

**West Contra Costa Unified School District**  
**Resolution No. 2425-54 In Support of all our Students, Staff and Families Regardless of Race, Gender Identity, Gender Expression, Sexual Orientation, or Immigration Status**

*WHEREAS*, the Constitution of the United States enumerates several rights, including the freedom of expression and religion, protection from unreasonable searches and seizures, due process of law before the deprivation of life, liberty or property, and equal protection of the law; and

*WHEREAS*, the Constitution of the State of California guarantees the right to free exercise and prevents the deprivation of life, liberty or property or equal protection of the laws; and

*WHEREAS*, Article I Section 28 of the California Constitution states that public schools shall be safe, secure and peaceful; and

*WHEREAS*, Article I Section 31 of the California Constitution prohibits discrimination against any individual or group on the basis of race, sex, color, ethnicity, or national origin in public education; and

*WHEREAS*, in *Plyler v. Doe* (1982), the United States Supreme Court held that no public school district has a basis to deny children access to education based on their immigration status, citing the equal protection rights under the 14th Amendment to the Constitution of the United States, recognizing that children have little control over their immigration status, and affirming the harm it would inflict on the child and society itself; and

*WHEREAS*, it is the right of every child, regardless of race, gender identity, gender expression, or sexual orientation, to access a free public K-12 education and the District welcomes and supports all students; and

*WHEREAS*, the District has a responsibility to ensure that all students who reside within its boundaries, regardless of race, gender identity, gender expression, or sexual orientation, can safely access a free public K-12 education; and

*WHEREAS*, the District recognizes that we have a diverse workforce and that there are employees and educators of the highest caliber who are gay, lesbian, and transgender, and that all employees are valued members of the school community regardless of their gender identity, gender expression, or sexual orientation; and

*WHEREAS*, the District recognizes that the families in our community come in many different forms and the District values all our families and students' caregivers, regardless of race, gender identity, gender expression, or sexual orientation; and

*WHEREAS*, California Law prohibits discrimination, including discrimination based on race, gender identity, gender expression, and sexual orientation; and

*WHEREAS*, in a landmark opinion *Bostock v. Clayton County* decided on June 15, 2020, the United States Supreme Court recognized that discriminating on the basis of actual or perceived sexual orientation or gender identity is always a form of sex discrimination, and federal law prohibits sex discrimination in employment and education; and

*WHEREAS*, the U.S. Department of Education and the U.S. Department of Justice have recognized that the Supreme Court's reasoning in the *Bostock* decision applies to Title IX of the Education Amendments of 1972 (Title IX), and that Title IX prohibits discrimination against and harassment of students and school employees based on their gender identity and sexual orientation; and

*WHEREAS*, Title IX and other federal civil rights laws prohibiting discrimination on the basis of race, gender identity and sexual orientation preempt local and state laws that conflict, and failure to comply with the requirements of Title IX may jeopardize the District's federal funding; and

*WHEREAS*, the West Contra Costa Unified School District is a diverse community with 54.3 percent of its students being of Hispanic or Latino heritage, 12.5 percent African American, 10.9 percent Asian, 10.5 percent White, 4.9% Filipino and 6 percent two or more races; and

*WHEREAS*, the democratic principle that people of all faiths are welcomed and that they will not be treated differently by their government is essential to who we are as a nation; and

*WHEREAS*, the West Contra Costa Unified School District is committed to the protection of all traditionally marginalized students, including students of Arabic descent, those of Muslim, Sikh, Jews, and other faiths, Latinos, African Americans, Asian Americans, Pacific Islanders, Native Americans, women, immigrants, persons with disabilities, and the LGBTQ community; and

*WHEREAS*, the strength of this District, the State of California, and this nation is based on its diversity; and

*WHEREAS*, the rhetoric utilized in the recent presidential campaign was divisive, abusive, and dangerous to specific populations; and

*WHEREAS*, incidents of hate crimes targeted towards people of color and those perceived as being undocumented or Muslim have risen significantly with the Southern Poverty Law Center documenting more than 800 incidents of hateful harassment since the election on November 5; and

*WHEREAS*, recent incidents of alleged religious intolerance and racially motivated hate crimes have occurred within Contra Costa County;

*WHEREAS*, families in our communities have expressed fear and uncertainty about their safety; and

*WHEREAS*, hundreds of students have marched in unity to express their constitutionally protected views and share their values based on the pluralistic principles of this nation; and

*WHEREAS*, immigration enforcement issues affect West Contra Costa Unified School District schools and families every day, and while threats of mass deportations and registering certain populations based on their religious affiliation or country of origin put forth during the presidential election have not yet been carried out, we denounce the divisive rhetoric and subsequent normalizing of hate speech that has followed the presidential election as it has created a climate of fear and anxiety for many District students, families, teachers and school communities; and

*WHEREAS*, immigration enforcement activities in and around schools, early education centers, and adult school facilities would be a severe disruption to the learning environment and educational setting for students; and

*WHEREAS*, U.S. Immigration and Custom Enforcement (ICE) policy states that it will not conduct immigration enforcement activity at any sensitive location, which includes schools, without special permission by specific federal law enforcement officials; unless exigent circumstances exist; and

*WHEREAS*, there is no written state or federal law that mandates that local school districts assist ICE in the enforcement of immigration laws; and

*WHEREAS*, precedence exists for government agencies rejecting certain actions with the objective of discovering the immigration status of a person; and

*WHEREAS*, the West Contra Costa Unified School District Board of Education passed a similar resolution on December 7th, 2016 and this resolution reaffirms our commitment to families, students and staff; and

***NOW THEREFORE BE IT RESOLVED*** that the West Contra Costa Unified School District Board of Education urges the federal government and the future Trump Administration to enact humane comprehensive immigration reform that includes a path to citizenship and keeps families together in the United States.

***NOW, THEREFORE, BE IT RESOLVED*** that the District prohibits discrimination against all persons, whether student, family/caregiver of a student, or District employee, on the basis of race, actual or perceived sexual orientation, gender identity, or gender expression, or the actual or perceived sexual orientation, gender identity, immigration status or gender expression of their associates;

**BE IT FURTHER RESOLVED**, that the District prohibits bullying, harassment, and antisemitism against all persons, whether student or District employee, on the basis of race, actual or perceived sexual orientation, gender identity, immigration status or gender expression, or the actual or perceived sexual orientation, gender identity, or gender expression of their associates;

**BE IT FURTHER RESOLVED** that the West Contra Costa Unified School District Board of Education declares that every school site or office of West Contra Costa Unified School District is a safe place for all its students and their families, and that students and their families can come to any District school or office to seek help, assistance, and information about shelter and safety if faced with fear and anxiety about any and all enforcement efforts related to immigration status, except for those that pertain to criminal activity unrelated to immigration status.

**BE IT FURTHER RESOLVED** that the West Contra Costa Unified School District Board of Education directs the Superintendent to establish all schools as resource and information sites for students and their families, and that the Board expects the Superintendent to increase and enhance partnerships with community-based organizations and legal services organizations who provide resources for families facing deportation and that a rapid response network be created to assist children whose family members have been detained for any reason.

**BE IT FURTHER RESOLVED**, the Board and the district commit to continuing the work of antiracism knowing the historical and current state of the county cannot be ignored. The Intentional terror for **Black** students, parents, staff, and community members in the American school system is abusive. The West Contra Costa Unified School District Board of Education stands in direct opposition to educational abuse. WCCUSD declares that every school site or office of West Contra Costa Unified School District is a safe place for all **Black** students and their families, and that students and their families can come to any District school or office to seek help, assistance, and information about racialized harm.

**BE IT FURTHER RESOLVED**, the District shall allow students and staff to use requested names and pronouns without requiring a legal name change or medical diagnosis; provide equal access to all programs and facilities, including access to bathroom and locker room facilities as needed for all students and staff that align with the students' and staff members' gender expression, and provide at least one gender-neutral bathroom; respect the privacy of all staff and students who are in transition; and allow students to participate in all physical education, athletics, and other extracurricular activities according to their gender identity, without requiring legal or medical documentation;

**BE IT FURTHER RESOLVED**, that any dress code for District employees or students should be gender neutral;

**BE IT FURTHER RESOLVED** that in order to provide a public education, regardless of a child or family's immigration status, absent any applicable federal, state, or local law, regulation, ordinance or court decision, the District shall within sixty (60) days of the approval of this Resolution, develop and pass board policies and administrative regulations if needed that include, but are not limited to, the following:

1. District personnel shall treat all students equitably in the receipt of all school services, including but not limited to, educational instruction, the free and reduced lunch program, and transportation;
2. District personnel shall not inquire about a student's immigration status, including that of family members;
3. If students, parents or families have questions about their immigration status, school personnel shall not refer them to any office or representative of ICE;
4. All WCCUSD employees, personnel, and contractors are prohibited from sharing the personally identifiable information of parents, students, or staff with immigration agents;
5. All WCCUSD employees, personnel, and contractors are prohibited from sharing information pertaining to citizenship or immigration status with immigration agents;
6. Immigration enforcement actions will not be allowed to take place at any WCCUSD school. WCCUSD will not allow immigration agents to enter any WCCUSD school or school grounds;
7. Any request by ICE for data information or to visit or access a school site will immediately be forwarded to the

Superintendent for review and guidance from District legal counsel to determine whether to allow access to the site, and/or the information to ensure District compliance with *Plyler*, the Family Educational Rights and Privacy Act (FERPA), the California Education Code, and any other applicable state and federal law.

8. The Superintendent will implement an administrative protocol (if not already in place) that sets expectations and guidance for any District engagement with ICE, as well as execute adequate training of District personnel to ensure District practice is congruent with the spirit of this resolution.

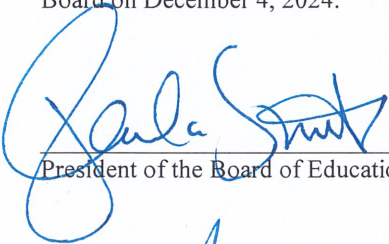
**BE IT FURTHER RESOLVED**, the Board affirms that certificated District employees are authorized to discuss this Resolution during class time provided it is age-appropriate; and students are to be made aware that District counselors are available to discuss the subjects contained in this Resolution;

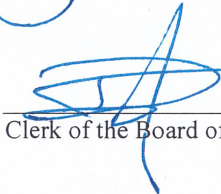
**PASSED AND ADOPTED** by the Board of Education of the West Contra Costa Unified School District on this ~~fourth~~<sup>18<sup>th</sup></sup> day of December, 2024, by the following vote:

AYE's 5 NO's 0 ABSTAIN 0 ABSENT 0

**I HEREBY CERTIFY** that the foregoing resolution was duly and regularly introduced, passed, and adopted by the Board of Education of the West Contra Costa Unified School District, Contra Costa County, at a meeting of said Board on December 4, 2024.

*Written by: Demetrio Gonzalez- Hoy & Jamela Smith-Folds*

  
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President of the Board of Education

  
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Clerk of the Board of Education