

RESOLUTION OF EAST BAY INNOVATION ACADEMY

Affirming East Bay Innovation Academy Public School Facilities, Programs Are A Sanctuary for Immigrant Families

WHEREAS: Every student has a right to attend school free of fear, bullying and discrimination;

WHEREAS: Bullying or discrimination, for any reason, is harmful to students' emotional well-being, feeling of belonging, as well as their academic success;

WHEREAS: The Board of East Bay Innovation Academy of celebrates and embraces the diversity of our students and families and the rich language and cultural contributions they bring to our school and strongly supports and encourages and advocates for equal access to participation of all parents and families in our school;

WHEREAS: Reports of potential raids by the U.S. Immigration and Customs Enforcement Office (ICE) have caused immigrant communities to fear sending and/or accompanying their children to schools and leaving their homes, even for essential medical services;

WHEREAS: ICE 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;

WHEREAS: The United States Supreme Court has ruled that public schools are prohibited from denying students access to elementary and secondary public education based on their immigration status, citing that 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: East Bay Innovation Academy intends to protect and provide equal access to an education for all students and families regardless of immigration status;

NOW, THEREFORE, BE IT RESOLVED: the Board of East Bay Innovation Academy affirms 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;

BE IT FURTHER RESOLVED: That the Board of East Bay Innovation Academy states that all 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, and educational services, even if they or their family are undocumented and do not have a social security number and that no school staff shall take any steps that would deny students access to education based on their immigration status or any steps that would deny the rights of these students to a public education;

BE IT FURTHER RESOLVED: That East Bay Innovation Academy declares its commitment that every school site, facility, and school related-convening be a welcoming place for all students and their families;

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, East Bay Innovation Academy shall abide by the following:

1. School personnel shall not treat students differently for residency determination purposes on the basis of their actual or perceived immigration status and shall treat all students equitably in the receipt of all school services, including but, not limited to, the free and reduced lunch program, transportation and educational instruction.
2. School personnel shall review the list of documents that are currently used to establish residency and shall ensure that any required documents would not unlawfully bar or discourage a student who is undocumented or whose parents are undocumented from enrolling in or attending school.
3. School 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.
4. School 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.
5. School personnel shall not require students to apply for Social Security numbers nor should East Bay Innovation Academy require students to supply a Social Security number.
6. Because it is the general policy of East Bay Innovation Academy not to allow any individual or organization to enter a school site if the educational setting would be disrupted by that visit, any request by ICE to visit a school site should be forwarded to the East Bay Innovation Academy's Executive Director for review, in consultation with East Bay Innovation Academy's legal counsel.
7. All requests for information or documents by ICE should be forwarded to the East Bay Innovation Academy's Executive Director, who in consultation East Bay Innovation Academy's legal counsel, shall determine if the information and/or documents must be released to ICE.
8. School staff shall take immediate steps to notify a student's parent or guardian if ICE or other law enforcement agencies take custody of a student from campus or questioning the student on School.
9. East Bay Innovation Academy's legal counsel, and other School personnel as designated by the Executive Director, will review the impact of changes in federal immigration law programs such as Deferred Action for Childhood Arrivals (DACA) and work to prevent and mitigate the negative impact on both students and employees from the collection or storage of any personally identifiable information for immigration enforcement purposes.

BE IT FURTHER RESOLVED: That the School Operator joins the OUSD Board of Education by adopting a resolution to ensure that our facilities and programs are sanctuaries for immigrant and vulnerable students.

PASSED AND ADOPTED this **18th** day of **January**, 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Rochelle L. Benning, Chairman of the Board, East Bay Innovation Academy

Devin P. Krugman, Executive Director & Head of School, East Bay Innovation Academy