



**NAPA VALLEY UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 25-18**

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

WHEREAS: At a meeting held on April 6, 2017, the Napa Valley Unified School District's Board of Education approved a Proclamation declaring the District's aspiration "to be a model for inclusion and equity for all populations, including immigrants, refugees, and other newcomers"; and

WHEREAS: Citing the Migration Policy Institute, the California Attorney General's 2024 Guidance and Model Policies to assist California's K-12 schools in Responding to Immigration Enforcement ("AG Guide") estimated that "133,000 undocumented children between the ages of 3 and 17 years are enrolled in California public schools, and 750,000 K-12 students in California have an undocumented parent" (see <https://oag.ca.gov/sites/all/files/agweb/pdfs/bcj/school-guidance-model-k12.pdf>); and

WHEREAS: The City of Napa, just like many major cities in the United States, is the home and workplace of many immigrant communities, including persons with both documented and undocumented immigration status; and

WHEREAS: For more than 40 years, the United States Supreme Court's 1982 decision in *Plyler v. Doe* has guaranteed the right of all students to attend school regardless of their immigration status, citing that children have little control over their immigration status, the life-long harm exclusion from school would inflict on the child and society itself, and constitutional equal protection rights; and

WHEREAS: The Board of Education embraces the diversity of our students and families and the rich language and cultural assets they bring to our District and strongly supports and encourages the participation of all parents and families in our schools; and

WHEREAS: The California legislature passed Assembly Bill 699 in 2017 to provide critical protections for immigrant students including: prohibiting the collection of information regarding immigration status; requiring the adoption of model policies to prevent immigration enforcement on school grounds; and prohibiting discrimination based on immigration status; and

WHEREAS: California law affords all persons 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: California law prohibits law enforcement agencies from performing the functions of an immigration officer, including prohibiting them from inquiring about individuals' immigration status, and the California Attorney General has made clear that these prohibitions apply to school resource officers (Government Code 7284.6; AG Guide, page 25);

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, 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 Board of Education 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

WHEREAS: The Board of Education is concerned about the safety and security of our region's immigrant youth and families; and

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

WHEREAS: A positive school climate is one in which students and families feel welcome, supported, and connected; and studies show that healthy school climates contribute to academic achievement and other positive outcomes for students and that it is critical to student success that schools take steps to protect the integrity of their learning environments for all children; and

WHEREAS: School attendance should be encouraged, and sensitive locations, such as schools, should be safe sanctuaries for families; and

WHEREAS: The current policy from the Director of Homeland Security requires that ICE officers and agents exercise sound judgment when enforcing federal law and discourages enforcement

actions at schools and other sensitive locations without prior approval by specified individuals unless special circumstances exist such as:

- The enforcement action involves a national security or terrorism matter;
- There is an imminent risk of death, violence, or physical harm to any person or property;
- The enforcement action involves the immediate arrest or pursuit of a dangerous felon, terrorist suspect, or any other individual(s) that present an imminent danger to public safety; or
- There is an imminent risk of destruction of evidence material to an ongoing criminal case; and

WHEREAS: With great risks of changes to approaches to immigration policies and enforcement at the federal level, it is more important than ever for California school districts to work to protect students and ensure that, regardless of their immigration status, they may continue to take advantage of the education to which they are entitled, free from intimidation or risk of a loss of access to resources and programs that other students enjoy; and

WHEREAS: The Napa Valley Unified School District 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 Napa Valley Unified School District (NVUSD) reaffirms its commitment to ensure 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 NVUSD 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 NVUSD 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 NVUSD 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 NVUSD 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 Superintendent to protect the data and identities of students, their families, and personnel to the fullest extent provided by law and in accordance with Board Policies and Administrative Regulations; and

BE IT FURTHER RESOLVED, that NVUSD staff 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; and

BE IT FURTHER RESOLVED, that administrators and staff are encouraged to make available rapid-response resources, such as legal guardianship documents and referrals to social and legal service providers, to assist students whose family members have been detained; and

BE IT FURTHER RESOLVED, that administrators and staff shall treat all students equitably in the receipt of all school services; and

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, the District shall abide by the following conduct:

1. District 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.
2. District personnel shall review the list of documents that are currently used to establish student age and residency and shall ensure that (a) no document requirements discourage or bar a student who is undocumented or whose parents are undocumented from enrolling in or attending school and (b) immigrant parents understand their right to submit a declaration of residency pursuant to Ed Code 48204.1 and that this document alone will be sufficient to allow them to enroll their child(ren).
3. District 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. District 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. District personnel shall not require students to apply for Social Security numbers nor should the District require students to supply a Social Security number.
6. If parent and or students have questions about their immigration status, school personnel shall not refer them to ICE but should instead refer them to community-based and legal organizations that provide resources for immigrant families and families facing deportation.
7. Because 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, any request by ICE to visit a school site must be forwarded to the Superintendent's Office for review before a decision is made to allow access to the site.
8. All requests for information or documents by ICE shall be forwarded to the Superintendent, who in consultation with District legal counsel, shall determine if the information and/or documents can be released to ICE.

BE IT FURTHER RESOLVED, that the Board of Education instructs the Superintendent to distribute copies of this Resolution, translated into appropriate languages, to all school sites, and ensure that the District's DELAC – District English Learner Advisory Committee, and ELACs – English Learners Advisory Committees, and other immigrant parent and community organizations are consulted and involved in monitoring the successful implementation of this policy.

BE IT FURTHER RESOLVED, that the Board of Education hereby authorizes the Superintendent to take any and all necessary steps to protect the rights of NVUSD's students and

families, as she deems appropriate, in order to ensure that the resolution's objectives are effectively achieved, while adhering to applicable laws, policies and regulations.

PASSED AND ADOPTED by the Napa Valley Unified School District Board of Education at a meeting held on January 16, 2025, by the following vote:

Motion made by: Juliana Hart and a second by: Robin Jankiewicz.

AYES: 7

NOES: 0

ABSTAIN: 0

ABSENT: 0



Eve Ryser
President of the Board of Education
Napa Valley Unified School District

CERTIFIED TO BE A TRUE AND CORRECT COPY:



Elba Gonzalez-Mares
Clerk of the Board of Education
Napa Valley Unified School District