BERKELEY UNIFIED SCHOOL DISTRICT
RESOLUTION 26-030 CALLING FOR AN END TO IMMIGRATION ENFORCEMENT SURGES THAT DISRUPT SCHOOLS; AFFIRMING THE RIGHT OF EVERY CHILD TO SAFE, UNINTERRUPTED PUBLIC EDUCATION; AND URGING FEDERAL INVESTMENT IN EDUCATION AND OPPOSING ANY EXPANSION OF IMMIGRATION ENFORCEMENT FUNDING ABSENT ENFORCEABLE GUARDRAILS

WHEREAS, the United States Supreme Court in *Brown vs. Education* (1954), has recognized that public education is "*perhaps the most important function of state and local governments*" and "*the very foundation of good citizenship*," because it equips young people with the knowledge and skills necessary to participate meaningfully in our democracy and carry out civil responsibility; and

WHEREAS, public schools across the United States exist to provide every child, regardless of immigration status a safe, welcoming, and stable learning environment and government sponsored fear, trauma, and violence against American and immigrant families alike undermine student attendance, learning, and well-being; and

WHEREAS, recent reports from Minneapolis and surrounding communities describe inhumane and dangerous immigration enforcement operations coinciding with school disruption, including decreased attendance, avoidance of school bus stops and school drop-offs and pick-ups, and districts canceling classes or moving to online instruction due to safety concerns; and

WHEREAS, the U.S. Department of Homeland Security rescinded its Guidelines for Enforcement Actions in or Near Protected Areas, which had recognized that it is fundamental that immigration enforcement be done without denying or limiting children's access to their schools and declared schools (such as a preschools, primary or secondary schools, vocational or trade schools, or colleges or universities) as well as places where children gather (such as playgrounds, recreation centers, childcare centers, before- or after-school care centers, summer camps, foster care facilities, group homes for children, or school bus stops) as protected areas where, to the fullest extent possible, immigration enforcement shall not take place; and

WHEREAS, this federal government has pressed ICE to meet exaggerated and indiscriminate numerical arrest targets, and in order to meet those targets,

reassigned personnel from other federal agencies such as Homeland Security Investigations (HSI), U.S. Customs and Border Protection (CBP), the Federal Bureau of Investigation (FBI), the Drug Enforcement Administration (DEA), and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) creating understandable confusion for school staff and families across America about which agency is present, under what authority, and, making it hard to keep schoolchildren safe and secure; and

WHEREAS, recent reports describe immigration enforcement activities at or near K-12 schools, including circling schools, following school buses, entering school parking lots, detaining parents near bus stops or participating in confrontations on school grounds, attempting to gain access to elementary schools by misrepresentation, and releasing chemical irritants in residential areas near schools, all of which undermine schools as safe places for all children to learn; and

WHEREAS, recent reports also describe children connected to school communities being detained by the U.S. Immigration and Customs Enforcement (ICE) and taken into custody and transported across state lines far away from their schools, caregivers, friends, and community; and

WHEREAS, publicly available and transparent information about the number of children in federal immigration custody is incomplete and fragmented across multiple agencies and custody systems, national reporting has indicated that on an average day approximately 170 children and on some days over 400 children are held in inhumane conditions in rapidly deteriorating facilities that are dangerously overcrowded without access to adequate healthcare, including mental health, education and playtime, nutritious and plentiful food, and clean water; and

WHEREAS, UNICEF has concluded that detention and deprivation of liberty of children disrupts children's normal development, harms their mental and physical well-being, and interrupts education, and a systematic review of studies involving detained children likewise found a profoundly detrimental impact on children's mental health, concluding that no period of immigration detention can be deemed safe for children; and

WHEREAS, the United States Supreme Court in *Plyer v. Doe* (1982) has affirmed that children may not be denied access to free public K-12 education based on immigration status, and federal civil-rights enforcement has emphasized that

school enrollment practices must not chill attendance or exclude children based on citizenship or national origin; and

WHEREAS, immigration enforcement practices that rely on, or have the effect of, racial profiling, targeting Black and Brown students, families, educators, and community members based on race, ethnicity, language, accent, name, national origin, or perceived immigration status, compound inequities, undermine trust in public institutions, and erode the school climate necessary for learning; and

WHEREAS, detaining individuals, including children and caregivers, without meaningful due process protections (including timely notice of the basis for detention, access to counsel, and a fair opportunity to contest detention) undermines fundamental rights and raises serious human rights concerns, especially where it results in family separation and interruption of children's education; and

WHEREAS, public schools have an educational responsibility to prepare students to be informed participants in civic life, including by teaching the principles of constitutional rights, due process, nondiscrimination, and universal human rights, and by ensuring students understand how to seek help and support when their rights are threatened; and

WHEREAS, this federal government largely continued prior-year funding levels for most federal accounts, including education related accounts, while funding for immigration enforcement shows an increase, creating an imbalance that shifts federal resources toward immigration enforcement while schools and public education across America face flat funding amid rising academic, attendance, and student wellness needs;

NOW, THEREFORE, BE IT RESOLVED that Berkeley Unified School District Board of Education:

1. Calls for an immediate end to federal immigration enforcement surges and tactics that foreseeably disrupt school attendance, threaten student safety, or destabilize school operations, including enforcement activity at or near school campuses, school bus stops, school transportation routes, child care facilities, and school-sponsored events.
2. Urges the U.S. Department of Homeland Security to reinstate and strengthen "Protected Areas" protections, recognizing schools and places where children

gather (including bus stops, child care sites, before/after-school programs, playgrounds, and recreation centers) as locations where, to the fullest extent possible, immigration enforcement should not occur.

3. Calls for enforceable federal requirements that any federal personnel engaging in immigration-related activity near schools must do so only in narrowly defined exigent circumstances in a calm and peaceful manner, clearly identify their agency and purpose, provide verifiable credentials, and present lawful judicial authority for any requested access; and further calls for prohibitions on gaining access to students, staff, or nonpublic school areas through misrepresentation, ambiguous pretexts, or force.
4. Condemns the use of chemical irritants or other crowd-control agents in or near school environments and urges enforceable restrictions prohibiting such tactics in areas where children are present, including near school arrival or dismissal, bus stops, and child care sites.
5. Reaffirms that, consistent with federal and state law, every student has the right to attend school and receive a free, safe, stable, and equitable public education regardless of the student's or their family's immigration status, and urges the federal government to ensure unhindered and uninterrupted access to school for all children, regardless of immigration status.
6. Condemns racial profiling and discriminatory targeting of Black and Brown students, families, educators, and community members for immigration-enforcement purposes and affirms that such practices betray our shared American values of equality, dignity, and justice for all.
7. Urges Congress and this Administration to prioritize and expand federal investment in public education, including mental health supports, attendance and engagement programs, multilingual access, special education services, and safe school climate initiatives, rather than expanding immigration enforcement activities that predictably disrupt learning and contribute to chronic underinvestment in schools, which carries a profound cost to the future of America by weakening student achievement, civic preparedness, workforce readiness, and long-term economic opportunity.

BE IT FURTHER RESOLVED that Berkeley Unified School District Board of Education:

1. Calls on our Congressional representatives to oppose any expansion of immigration enforcement funding unless it is conditioned on clear, enforceable guardrails that protect children and schools, including at minimum: (1) prohibitions on enforcement at sensitive locations (schools, bus stops, child care, school events); (2) a requirement of a judicial warrant for any entry into nonpublic school areas; (3) verified identification and transparency regarding agency authority; (4) enforceable anti-profiling protections; and (5) independent oversight and accountability for violations.
2. Calls on our Congressional representatives to end the deprivation of liberty and placement into detention of children for alleged immigration violation and instead utilize humane, community-based supports that keep children with families and connected to their schools and communities.
3. In the meantime, calls on our Congressional representatives to ensure that any child currently in federal immigration custody is transparently accounted for and, at minimum, has full access to appropriate, high-quality education and continuity of learning, including language-access supports and special education services where applicable, playtime, and access to adequate health services, including mental health, to prevent harm caused by custody.
4. Calls on our Congressional representatives to end the use of private, for-profit detention prisons.
5. Calls on our Congressional representatives to rein in the U.S. Department of Homeland Security by ensuring independent investigations into lawlessness and violence perpetrated by immigration agents and meaningful consequences for agents engaging in unprovoked violence and violations of individuals' Constitutional rights.
6. The Board of Education also calls on Governor Gavin Newsom and Attorney General Rob Bonta to prepare for any future ICE or CBP action in California, including additional training for California Highway Patrol and National Guard troops to protect peaceful protestors, or to prepare legal action to halt any

future threatened federal funding cuts to jurisdictions that protect immigrant children and families, including Berkeley Unified School District.

IT IS FINALLY RESOLVED that Berkeley Unified School District Board of Education:

1. Directs the Superintendent or designee to maintain and periodically update district protocols for responding to visits or requests from outside agencies in a manner that protects student safety, minimizes disruption, and safeguards privacy and equal access, including clear escalation pathways to site administration and district leadership.
2. Directs the Superintendent or designee to implement trauma-informed supports for students impacted by immigration enforcement activity, including counseling access, attendance interventions, and family outreach to protect continuity of learning.
3. Directs the Superintendent or designee to develop and implement an age-appropriate educational plan—consistent with state standards and Board policy—to teach students about constitutional rights, due process, nondiscrimination, and human rights, and to ensure students understand how to seek help from trusted school staff and community resources when their rights are threatened.

The Clerk of the Board is directed to send copies of this resolution to Senator Alex Padilla, Senator Adam Schiff, Representative Lateefah Simon, Representative John Garamendi, Representative Mark DeSaulnier, Representative Eric Swalwell, Representative Nancy Pelosi, Representative Kevin Mullin, Governor Gavin Newsom, and Attorney General Rob Bonta.

APPROVED AND ADOPTED by the Governing Board of the Berkeley Unified School District thi 18th Day of February by the following vote:

AYES: 3

NOES: 0

ABSENT: 2

ABSTAIN: 0