

**RESOLUTION TO REAFFIRM SUPPORT FOR EQUAL ACCESS TO EDUCATION FOR ALL CHILDREN AND FAMILIES REGARDLESS OF IMMIGRATION STATUS**

**SANTA CLARA COUNTY BOARD OF EDUCATION  
RESOLUTION NO. 2454-4**

**WHEREAS**, at a meeting held on February 15, 2017, the Santa Clara County Board of Education unanimously approved Resolution 2197-3 to Affirm Support of Students and Families Regarding Immigration Enforcement Actions at Schools; and

**WHEREAS**, the U.S. Supreme Court held, in *Plyler v. Doe*, 457 U.S. 202 (1982), that local school districts have a constitutional mandate to educate all students residing within their jurisdictional boundaries, regardless of their immigration status; and

**WHEREAS**, California law affords all persons in public schools equal rights and opportunities at educational institutions, regardless of their nationality, immigration status, race or ethnicity, religion, ancestry, disability, age, gender, sexual orientation, gender identity, transgender status, marital status, pregnancy status, or veteran status (Ed Code 200); and

**WHEREAS**, California law prohibits schools that receive state financial assistance from discriminating on the basis of immigration status in any program or activity, including, but not limited to, free and reduced breakfast and lunch, transportation, extracurricular activities, athletics, awards, institutional scholarships, and educational instruction (Ed Code 220); and

**WHEREAS**, the Family Educational Rights and Privacy Act (FERPA) and Administrative Regulation 5145.13 prohibit disclosure of personally identifiable student information to immigration enforcement authorities without the consent of a parent or guardian, a court order, or judicial subpoena; and

**WHEREAS**, California law and Board Policy 5145.13 prohibit schools from collecting or maintaining documents that may be related to immigration status including, but not limited to, passports, visas, and social security numbers, as they are not needed by school districts and place student privacy at an unnecessary risk (Ed Code 234.7); and

**WHEREAS**, Board Policy and Administrative Regulation 5145.13, in alignment with the model policy developed by the California Attorney General<sup>1</sup>, prohibits school administrators from granting immigration enforcement officials immediate access to a school campus, or providing assistance with immigration enforcement, absent exigent circumstances or presentation of a federal judicial warrant; and

**WHEREAS**, California law and Board Policies 5131.2, 5145.9, and 5137, guarantee all students the right to attend school free of bullying, fear, intimidation, and discrimination (Ed Code 234.1); and

**WHEREAS**, the Santa Clara County Board of Education (SCCBOE) recognizes that, in order for students to have the capacity for learning and academic achievement, students and families must feel safe attending, sharing information, participating in activities, and traveling to and from school; and

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<sup>1</sup> <https://oag.ca.gov/sites/all/files/agweb/pdfs/bcj/school-guidance-model-k12.pdf>

**WHEREAS**, 68% of teachers and administrators reported a drop in attendance and 45% reported a decline in parent involvement, which is critically important to student success, when federal immigration enforcement policies changed between 2016 and 2020<sup>2</sup>; and

**WHEREAS**, 37% of parents and teachers reported an increase in race-related bullying when Deferred Action for Childhood Arrivals (DACA) protections were threatened in 2018<sup>3</sup>; and indicated a 79% increase in behavior or emotional problems; and

**WHEREAS**, the SCCBOE is committed to providing a safe, secure, and positive climate for learning in which all students and their families feel welcome; now

**THEREFORE, BE IT RESOLVED**, that the SCCBOE reaffirms its commitment to protect equal access to education for all students, regardless of immigration status, and to promote inclusiveness, kindness, and respect for all students, families, and staff; and

**BE IT FURTHER RESOLVED**, that all Santa Clara County Office of Education (SCCOE) schools and programs are considered a safe haven for students and their families to the fullest extent allowed by law and in accordance with Board Policies and Administrative Regulations; and

**BE IT FURTHER RESOLVED**, that SCCOE schools and programs provide multi-language resources for its students, staff, and their families in partnership with cities and the county on legal assistance, immigrant rights, educational resources, mental and physical healthcare, and public safety; and

**BE IT FURTHER RESOLVED**, that the SCCOE will facilitate work with labor partners, community-based organizations, and immigration advocates to provide training and support for students, staff and their families on immigrant rights, understanding various legal statuses, and the overall health and well-being of those affected by changes in immigration policies; and

**BE IT FURTHER RESOLVED**, that the SCCBOE will strongly oppose any effort to create federal laws, policies, or practices that require school districts to cooperate with immigration enforcement actions and invalidate constitutional protections. We reaffirm the authority of the County Superintendent of Schools to protect the data and identities of students, their families, and personnel to the fullest extent provided by the law and in accordance with Board Policies and Administrative Regulations; and

**BE IT FURTHER RESOLVED**, that the SCCBOE will include in its legislative agenda advocacy at the state and federal levels for Deferred Action for Childhood Arrivals, Temporary Protective Status, and Refugee Settlement Programs, as well as oppose any legislation for the expansion of border walls, family separation policies, a Muslim registry system, and eroding civil rights protections of vulnerable communities; and

**BE IT FURTHER RESOLVED**, that the SCCOE will not provide assistance to the U.S. Immigration and Customs Enforcement (ICE) in the enforcement of federal civil immigration law and mandates. Therefore, ICE will not be permitted access to SCCOE programs or personnel except in the rare instances in which SCCOE is provided with a criminal warrant; and

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<sup>2</sup> <https://www.civilrightsproject.ucla.edu/news/press-releases/2018-press-releases/first-of-its-kind-survey-reveals-alarming-impact-of-immigration-enforcement-on-public-schools>

<sup>3</sup> Ibid.

**BE IT FURTHER RESOLVED**, that the SCCOE personnel are encouraged to support students and families who express concern about immigration enforcement actions at school, including students who may not be attending school because of such concerns, through referrals to online and community-based legal services organizations that provide resources for immigrant families.

**PASSED AND ADOPTED** by the Santa Clara County Board of Education at a meeting held on December 18th, 2024, by the following vote:

AYES: President Berta, Vice President Rocha, and Trustees Lari, Pacheco Jr., Speiser and Sreekrishnan

NOES: none

ABSTAIN: none

ABSENT: Trustee Chon



Maimona Afzal Berta, President  
Santa Clara County Board of Education



Charles Hinman, Ed.D.  
Interim County Superintendent of Schools