

An Amendment to Resolution 2025-05
Resolution 2025-05 is in black
Proposed amended language is in green

Resolution 2025-05 of the Board of Trustees of the Foothill-De Anza Community College District Reaffirming Support of Undocumented Students and the Privacy of Student Records

WHEREAS, the California Community Colleges are open to all students who meet the minimum requirements for admission, regardless of immigration status; and

WHEREAS, in December 2016, the Foothill-De Anza Community College District Board of Trustees adopted resolution 2016-44 in Support of Undocumented Students and Affirming the Privacy of Student Records; and

WHEREAS, on September 18, 2017, the California Community Colleges Chancellor issued a Statement of Values and Commitment to Undocumented Students confirming that the Chancellor's Office will not release any personally identifiable student information without a judicial warrant, including data related to immigration status, will not cooperate with any federal effort to create a registry of individuals based on protected characteristics such as religion, race, immigration status, or sexual orientation, and will urge local governing bodies to do the same; and

WHEREAS, in 2018, the California Legislature enacted Senate Bill 54 and Assembly Bill 21, prohibiting state and local agencies from using resources to aid federal immigration enforcement and seeking to ensure that public and private institutions of higher education in California foster a campus community that is safe and supportive of all students, faculty, and staff, regardless of immigration status; and

WHEREAS, the California Attorney General affirmed in its "Promoting a Safe and Secure Campus for All: Guidance and Model Policies to Assist California Colleges and Universities in Responding to Immigration Issues" that "under the California Constitution, all students and staff—regardless of immigration status— have a right to privacy and 'the inalienable right to attend campuses which are safe, secure and peaceful.' The California Supreme Court has affirmed that an immigrant student's right to an equal educational opportunity is 'a vitally important right in our society.' Protections are expressly codified in California law to assure educational access for all, regardless of a student's immigration status, 'in any [educational] program or activity conducted by an educational institution that receives, or benefits from, state financial assistance, or enrolls pupils who receive state financial aid;'" and

WHEREAS, on January 15, 2021, the Foothill-De Anza Community College District approved administrative procedure 3415 Immigration Enforcement Activities and administrative procedure 5017 Responding to Inquiries of Immigration Status,

Citizenship Status, and National Origin Information, based on the California Attorney General's model policies to provide safe and secure campuses for all students; and

WHEREAS, the mission of the Foothill-De Anza Community College District states in part that we are "driven by an equity agenda and core values of integrity, inclusion, care for our students' well-being, and sustainability; and

WHEREAS, although uncertainty exists about the specific immigration and education policies the incoming administration will seek to implement, Foothill-De Anza Community College District will strongly advocate to protect our students and our district's values; and

WHEREAS, under the Family Educational Rights and Privacy Act (FERPA) the Foothill-De Anza Community College District does not release any personally identifiable student information, including any data related to immigration status, unless authorized by the student or required by law.

WHEREAS declaring our district a sanctuary district sends a message to our internal and external communities that we stand with our undocumented, refugee, and asylum seeking students, faculty, staff, and administrators while also sending a message of solidarity to other entities, such as the state of California and over two hundred other colleges and universities which have declared sanctuary; and

WHEREAS students from immigrant backgrounds, communities of color, LGBTQ+ (lesbian, gay, bisexual, transgender, and queer) students, Jewish people, Muslims, women, and people with disabilities are increasingly the targets of hate speech, bullying, and threats incompatible with the inalienable rights of liberty and justice; and

THEREFORE, BE IT RESOLVED, that the Foothill-De Anza Community College District will not detain, question, or arrest any individual solely because of undocumented immigration status, suspected or confirmed, except as required by judicial warrant, subpoena, or court order.

BE IT FURTHER RESOLVED that the Foothill-De Anza Community College District shall not cooperate with any federal or state effort to create a registry of individuals based on any legally protected characteristics, such as religion, national origin, race, ethnicity, sexual orientation, or gender identity. No confidential student records will be released without a judicial warrant, subpoena or court order, unless authorized by the student or required by law.

BE IT FURTHER RESOLVED that the Governing Board of Foothill-De Anza Community College District is declared a sanctuary district, and will act as a sanctuary district to the full extent allowable by law. The district REAFFIRMS our historical commitment to a safe learning environment and that all people, regardless of race, ethnicity, national origin, immigration status,

religion, sexual orientation, gender identity, and ability, should be free of discrimination, verbal or physical attacks.