

Resolution Endorsing proposed Board Resolution Declaring FHDA a Sanctuary District

Whereas the resolution below is being presented for consideration by the Foothill-De Anza Community College District Board of Trustees; and

Whereas the De Anza College faculty values our undocumented student and staff and want them to feel as safe and supported by our district as possible; and

Whereas in December 2024 the Academic Senate of De Anza College passed a resolution in support of vulnerable student populations; therefore, be it

Resolved that the Academic Senate of De Anza College calls on the Foothill-De Anza Community College District to declare itself a Sanctuary District.

Contact: Cynthia Kaufman

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

WHEREAS some of our students have reason to fear for their safety based on proposed and enacted policies in the current political climate, such as detaining, deporting, or revoking the study, work, and travel privileges of undocumented, refugee, and asylum seeking immigrants; and

WHEREAS we have already seen a reduction of AB540 students attending classes and enrolling in our colleges; and

WHEREAS many of our students are, or could be, affected by such policies and have legitimate fears for their security and their future; and

WHEREAS declaring Foothill-De Anza Community College District a sanctuary district sends a powerful message of support to community members that the district is an institution they can trust to provide safe spaces to learn and work free from harassment or intimidation;

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.

1. Develop, adopt, and implement district and campus policies and protocols consistent with the values expressed herein if a public or law enforcement officer is expected to enter or has entered the campus to execute any federal or legal order, including immigration warrants.
2. Disseminate information and increase awareness of California Assembly Bill 21 and Senate Bill 54, declaring the State of California and its community colleges to be Sanctuaries.
3. Ensure that all Foothill-De Anza Community College District faculty, classified professionals, students, and administrators know and understand all state and federal laws and district and campus policies relevant to protecting students, staff, and student and staff information, including but not limited to the Family Educational Rights and Privacy Act (FERPA).
4. Communicate information about rights and protections afforded to students, including but not limited to FERPA, on an ongoing basis through an annual forum and other activities.
5. Continue to protect sensitive student, staff, faculty, and administrator information, such as that collected under the auspices of California Assembly Bill 540, the California Dream Act, and the Deferred Action for Childhood Arrivals (DACA) program, by limiting access to student records and providing authorities with this information only when presented with a valid subpoena.
6. Continue to identify and promote scholarships open to all students regardless of citizenship or residency.

7. Continue to promote an atmosphere of offering resources to support respect for all students and employees and denounce and address hate speech directed at students and/or employees.
8. Support community education and professional development to foster an inclusive environment focused on eliminating bias and discrimination and highlighting existing resources for reporting and responding to bias or hate incidents.
9. Secure support from all local, state, and federal elected officials for the Foothill-De Anza Community College Districts' efforts to protect students, faculty, and professionals.
10. Protect, offer resources to, and support staff, faculty, and administrators who are DACA recipients to the extent allowable by law.