

RESOLUTION OPPOSING HB 0793/SB 0836

A RESOLUTION OF THE

BOARD OF EDUCATION OF

HAMILTON COUNTY, TENNESSEE,

RESOLUTION NO: _____

REQUESTED BY: JILL BLACK

BOARD APPROVED: _____

DATE

WHEREAS, HB 0793/SB 0836, “As introduced, authorizes LEAs and public charter schools to refuse to enroll students who are unlawfully present in the United States,” and

WHEREAS, the 14th Amendment to The Constitution of the United States includes the Equal Protection Clause and the Due Process Clause, which through court cases has been shown to include public education as a property right (5th Amendment) for all; and

WHEREAS, Article II, § 12 of the Tennessee Constitution (the “Education Clause”) states that “The State of Tennessee recognizes the inherent value of education and encourages its support,” and

WHEREAS, recognizing “the inherent value of education” implies a duty to educate all; and

WHEREAS, the Tennessee Department of Education’s website states that “The Tennessee Department of Education serves over 900,000 students in 147 districts with both significant urban and rural populations. As a state agency, we are dedicated to improving student academic achievement and committed to the belief that children from all backgrounds can succeed when given the opportunities they deserve. Tennessee K-12 education operates with a common goal- to provide the best for all students;” and

WHEREAS, when we say for “all students” and from “all backgrounds,” we must mean all, and not just some; and

WHEREAS, the Hamilton County Board of Education is charged with governing the school district so that all students, regardless of background, needs, or ability, receive the best possible educational opportunities in order to think critically and to graduate prepared to enter a postsecondary institution or the workforce; and

WHEREAS, “The just cause of Hamilton County Schools is that all children thrive and experience a future without limits,” and

WHEREAS, we believe it is important to educate all students who come to us in order to fulfill that mission; and

WHEREAS, HB 0793/SB 0836 is in conflict with the 5th and 14th Amendments to The Constitution of the United States, the Tennessee Constitution, and the Tennessee Department of Education, as well as the Hamilton County Board of Education; and

NOW, THEREFORE, BE IT RESOLVED, that the Hamilton County Board of Education expresses its opposition to HB 0793/SB 0836 and urges the Tennessee General Assembly to vote to oppose the passage of this bill.

Chair, Hamilton County Board of Education

Date