

**Mt. Diablo Unified School District
Board of Education
Resolution No. 2016/17-34
Safe, Welcoming and Inclusive Schools – A Safe Haven Resolution**

Whereas, The Mt. Diablo School District Board of Education is committed to the success of all students TK-Adult irrespective of their immigration status, ethnicity, race, religion, sexual orientation, ability, sex and gender identity, social economic status or ideological beliefs, and to the provision of a safe, welcoming and inclusive learning environment to ensure their success;

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, All students have the 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 children have little control over their immigration status, the lifelong harm it would inflict on the child and society itself, and constitutional equal protection rights;

Whereas, State and Federal laws prohibit educational agencies from disclosing personally identifiable student information to law enforcement without the consent of a parent or guardian, a court order or lawful subpoena or in the case of a health emergency;

Whereas, Reports of potential raids by the U.S. Immigration and Customs Enforcement Office (ICE) have increased immigrant communities' levels of fear, the presence of ICE in and around schools would be a severe disruption to the learning environment and educational setting for all students and families;

NOW, THEREFORE, BE IT RESOLVED, The Board declares its unequivocal commitment that every School District site, TK-Adult, shall be a safe, welcoming and inclusive learning environment for all students and for their families, thereby directing the Superintendent with ensuring families facing deportation or possible deportation be notified of resources of community based organizations, legal service organizations and other related information;

BE IT FURTHER RESOLVED, The Board reaffirms its focus on promoting and elevating tolerance, inclusiveness and kindness of all students, families, staff and guests at all district school sites, facilities and material property;

BE IT FURTHER RESOLVED, It continues to be the policy of the District to not allow any individual or organization to enter a school site if the educational setting would be disrupted by that visit; given the likelihood of substantial disruption posed by the presence of ICE or state or local law enforcement agencies acting for ICE, any request by ICE or other agencies to visit a school site should be presented to the Superintendent's Office for review as to whether access to the site is permitted by law, a judicial warrant is required, or any other legal considerations apply; this review should be made expeditiously, but before any immigration law enforcement agent or officer appears at a school site to the extent permitted by law.

BE IT FURTHER RESOLVED, In its continued commitment to the protection of student privacy, the District shall review its record-keeping policies and practices to ensure no data is being collected with respect to students' immigration status, and cease any such collection as it is irrelevant to the educational enterprise and potentially discriminatory;

BE IT FURTHER RESOLVED, Should any government agency representative request any student information, the request should be referred to the Superintendent's Office to ensure compliance with Family Educational Rights and Privacy Act (FERPA), student constitutional privacy, standards for a judicial warrant, and any other limitation on disclosure; this review should be conducted expeditiously, but before any production of information is made;

BE IT FURTHER RESOLVED, Should a caregiver be detained, the District shall follow policies and procedures to ensure no child is without care;

BE IT FURTHER RESOLVED, The Superintendent shall ensure there are unifying activities occurring within the District to support diversity, inclusion, tolerance and acceptance over hate speech.

BE IT FURTHER RESOLVED, The Superintendent shall ensure there are adequate trainings and/or support for staff that desires training and/or support in dealing with students who feel unsafe on a campus or are facing possible deportation.

LASTLY, BE IT FURTHER RESOLVED, The Superintendent shall notify all parents/guardians and students in multiple languages of this resolution to fully inform families of their rights and the information that they can access in the School District.

Passed and Adopted on February 27 2017, at a regular meeting of the Mt. Diablo Unified School District Board of Education by the following vote:

AYES: _____ NOES: _____ ABSTAIN: _____ ABSENT: _____

Debra Mason
President, Board of Education

Cheryl Hansen
Vice President, Board of Education

Linda Mayo
Member, Board of Education

Joanne Durkee
Member, Board of Education

Brian Lawrence
Member, Board of Education