

**Berkeley USD
Board Policy**

BP XXXX

Protection of Undocumented Students

All students have the right to attend public school and enjoy access to equitable educational and programmatic services regardless of the immigration status of the student or of the student's family members.

For the purposes of this policy, "District personnel" includes all District employees, counsel for the District, and any agencies contracting with the District.

District personnel shall not take any steps that would deny students access to education based on their immigration status or any steps that would impede the rights of any students to public education under the U.S. Supreme Court's 1982 ruling in *Plyler v. Doe*, the Family Educational Rights and Privacy Act (FERPA), the California Education Code, and any other applicable state and federal law.

Absent any applicable federal, state, local law or regulation or local ordinance or court decision, District personnel shall abide by the following conduct:

District personnel shall not treat students disparately for BUSD residency determination purposes on the basis of their immigration status.

All District students who meet the relevant programmatic criteria are entitled to receive all school services, including free lunch, free breakfast, transportation, and educational services, regardless of the immigration status of the student or of the student's family members. This entitlement exists whether or not the student or the student's family members have social security numbers.

District personnel shall not inquire about, or record in any way, a student's immigration status, nor shall District personnel require documentation of any student's legal status, such as asking for a "green card" or citizenship papers, at initial registration or at any other time, for any purpose.

District personnel shall not require students to apply for Social Security numbers nor shall the District require students to supply a Social Security number for any purpose.

POLICY as amended and approved at DECEMBER 7, 2016 BOARD MEETING

If any member of the BUSD community (including students, families, or staff) has questions about their immigration status, District personnel shall not refer them to the Immigration and Customs Enforcement Office (“ICE”) or any other government agency. Instead, District personnel shall refer them to local non-profit immigration law organizations. A list of such organizations shall be compiled by the Superintendent or designee and widely disseminated at school sites and on the District’s website. The Superintendent is also encouraged to increase and enhance partnerships with community-based organizations, legal services organizations, and other educational institutions (such as community colleges and universities) to provide resources for families of students or District employees who are facing deportation or other adverse immigration consequences.

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. Because the Governing Board believes that ICE activities in and around schools, early education centers, and adult school facilities would constitute a severe disruption to the learning environment and educational setting for students, any request by ICE to any District personnel to visit a school site shall be immediately forwarded to the Superintendent for review and consultation with legal counsel, to ensure the safety of all students, as well as compliance with *Plyler v. Doe* and other applicable state and federal laws.

All requests for documents by ICE to the District or any District personnel shall be immediately forwarded to the Superintendent for review and consultation with legal counsel and the Governing Board (in closed session if necessary), to ensure the safety of all students, as well as compliance with *Plyler v. Doe* and other applicable state and federal laws.

The Superintendent or designee shall ensure that copies of this Policy are distributed to all District and school sites. The Superintendent or designee shall ensure all teachers, school administrators, and other staff are trained on how to implement this policy and shall ensure that notification with required translation be distributed to families to fully inform them of their rights in the District.

The Superintendent shall forward a copy of this policy to the office of the U.S. Representative for California's 13th congressional district, as well as the office of each of California’s representatives in the United States Senate.

Policy BERKELEY UNIFIED SCHOOL DISTRICT
adopted: December 7, 2016 Berkeley, California