

Adopted by the Board of Education, with Suspension of the Rules at First Reading and as amended, at the Regular Meeting of April 24, 2007

Subject: Resolution No. 74-24A2

SF Board of Education Commitment to Education of All Immigrant Children and Opposition to Recent ICE Raids

- Commissioners Eric Mar, Kim-Shree Maufas, Jane Kim, Hydra B. Mendoza, Mark Sanchez, Jill Wynns, Norman Yee, and Student Delegates Diana Suen and Lea Elliott

WHEREAS: The City and County of San Francisco, just like many major cities in the United States, is the home and workplace of large immigrant communities with both ‘legal’ and ‘undocumented people’; and

WHEREAS: The United States Supreme Court in 1982 ruled in *Plyler v. Doe* that public schools were prohibited from denying immigrant students access to elementary and secondary public education. The Court stated that undocumented children have the same right to a free public education as citizens of the United States and permanent residents; and

WHEREAS: There are no accurate numbers of how many undocumented children are enrolled in San Francisco’s public schools, approximately 32% of San Francisco Unified School District’s students are English Language Learners; and

WHEREAS: Since the massive immigrant rights and civil rights marches and student walkouts in 2006 and 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, thereby increasing tensions in immigrant communities; and

WHEREAS: Recent reports of ICE [U.S. Immigration and Customs Enforcement Office] raids in San Francisco and Bay Area cities have caused immigrant communities to fear sending their children to schools and leaving their homes, even for needed medical services; and

WHEREAS: In 1989, after organizing by immigrant communities and the Coalition for Immigrant and Refugee Rights and Services, the SF Board of Supervisors passed Ordinance 375-89 making San Francisco a “City of Refuge” for undocumented workers anywhere from the world and the San Francisco Bay Area. In January 2006, the Board of Supervisors passed a Resolution 060067 Affirming the San Francisco’s City of Refuge Ordinance. The ordinance forbids city resources from being used to enforce federal immigration laws or to gather or disseminate information regarding the immigrant status of residents of the City unless such assistance is required by federal or state statute, regulation or court decision.

THEREFORE BE IT RESOLVED: That the SF Board of Education, in solidarity with immigrant community organizations like BAIRC [the Bay Area Immigrant Rights Coalition], the Immigrant Legal & Education Network and the City and County’s designation of San Francisco as a City of Refuge, in light of the increasing tensions in immigrant communities, and the possible chilling effect on the educational rights of immigrant students by the enactment of the aforementioned laws and ordinances, the Board of Education hereby restates 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; and

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FURTHER BE IT RESOLVED: That the SF Board of Education further 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: In order to provide a public education, regardless of a child’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 disparately for residency determination purposes on the basis of their undocumented status;
2. 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;
3. 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;
4. District personnel shall not require students to apply for Social Security numbers nor should the District require students to supply a social security number;
5. If parent and or students have questions about their immigration status, school personnel shall not refer them to the Immigration and Customs Enforcement Office (“ICE”);
6. 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. The School Board has found that the presence of ICE is likely to lead to a disruption of the educational setting. Therefore, any request by ICE to visit a school site should be forwarded to the Superintendent’s Office for review before a decision is made to allow access to the site.
7. All requests for documents by ICE should be forwarded to the Legal Office which in consultation with the Superintendent shall determine if the documents can be released to ICE.

FURTHER BE IT RESOLVED: That Central Office staff, school administrators, and school-based teaches and other staff will be adequately trained on how to implement this policy; and parents will receive notification in various languages of the new District policy to fully inform families of their rights in the SFUSD; and

BE IT FURTHER RESOLVED: That copies of this Resolution shall be distributed to all school sites, which are hereby directed to comply with the general guidelines and principles outlined herein, and the Superintendent and Legal Office will ensure that the SFUSD Bilingual Community Council, ELAC – English Learners Advisory Council, BAIRC, Immigrant Legal Education Network, SF Immigrants Rights Commission, the Mayor’s Office, and other immigrant community organizations are consulted and involved in monitoring the successful implementation of this policy.

4/24/07