

ACALANES UNION HIGH SCHOOL DISTRICT
Lafayette, California

Resolution No. 16-17-15
Safe Schools for all Acalanes Union High School District
Students and Employees

Whereas, all children in the United States are entitled to equal access to a public education, regardless of students' or parents' socio-economic status, actual or perceived national origin, ethnic group identification, religion, citizenship, or immigration status; and

Whereas, the Acalanes Union High School District (the District) Governing Board recognizes the essential role of public education to develop residents who value and are equipped to engage in and contribute to our democratic society; and

Whereas, the Governing Board embraces and values all students and the rich cultural assets they bring to the District and classroom discourse, as well as the absolute necessity of a school-based ethos rooted in respect for differences, empathy and compassion, and inclusiveness; and

Whereas, the District is committed to maintaining welcoming and safe schools for all our students, with a recognition that such conditions are the foundation for optimal student learning and achievement; and

Whereas, recent events can be perceived to threaten students according to their actual or perceived national origin, ethnic group identification, religion, citizenship, or immigration status; and

Whereas, the Supreme Court held in Plyler v. Doe (1982) that Texas violated the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution by denying undocumented school-age children a free public education, reasoning that such children are in this country through no fault of their own. Moreover, the Supreme Court's Constitutional interpretation concluded that undocumented children are entitled to the same K-12 education that the state provides to children who are citizens or legal residents; and

Whereas, California Proposition 187 (1994), which sought to make undocumented immigrants ineligible for California public services, including public education, was found to be unconstitutional by the federal courts; and

Whereas, a letter from the US Department of Justice and Department of Education in 2014 delivered to all public school districts and charter schools reaffirms that they must "comply with the Federal civil rights laws, as well as the mandates for the Supreme Court" clarifying and confirming that districts "do not discriminate on the basis of race, color, or national origin, and that students are not barred from enrolling in public schools at the elementary and secondary level on the basis of their own citizenship or immigration status or that of their parents or guardians. Further, it was clarified that a school district "may not request information with the purpose or result of denying access to public schools on the basis of race, color, or national origin;" and

Whereas, the Department of Homeland Security established Immigration and Custom Enforcement (ICE) policy to discourage enforcement actions on sensitive locations such as schools and churches and ensure that "ICE officers and agents exercise sound judgment when enforcing federal law at or focused on sensitive locations;" and

Whereas, the District has no need for and does not seek or maintain student information pertaining to religion, citizenship or immigration status; and

Whereas, the Superintendent and designees are charged with protecting student and school employee information to the fullest extent provided by the law; and

Whereas, The Family Educational Rights and Privacy Act (FERPA) generally prohibits school districts from providing third parties, such as immigration officers, information about students contained in student records. More specifically, unless another exemption provided by the law applies, FERPA generally prohibits school districts from disclosing personally identifiable information in a student's education records to outside agencies without written parent consent, judicial order, or a lawfully-issued subpoena; and

Now, therefore, be it resolved, by the Acalanes Union High School District Governing Board, that the District shall continue to provide equal access to a public education, regardless of students' or parents' socio-economic status, actual or perceived national origin, ethnic group identification, religion, citizenship, or immigration status; and

Resolved further, that principals and their designees shall work with and support families and students who express concern about immigration enforcement actions at school, including students who may not be attending school because of such concerns; and

Resolved further, that the District shall not provide student or employee data to law or immigration enforcement agents nor allow immigration enforcement action on school sites, facilities or material property without receiving prior written approval from the Superintendent, unless there is an immediate threat to student or public safety; and, be it finally

Resolved, that the Governing Board reaffirms the Acalanes Union High School District's unequivocal commitment to ensuring a welcoming and safe educational environment for ALL students and employees.

Passed and adopted this 15th day of February 2017, by the Governing Board of the Acalanes Union High School District of Lafayette, California, by the following vote:

Ayes: Cheslog, Coppersmith, Epstein, Hockett, Kendzierski

Nays: None

Abstain: None

Absent: None



Robert Hockett, Clerk
Acalanes Union High School District