FREMONT UNION HIGH SCHOOL DISTRICT
RESOLUTION #1617-12
ADOPTION OF RESOLUTION #1617-12 IN SUPPORT OF STUDENTS AND RELEASE OF RECORDS

WHEREAS, all children in the United States are entitled to equal access to a public education, regardless of their or their parents' actual or perceived national origin, citizenship, or immigration status; and

WHEREAS, in 1982 the U.S. Supreme Court ruled in Plyler v. Doe, 457 U.S. 202 (1982) that under the Fourteenth Amendment of the U.S. Constitution, if a state provides a free public education to U.S. citizens, it cannot deny such an education to undocumented children; and

WHEREAS, a letter from the US Department of Justice and Department of Education dated May 8, 2014 reaffirms that all school districts must “comply with these Federal civil rights laws, as well as the mandates of the Supreme Court” ensuring 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. Moreover, districts 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 Fremont Union High School District is the home and workplace of a large diverse community -- a diversity that enriches our community and includes people from all races, colors, national origins, religions, genders, sexual orientations or identities, disabilities, and citizenship status, and

WHEREAS, the Fremont Union High School District is committed to the physical safety and emotional well-being of all students within its influence and is committed to ensuring that all schools and district facilities are welcoming and safe places for students and their families; and

WHEREAS, Immigration and Customs Enforcement actions on campuses could be disruptive to the educational environment and could cause families with undocumented residents to fear sending their children to school; and

WHEREAS, the primary mission and purpose of the Fremont Union High School District is to educate young people, not to determine the citizenship or immigration status of any of its students or families; and

WHEREAS, The FUHSD Board-adopted Belief Statements state that we must ensure the success of EVERY student; and these Belief Statements do not discriminate on the basis of a student’s legal status,

BE IT RESOLVED THAT:

Unless specifically required by law, District employees, contractors, volunteers and representatives will not use District resources for the purposes of detecting or assisting in the apprehension of persons whose only violation of law is or may be being an undocumented resident in the United States, or failing to produce documents authorizing residency in the United States.

That District employees, contractors, volunteers and representatives will not disclose any information regarding student records, including immigration status, without written parental consent, judicial order, or lawfully-issued subpoena.
That District employees, contractors, volunteers and representatives shall continue to assure that all students have access to the learning and other educational services available at their schools, including rigorous courses, student extracurricular activities and athletics, and support services regardless of the student’s or family’s immigration status.

PASSED AND ADOPTED by the Governing Board of the Fremont Union High School District this 7th day of February 2017, at their regular meeting held at 589 West Fremont Ave., Sunnyvale, County of Santa Clara, State of California.

[Signature]
President of the Governing Board

[Signature]
Clerk of the Governing Board