

[First Reprint]

**SENATE CONCURRENT  
RESOLUTION No. 134**

**STATE OF NEW JERSEY  
217th LEGISLATURE**

INTRODUCED NOVEMBER 21, 2016

**Sponsored by:**

**Senator NIA H. GILL**

**District 34 (Essex and Passaic)**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Senator M. TERESA RUIZ**

**District 29 (Essex)**

**Co-Sponsored by:**

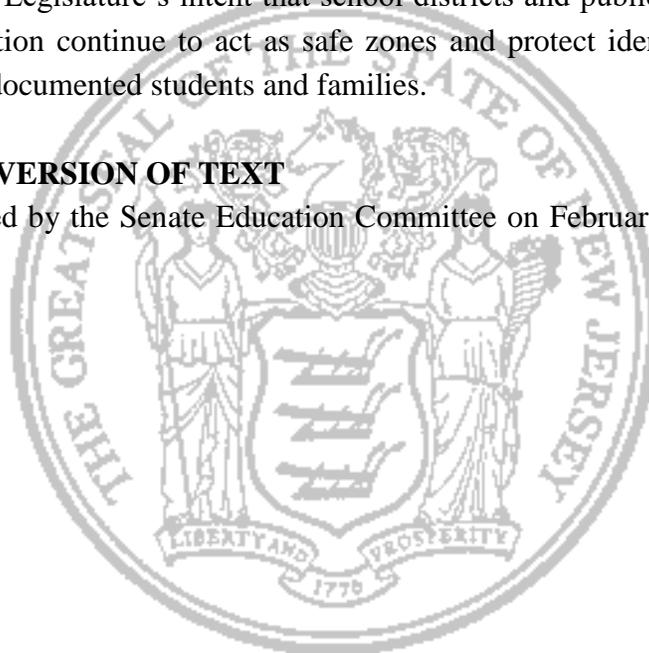
**Senators Cruz-Perez, Greenstein and Turner**

**SYNOPSIS**

Expresses Legislature's intent that school districts and public institutions of higher education continue to act as safe zones and protect identities and data related to undocumented students and families.

**CURRENT VERSION OF TEXT**

As reported by the Senate Education Committee on February 6, 2017, with amendments.



**(Sponsorship Updated As Of: 2/7/2017)**

1 **A CONCURRENT RESOLUTION** expressing the intent of the  
 2 Legislature that school districts and public institutions of higher  
 3 education continue certain protections to undocumented students.  
 4

5 **WHEREAS**, The State of New Jersey is the home and workplace of  
 6 large immigrant communities and history has demonstrated the  
 7 significant contributions that these communities have made to the  
 8 economic and cultural growth of the State; and

9 **WHEREAS**, Since the conclusion of the 2016 presidential election,  
 10 New Jersey school districts, public institutions of higher education,  
 11 and the students and families they serve have raised increased  
 12 concerns about the possibility of impending Immigration and  
 13 Customs Enforcement (ICE) action that may impact the  
 14 undocumented students enrolled in those school districts and  
 15 institutions; and

16 **WHEREAS**, The United States Supreme Court in 1982 ruled in Plyler  
 17 v. Doe that public schools are prohibited from denying immigrant  
 18 students access to elementary and secondary public education, and  
 19 that undocumented children have the same right to a free public  
 20 education as citizens of the United <sup>1</sup>**[State]** States<sup>1</sup> and permanent  
 21 residents; and

22 **WHEREAS**, State Board of Education regulations at N.J.A.C.6A:22-  
 23 3.3(b) enforce this Supreme Court ruling by providing that  
 24 immigration/visa status does not affect eligibility to attend school,  
 25 and by prohibiting at N.J.A.C.6A:22-3.4(d)2. a school district from  
 26 requiring documentation or information relating to citizenship or  
 27 immigration status as a condition of enrollment in a public school;  
 28 and

29 **WHEREAS**, In 2013 the Legislature expressed its support for this  
 30 policy through the adoption of legislation, P.L.2013, c.151  
 31 (C.18A:38-4.1), that requires the Commissioner of Education to  
 32 biannually issue a notice to each school district reminding the  
 33 district of its enrollment obligations; and

34 **WHEREAS**, The Legislature also expressed its support for  
 35 undocumented students enrolled in the State’s public institutions of  
 36 higher education through the adoption of P.L.2013, c.170  
 37 (C.18A:62-4.4) that provides in-State tuition benefits based on  
 38 factors other than immigration status; and

39 **WHEREAS**, Education plays a critical role in furthering tolerance and  
 40 strengthening our nation, and New Jersey has a proud history as a  
 41 State that has acted to support its “thorough and efficient system of  
 42 free public schools” as well as its college and university system,  
 43 and to ensure that any resident who seeks a better life through the  
 44 benefits that an education provides will have the State’s support in  
 45 that effort; and

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SED committee amendments adopted February 6, 2017.

1   **WHEREAS**, Municipalities across the State <sup>1</sup>【, including Camden,  
 2       Newark, Jersey City, Trenton, and Union City,】<sup>1</sup> have also  
 3       demonstrated support for their immigrant residents <sup>1</sup>【by declaring  
 4       themselves to be “sanctuary cities” and limiting the use of  
 5       municipal resources to enforce federal immigration laws】<sup>1</sup>; and  
 6   **WHEREAS**, The actions of <sup>1</sup>【these】<sup>1</sup> “sanctuary cities” are another  
 7       reminder of the support that this State has historically demonstrated  
 8       to persons seeking an escape from hardship and deprivation and an  
 9       avenue to a better life for themselves and their children; and  
 10   **WHEREAS**, Current ICE policy characterizes school districts and  
 11       colleges and universities as “sensitive locations,” places where, in  
 12       the normal course, enforcement actions should not occur unless  
 13       extraordinary circumstances exist; and  
 14   **WHEREAS**, Despite the fact that school districts and colleges and  
 15       universities protect student data and information, the heightened  
 16       concern and fear currently being expressed has resulted in school  
 17       districts and institutions of higher education across the <sup>1</sup>【county】  
 18       country<sup>1</sup> adopting resolutions and policies that reaffirm their intent  
 19       to protect the data and identities of any student, family member, or  
 20       school employee who may be adversely affected by future federal  
 21       policies or executive action; and to continue to serve as a safe zone  
 22       and resource center for students and their families threatened by  
 23       immigration enforcement or discrimination; and  
 24   **WHEREAS**, It is therefore fitting and proper that the Legislature  
 25       express its intent that New Jersey’s school districts and public  
 26       institutions of higher education follow the example that has been  
 27       demonstrated across the country to reaffirm support for  
 28       undocumented students and their families; now <sup>1,1</sup> therefore,

29  
 30       **BE IT RESOLVED** *by the Senate of the State of New Jersey (the*  
 31       *General Assembly concurring):*

- 32  
 33       1. The Legislature of the State of New Jersey hereby expresses  
 34       its intent that school districts and public institutions of higher  
 35       education:  
 36       a. continue to serve as safe zones and resource centers for  
 37       students and families threatened by immigration or discrimination  
 38       to the fullest extent provided by the law; and  
 39       b. continue to protect the data and identities of any  
 40       undocumented student, family member, or school employee who  
 41       may be adversely affected by future policies or executive action that  
 42       results in the collection of any personally identifiable information to  
 43       the fullest extent provided by the law.  
 44  
 45       2. Copies of this resolution, as filed with the Secretary of State,  
 46       shall be transmitted by the Clerk of the General Assembly or the  
 47       Secretary of the Senate to the Governor, the State Board and

**SCR134 [1R] GILL, VITALE**

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- 1 Commissioner of Education, the board of education of each school
- 2 district, the Secretary of Higher Education, and the governing board
- 3 of each public institution of higher education.