



BOARD OF DIRECTORS RESOLUTION

Affirming Making Waves Academy Facilities and Programs Are a Safe Educational Environment for All Students

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 Directors for Making Waves Academy celebrates and embraces the diversity of our students and families and the rich language and cultural contributions they bring to our schools and strongly supports and encourages and advocates for equal access to participation of all parents and families in our schools;

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 would be a severe disruption to the learning environment and educational setting for students;

WHEREAS: ICE states in its 2011 policy # 10029.2 that it will not conduct immigration enforcement actions at a sensitive location, which includes schools, unless (1) exigent circumstances exist; (2) other law enforcement actions led officers to the sensitive location; or (3) prior approval is obtained;

WHEREAS: The United States Supreme Court ruled in *Plyler v. Doe*, 457 U.S. 202 (1982) that public school districts are prohibited from denying students access to public education based on their undocumented status if the school district provides such education to others, absent showing a substantial state interest, 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: Making Waves 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 Directors for Making Waves 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 Directors for Making Waves 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, transportation, and educational services, even if they or their family are undocumented and do not have a social security number;

BE IT FURTHER RESOLVED: That no school staff shall take any steps that would deny students access to education based on their immigration status or take any steps that would deny the rights of these students to a public education;

BE IT FURTHER RESOLVED: That Making Waves 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: That the Making Waves Academy Board of Directors joins the Boards of other California school districts and charter schools by adopting a resolution to ensure that our facilities and programs are safe educational environments for all students including for immigrant and vulnerable students.



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, Making Waves Academy shall abide by the following:

- 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.
- 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.
- 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.
- School personnel shall not make unreasonable inquiries from a student or his/her parents or engage in any activity that can lead to unreasonable or unnecessary collection or exposure of the immigration status of the child or his/her family.
- School personnel shall not require students to apply for Social Security numbers nor should Making Waves Academy require students to supply a Social Security number.
- Because it is the general policy of Making Waves 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 Making Waves Academy Superintendent for review, in consultation with the School Operator's legal counsel.
- Making Waves Academy shall maintain the confidentiality of student records and personally identifiable information, consistent with student records laws such as the Family Educational Rights and Privacy Act ("FERPA"). Accordingly, all requests for information or documents by ICE should be forwarded to the Making Waves Academy CEO, who in consultation with Making Waves Academy legal counsel, shall determine if the information and/or documents must be released to ICE in accordance with the law.
- Making Waves Academy will follow its procedures regarding law enforcement agents speaking to students on campus. Accordingly, pursuant to School procedures and applicable law, 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 question the student on School, in accordance with the law.
- Making Waves Academy staff may provide students and their families who have questions regarding their immigration status with information regarding community-based and legal organizations that may assist.

PASSED AND ADOPTED this 9th day of March 2017, by the following vote:

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

Making Waves Academy Board President

Middle School Director

Signature _____

Signature _____

Making Waves Academy CEO

Upper School Director

Signature _____

Signature _____