their families, and that the Board expects the Superintendent to increase and enhance partnerships with community-based organizations and legal services organizations who provide resources for families facing deportation and that a rapid response network be created to assist children whose family members have been detained.

BE IT FURTHER RESOLVED that in order to provide a public education, regardless of a child or family's immigration status, absent any applicable federal, state, or local law, regulation, ordinance or court decision, and in absence of proof of criminal proceedings as determined by a law enforcement agency, the District shall abide by the following conduct:

1. District personnel shall treat all students equitably in the receipt of all school services, including but not limited to, educational instruction, the free and reduced lunch program, and transportation;
2. District personnel shall not inquire about a student's immigration status, including that of family members;
3. If students, parents or families have questions about their immigration status, school personnel shall not refer them to any office or representative of ICE;
4. All WCCUSD employees, personnel, and contractors are prohibited from sharing the personally identifiable information of parents, students, or staff with immigration agents;
5. All WCCUSD employees, personnel, and contractors are prohibited from sharing information pertaining to citizenship or immigration status with immigration agents;
6. Immigration enforcement actions will not be allowed to take place at any WCCUSD school. WCCUSD will not allow immigration agents to enter any WCCUSD school or school grounds;
7. Any request by ICE for data information or to visit or access a school site will immediately be forwarded to the Superintendent for review and guidance from District counsel to determine whether to allow access to the site, and/or the information to ensure District compliance with Plyler and other applicable laws.
8. The Superintendent will implement an administrative protocol that sets expectations and guidance for any District engagement with ICE, as well as execute adequate training of District personnel to ensure District practice is congruent with the spirit of this resolution.

PASSED AND ADOPTED by the Board of Education of the West Contra Costa Unified School District on this seventh day of December 2016, by the following vote:

AYE's ____ NO's ____ ABSENT ____ ABSTAIN ____

I HEREBY CERTIFY that the foregoing resolution was duly and regularly introduced, passed, and adopted by the Board of Education of the West Contra Costa Unified School District, Contra Costa County, at a meeting of said Board on December 7, 2016.

President of the Board of Education

Secretary of the Board of Education