

VISTA UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 20-32

RESOLUTION IN SUPPORT OF A NEW BORDER VISION

WHEREAS, the City of Vista is a vibrant and thriving community with racial, religious and ethnic diversity, and 24% of City residents were born outside of the United States¹ and 40% speak a language other than English at home² but now form part of the fabric of our community, which includes schools in the Vista Unified School District (VUSD);

WHEREAS, VUSD serves approximately 20,000 students, 19 percent of which are English Learners;

WHEREAS, VUSD Board of Education passed Resolution 17-09, Make Schools a Safe Place, states that the “Vista Unified Board of Trustees supports the constitutional rights of all children to seek a public education in an environment free of fear for emotional and physical safety, free from discriminatory practices, free of fear of deportation, free from bullying, and free from fear of harm.”; and further elaborates that, “Vista Unified Board of Trustees urge the superintendent to continue to work collaboratively with all community partners who share our commitment to safe and open school communities to ensure a quality educational experience for all students”;

WHEREAS, VUSD Board of Education passed Resolution 18-15, Deferred Action for Childhood Arrivals (DACA), in which the Board expressed support for the continuation of DACA, and emphasized that each student deserves to be treated with respect and dignity as a valuable human being;

WHEREAS, the City of Vista is a border city as it falls within 100 miles of a land or sea border under 8 C.F.R. 287.1, and as such the residents of the City are subject to the “warrantless powers” of Department of Homeland Security (DHS) employees who assert the power under 8 U.S.C. 1357(a)(3) to interrogate our residents, set up checkpoints, and board and search our cars, trains, buses, and other conveyances without needing a warrant or the equivalent of probable cause as is normally required under the U.S. Constitution’s Fourth Amendment and the California Constitution’s Article 1 Section 13;

WHEREAS, the City of Vista also falls within 25 miles of an external boundary of the United States and as such students and families of the VUSD are subject to DHS employees entering onto their private property, but not their dwelling, to patrol the border under 8 U.S.C. 1357(a)(3), which also may negatively impact Vista residents and students;

WHEREAS, as Vista residents, VUSD students and their families are subject to profiling by DHS employees because the U.S. Department of Justice’s “Guidance for Federal Law Enforcement Agencies Regarding the Use of Race, Ethnicity, Gender, National Origin, Religion, Sexual Orientation, or Gender

¹ <https://www.census.gov/quickfacts/vistacitycalifornia>

² <https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF>

Identity” prohibits profiling except in the vicinity of border, which includes our City, and this runs counter to California law under the Racial and Identity Profiling Act and Penal Code Section 13519.4;

WHEREAS, the City of Vista and the VUSD falls under the San Diego Border Patrol Sector, which frequently patrols the 78 corridor, and our students and their families live with the constant fear of being pulled over, harassed and/or deported by Border Patrol and Immigration and Customs Enforcement;

WHEREAS, the threat of deportation and fear of family separation discourages some undocumented students and students who live in mixed-status families from attending school, diminishing attendance and negatively impacting the educational outcomes of all VUSD students;

WHEREAS, the emotional well-being of all of VUSD students is at risk due to the presence of a dual deportation force and heavy militarization in our region;

WHEREAS, over 160 countries took an unprecedented action in December 2018 by signing a Global Compact on Migration that calls for the protection of human rights at borders, setting new global standards and best practices for border governance as detailed in the United Nations Office of the High Commissioner for Human Rights “Recommended Principles and Guidelines on Human Rights at International Borders;”

WHEREAS, border communities in conjunction with human rights experts have drafted a “New Border Vision” that adopts global best practices and relates them to the U.S. borders to expand public safety, protect human rights, and welcome people with dignity at our borders;

WHEREAS, the “New Border Vision” leads with our values beginning with the belief that migrants are part of the human family and should be treated with dignity and respect; that migration is the exercise of the inalienable right to life, liberty, and the pursuit of happiness and as such, migrants should be humanized rather than criminalized; that we should treat all people as we would want to be treated, and give everyone full and fair opportunity to be safe.

NOW, THEREFORE BE IT RESOLVED, THAT THE VISTA UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION:

1. Recognizes that the VUSD is within a border city, which falls into the zone of border enforcement, as defined in 8 C.F.R. 287.1, and as such has a particular stake in the border policies that affect our students and their families as well as our country.
2. Supports a “New Border Vision” that expands public safety, protects human rights, and welcomes people with dignity at the border. Our government should lead with our values, address our needs and adhere to good governance principles to create humane and well-functioning borders for the 21st century.
3. Calls on Congress to eliminate “powers without warrant” in 8 U.S.C. 1357, which subjects City residents to potential unreasonable searches by federal authorities, undermining constitutional protections that the City is charged with protecting.

4. Calls on Congress to end the border-region exception to the prohibitions on profiling, which subjects City residents to potential profiling by federal authorities, undermining California's protection against profiling, which the City is charged with protecting; and calls on Congress to legislate universal prohibitions.
5. Calls on Congress to eliminate the blanket waiver authority in Real ID Section 102, which gives federal authorities absolute and unreviewable authority to waive all local, state, and federal laws to build border barriers, undermining the well-being of City residents, the protection of their natural and cultural heritage in California, and their due process rights.
6. Calls on Congress to end the criminalization of migrants for simply being migrants by eliminating 8 U.S.C. 1325, which leads to the criminal prosecution and incarceration of people asking for help; instead we should limit the adjudication of migrant cases to civil immigration proceedings to determine what remedies they may be eligible for including asylum.

BE IT FURTHER RESOLVED that copies of this Resolution be sent to U.S. Senators Dianne Feinstein and Kamala Harris, Congressman Mike Levin and President Donald Trump.

PASSED AND ADOPTED by the Governing Board of the Vista Unified School District on April 9, 2020, at a duly noticed meeting by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

I, _____, Clerk of the Governing Board of the Vista Unified School District, **HEREBY CERTIFY** that the foregoing Resolution was duly introduced, passed and adopted by the Board at a meeting thereof held on April 9, 2020, by a vote of _____ to _____.

IN WITNESS THEREOF, I have hereto set my hand this ___ day of _____, 2020.

Clerk, Board of Trustees
VISTA UNIFIED SCHOOL DISTRICT