

Protection for Undocumented Students in the Hillsborough City School District

At the January 24, 2017 Board Meeting, the Board of Trustees instructed staff to develop a communication plan to describe the various laws, board policies, and rights related to students who are undocumented.

In short, 1) undocumented students have a right to attend school in the Hillsborough City School District, 2) families have no obligation to disclose their legal status to school officials, 3) we do not collect information about legal status, 4) we take very seriously our legal obligation to protect the privacy of student records, and 5) **we want to state in the strongest of terms that all students will be welcomed into our school district and will participate in a school environment free from discrimination or harassment...regardless of their legal status.**

Here is a summary of the legal framework for undocumented students:

- Undocumented students ages 6-18 have the right to attend school, and are actually legally compelled to attend school in California.
- No state in the country may deny a child the right to attend public school, regardless of legal status.
- All students have a legal right to attend school free from discrimination.
- The Hillsborough City School District does not collect information regarding a student's immigration or legal status.
- The Hillsborough City School District does collect proof of residency, but no one is required to show proof of legal status.

For more information on the legal framework and for the legal citations supporting the rights described above, please see the Association for California School Administrators Fact Sheet at <http://www.acsa.org/Advocacy/Federal-Issues/undocumented-students-families-facts>.

The Hillsborough City School District takes very seriously our mandate to protect the privacy of student records under the Federal Family Educational Rights and Privacy Act (FERPA).

- FERPA supersedes a public request for information, and the Hillsborough City School District would not release student records unless required to under law.
- Parents or school officials have access to student records, but these records may only be released to others in a few situations, such as with a judicial order or lawfully issued subpoena.
- The Hillsborough City School District does not collect information on a student's legal status, but we are required to collect country of origin information for the

California Department of Education. This information will not be released unless there is a legal compulsion to do so.

For more information on FERPA, please see <https://ed.gov/policy/gen/guid/fpco/ferpa/index.html>.

In addition, we want to highlight for all parents, staff members, and community members **Board Policy 5145.3 Nondiscrimination/ Harassment** which protects students from discrimination. This reads, in part:

“The Governing Board desires to provide a safe school environment that allows all students equal access and opportunities in the district's academic and other educational support programs, services, and activities. The Board prohibits, at any district school or school activity, unlawful discrimination, including discriminatory harassment, intimidation, and bullying of any student based on the student's actual or perceived race, color, ancestry, national origin, nationality, ethnicity, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, or gender expression or association with a person or group with one or more of these actual or perceived characteristics.”

This full Board Policy and Administrative Regulation may be found at <http://www.gamutonline.net/district/hillsboroughcity/DisplayPolicy/871387/5>.

If you have any questions, please contact the Superintendent at (650) 342-5193