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# MARIN COUNTY

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## OFFICE OF EDUCATION

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MARY JANE BURKE  
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SUPERINTENDENT OF SCHOOLS

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August 20, 2018

Dear MCOE Staff,

I want to provide a summary of current California law to clarify how to manage issues of immigration at our campuses and administrative offices.

**First, it is imperative that our schools send the message that we are committed to protecting the right of every student to attend public school, regardless of the immigration status of a student or of a student's family members. This commitment extends to school employees having the right to work in a welcome environment as well.**

On January 10, 2017, the Marin County Board of Education adopted a resolution that preserves the protections of immigrant families and affirms the right of undocumented children to a public education. This right was recognized by the United States Supreme Court in a 1982 case called [Plyler v. Doe](#).

It is our duty and responsibility to provide each child in our schools with a high quality public education in a safe and nurturing environment, and offer a safe and welcome workplace for our employees. I am providing the following directions to staff at our schools:

- Our staff will not request information or make a record of information on the immigration status of a student, family member. Furthermore, students and families are not required to provide a social security number for school forms.
- **If the Immigration and Customs Enforcement (ICE) agency requests access to a school site or student information, please refer the agent directly to me or Ken Lippi, Assistant Superintendent.** We will work with the MCOE's legal counsel to determine next steps.
- Assembly Bill 450 became law in California on January 1, 2018. This law prohibits employers (except as otherwise required by federal law) from:
  - Granting an immigration enforcement agent access to nonpublic areas of a place of labor without a judicial warrant;
  - Allowing an immigration enforcement officer to access, review, or obtain employee records without a subpoena, unless the employer has been provided a Notice of Inspection (NOI), which authorizes an agent to inspect form I-9 Employment Eligibility Verification and other records;
  - Conducting any re-verification of employment eligibility of current employees at a time or in a manner not required by federal law; violations are subject to civil penalties.

- Assembly Bill 699, signed into law on October 5, 2017, went into effect on January 1, 2018. This law:
  - o Clarifies protections for immigrant students served by school districts, county offices of education, and charter schools and reaffirms the United States Supreme Court's 1982 decision in *Plyler v. Doe*.
  - o Directs LEA's to adopt (or revise current policies incorporating new requirements) policies on limiting assistance with immigration enforcement at public schools and ensuring that public schools remain safe and accessible to all California residents, regardless of immigration status, by July 1, 2018.

On June 12, 2018, the Marin County Board of Education approved the enclosed general policy that outlines guidelines to assist our programs and county office in responding to immigration issues. This policy includes directions on the following:

- Collecting and Retaining Student Information
- Inquiries regarding Immigration Status, Citizenship Status and National Origin Information
- Inquiries about Social Security numbers/cards
- Procedures regarding sharing annual information Notice to Parents and Guardians
- Monitoring and receiving campus visitors
- Responding to on-campus immigration enforcement
- Responding to the detention or deportation of a students' family member
- Responding to hate crimes and bullying

Anyone seeking answers to questions about immigration will be referred to local non-profit immigration organizations, such as the [American Immigration Lawyers Association](#), the [San Francisco Bar Association](#), or the [Canal Alliance](#). In addition, the MCOE has set up a web page for resources at <http://marinschools.org/MCOE/Pages/Immigrant-Student-and-Family-Resources.aspx>

Immigrant families are not the only ones who are concerned about recent changes in federal policies. We want to send the message that MCOE rejects all discrimination based on race, ethnicity, religion, gender, gender identity and expression, immigration status, disability and sexual orientation.

We will continue to track changes to the law and provide our community at large with available resources as this issue evolves. I want our community to be assured that we will adhere to our core values: public schools are the foundation of our democracy; every person has intrinsic worth; we believe in treating people with dignity and respect; high standards and expectations foster greater achievement; each of us shares responsibility for the welfare of our community; diversity is an asset in our community; honesty and integrity are essential in building relationships; schools must provide access and equity; and people thrive in safe environments.

If you have questions, you can call or email the following people for assistance:

- Mary Jane Burke, Marin County Superintendent of Schools: (415) 499-5801 or [mjburke@marinschools.org](mailto:mjburke@marinschools.org)
- Ken Lippi, Assistant Superintendent: (415) 499-5803 or [klippi@marinschools.org](mailto:klippi@marinschools.org)

Thank you for providing a safe and welcoming environment for ALL of our students to achieve.

Sincerely,

Mary Jane Burke  
Marin County Superintendent of Schools

Enclosure