

RIVERSIDE UNIFIED SCHOOL DISTRICT

Resolution No. 2016/17-39

RESOLUTION OF THE BOARD OF EDUCATION TO MAKE THE DISTRICT AND ALL CAMPUSES SAFE LEARNING ZONES FOR ALL STUDENTS, FAMILIES, AND STAFF

WHEREAS: Pursuant to Education Code Section 200, it is the policy of California to afford all persons in public schools, regardless of their disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other protected characteristic, equal rights, access, and opportunities in the educational institutions of the state; and

WHEREAS: Pursuant to Education Code Section 201, California's public schools have an affirmative obligation to combat racism, sexism, and other forms of bias, and a responsibility to provide equal educational opportunity; and

WHEREAS: The United States Supreme Court in *Plyler vs. Doe* (1982) 457 U.S. 202, held that no public school district has a basis to deny children access to education based on their immigration status, citing the harm it would inflict on the child and society, and equal protection rights under the Fourteenth Amendment to the United States Constitution; and

WHEREAS: All students have a right to attend school free of fear, bullying and discrimination because, among other things, bullying, harassment, or discrimination, for any reason, is harmful to students' feeling of safety and belonging, as well as their academic success; and

WHEREAS: the Riverside Unified School Board of Education embraces the diversity of our students and families and is committed to the success of all students irrespective of their immigration status, ethnicity, race, religion, sexual orientation, ability, sex and gender identity, socio-economic status, or beliefs; and

WHEREAS: Our City and County, like many major cities in the United States of America, is the home and workplace of many diverse communities, including persons of different faiths, racial and ethnic backgrounds, and varying immigration status; and

WHEREAS: the Declaration of Independence of the United States of America recognizes every individual's right to life, liberty, and the pursuit of happiness; and

WHEREAS: the United States of America was built by diverse peoples, both native and immigrant alike; and

WHEREAS: education has played a critical role in furthering acceptance and strengthening our society as well as treating all people with dignity and respect; and

WHEREAS California voters during the 2016 General election expressed strong support for public schools by embracing multilingual education through Proposition 58, strengthening funding

sources through Proposition 55, and modernizing school facilities through Proposition 51 and local bond Measure O; and

WHEREAS: the University of California, California State University, and the Board of Governors for the California Community Colleges, which include the University of California, Riverside, California State University, San Bernardino, and Riverside Community College, have declared their commitment to ensure that their campus remain safe and open for all students, regardless of immigration status;

THEREFORE, BE IT RESOLVED that the Board of Education declares that every campus is a safe learning zone for all students and their families, regardless of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other protected characteristic, including immigration status; and encourages the Superintendent to increase and enhance partnerships with community-based organizations; and

BE IT FURTHER RESOLVED that the Board of Education declares that every campus continue to implement, with fidelity, District reforms to reduce and eliminate all forms of bias, discrimination, and criminalization of youth in schools; and

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

1. District personnel shall not inquire about or record a student's or a family member's immigration status, and pursuant to the Family Education Rights and Privacy Act ("FERPA"), shall not disclose, without parental consent, the immigration status of any student or other personally identifiable information.
2. Any communication to federal agencies or officials initiated by a school or school personnel concerning confidential information about a student or a student's family member, including but not limited to: information about gender identity; sexual orientation; status as a survivor of domestic violence; survivor of sexual assault; crime witness; recipient of public assistance; actual or perceived immigration or citizenship status; national origin; school discipline record; and all information included in an individual's or household's income tax records, is prohibited, unless permission is granted by the student or student's parent or guardian.

BE IT FURTHER RESOLVED that the District acknowledges the value of the Deferred Action for Childhood Arrivals (DACA) program, which grants "Dreamers" – people who were brought to this country as children by their parents – reprieve from deportation because California and the United States are stronger due to their contributions to our economy, to our communities and to our Armed Forces; and

BE IT FURTHER RESOLVED that the District has not and will not release any personally identifiable student information related to immigration status without a judicial warrant, subpoena or court order, unless authorized by the student or required by law; and

BE IT ALSO RESOLVED that the Board of Education instructs the Superintendent to distribute copies of this Resolution, translated into all appropriate languages, to all school sites, and ensure that all District established advisory groups and committees, the Mayor's Office, and immigrant and civil rights community organizations are consulted and involved in monitoring the successful implementation of this resolution.

PASSED AND ADOPTED this 6th day of February 2017 by the members of the Board of Education.

Brent Lee, President

Patricia Lock-Dawson, Vice President

Dr. Angelov Farooq, Clerk

Kathy Y. Allavie, Member

Tom Hunt, Member