

**Berkeley Unified School District
Board of Education**

**Resolution 17-050 Reaffirming Our Commitment to the Education of All
Children and Making all BUSD Campuses a Safe Zone for Students and Families
Threatened by Immigration Enforcement**

WHEREAS, The City of Berkeley, just like many major cities in the United States, is the home and workplace of many immigrant communities, including persons with who are citizens, have documentation of residency, or are of undocumented immigration status, and international visitors; and that the children and families of these diverse communities are welcomed to attend our public schools; 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: In anticipation of the transition to a new presidential administration, Berkeley Unified students, families, staff, teachers and community having expressed heightened and imminent concerns about the potential serious implications of changes that immigration policies and practices might have for international, undocumented students, Deferred Action for Childhood Arrival (DACA) students and their families in our District; and

WHEREAS: On December 7, 2016, the Berkeley Board of Education unanimously passed [Board Policy 5111.3 In Support of Undocumented Students](#); and

WHEREAS: The Berkeley Board of Education embraces the diversity of our staff, 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; and

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: While there are not accurate numbers of how many undocumented children are enrolled in our District public schools, approximately 23% of our District's students speak another language at home and more than 90 languages are spoken by families whose children are enrolled in our District; and

WHEREAS: In 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, increasing tensions in immigrant communities; and

WHEREAS: President-elect Trump has stated that his administration will rescind the executive order that creates the Deferred Action for Childhood Arrivals , and immigration policy that allows certain undocumented immigrants who entered the country as minors to receive a renewable two-year period of deferred action from deportation and eligibility for a work permit; and

WHEREAS: Statements of plans to register and deport members of immigrant communities by the incoming Presidential administration and U.S. Immigration and Customs Enforcement Office (ICE) have caused immigrant communities to fear sending and/or accompanying their children to school; and

WHEREAS, immigration enforcement issues affect Berkeley 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 normalization 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: Any ICE activities in and around schools, early education centers, afterschool programs, and adult school facilities would be a severe disruption to the learning environment and educational setting for students; and

WHEREAS: Berkeley Unified School District rejects all discrimination based on race, ethnicity, religion, gender, gender identity and expression, immigration status, disability and sexual orientation; and

WHEREAS: The Berkeley Board of Education of the Berkeley Unified School District is mindful of its duty and responsibility to provide each child in the District with high quality public education in a safe and nurturing environment free from unnecessary conflict and tension; and

BE IT FURTHER RESOLVED: That the Berkeley Board of Education, in solidarity with our diverse immigrant and international students and their families, communities and, organizations; and the possible chilling effect on the education rights of students and families caused by fear of ICE raids, deportations and efforts to register members of the population, or other like proposals, the Board of Education hereby restates its position that all students have the right to attend school regardless of the immigration status or religious affiliation of the student, or the student's family members; and

BE IT FURTHER RESOLVED: That the Berkeley 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 impede the *Plyler* rights of these students to public education; and

BE IT FURTHER RESOLVED: That the Berkeley Board of Education declares that every District site is a safe place for all students and their families and encourages the Superintendent to increase and enhance partnerships with community based organizations and legal service organizations who provide resources for families facing deportation and that a rapid and ready responsive network be created to assist children whose family members have been detained; and

BE IT FURTHER RESOLVED: BUSD rejects all forms of discrimination based on race, ethnicity, religion, gender, gender identity and expression, immigration status, disability and sexual orientation as noted in our district policies; and

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, Berkeley Unified shall abide by Board Policy 5111.3 In Support of Undocumented Students at all times; and

FURTHER BE IT RESOLVED: That the Superintendent shall ensure that all teachers, school administrators and school and District office and other staff will be appropriately and adequately trained on how to implement BP 5111.3; and parents will receive notification in various languages of the new District policy to fully inform families of their rights and protections in the district; and

BE IT FURTHER RESOLVED: That the Superintendent shall prepare an implementation plan defining partnership with community organizations and training and support for school site employees and report back to the Berkeley Board of education in 90 days; and be it finally; and

RESOLVED: That the Board instructs the Superintendent to distribute copies of Board Policy 5111.3 In Support of Undocumented Students, translated into all appropriate languages, to all school sites, and ensure that the District's DELAC – District English Learner Advisory Committee, ELAC's – English Learners Advisory Committee, the Mayor's Office and immigrant community organizations are consulted and involved in monitoring the successful implementation of this resolution.

APPROVED AND ADOPTED by the Board of Education of the Berkeley Unified School District, this 11th day of January 2017, by the following votes:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ATTEST:

Beatriz Leyva-Cutler, Clerk
Board of Education