
Immigration Enforcement on Campus And Notification Procedures

Policy 6-102

Scope:

This policy applies to all District employees, volunteers, and contractors at any District school-site, including school-sponsored events and transportation.

Access to Student and Employee Information

1. Any request for information, records, or access to a student by law enforcement or immigration authorities must be immediately referred to the Superintendent or Custodian of Records.
2. To the extent permissible, information regarding students, their families, teachers, or employees will not be disclosed to immigration enforcement without a judicial subpoena, warrant, or court order. The District will seek advice from legal counsel as necessary.
3. No student information or records, including personal information as defined by Civil Code § 1798.3(a) and information that might indicate a student's or family's citizenship or immigration status, shall be released without proper legal authorization, in compliance with the Family Education Rights and Privacy Act ("FERPA") and other applicable laws, and with approval by the Superintendent or Custodian of Records.
 - Upon receiving a request for information related to a student's or family's immigration or citizenship status:
 - The District shall obtain the contact information of the person whom a response to the request should be directed.
 - The Superintendent or Custodian of Records shall be notified of the request, the requestors contact information, and the date designated for production.
 - Make a photocopy of the request and consult with legal counsel.
 - Students and families will be provided with appropriate notice and a description of the request.

Purpose

The purpose of this policy is to ensure compliance with the Education Code, the California Attorney General's Model Policies, and other applicable federal and state laws by clearly defining how the District responds when immigration enforcement activity is requested or occurs on a school site. This policy shall be updated as necessary to remain consistent with the Attorney General's Model Policies and the law.

- Any verbal or written requests for information by an officer or employee of an agency for immigration enforcement purposes will be documented.
 - Students and parents/guardians will be provided with any documents provided by the officer or employee seeking the information, unless otherwise prohibited.
 - Parents/guardians will be provided notification of any court orders, warrants, or subpoenas except in investigation of suspected child abuse, neglect or dependency or when otherwise prohibited.
 - The District will make every effort to receive written parental consent or eligible student consent for release of student information, unless the information is for directory information only. The parent/guardian or eligible student is not required to sign a consent form. However, if consent is obtained the District will permanently keep the consent notice with the record file. If consent is not obtained the District will not release the records unless it is required too. The consent must include:
 - Parent/guardian or eligible student signature and date
 - A description of the records to be disclosed
 - The reason for release of information
 - The parties receiving the information
 - If requested by the parents/guardians or eligible student a copy of the records to be released.
4. Release of directory information is handled pursuant to separate District policies governing the release of such information.
 5. Pursuant to Government Code § 7285.2 and because personnel records are generally considered private and confidential and not subject to release under the California Public Records Act (“CPRA”) no District employee contractor, or volunteer shall release personnel records, personal information, or any other confidential information about an employee to an officer or employee of an agency conducting immigration enforcement without a valid judicial warrant, subpoena, or court order, or unless required by law.
 - The same procedures outlined above shall apply to such requests.

Enrollment Information

1. The District maintains Policy 2-202 regarding gathering and handling sensitive student information. Appropriate personnel will receive training regarding such policies, as discussed below.
2. All students will be treated equitably in the receipt of all school services including gathering student and family information for such services.
3. No District employee, contractor, or volunteer shall inquire about or collect information regarding the citizenship or immigration status of a student or the student's family members, except as required by state or federal law or to administer a state or federally supported educational program. District staff will not require information or documents, to the exclusion of other permissible information or documents regarding the citizenship or immigration status of a student.
 - The District prohibits the use of information that could indicate immigration status to discriminate against any students or families or as a bar to enrollment or attending school. The District prohibits discriminating against students and families, or barring students from enrolling or attending school where the parent or guardian declines to provide information that could indicate immigration status.
4. District staff shall not request information about, or documents pertaining to, immigration status including, but not limited to, a driver's license, a social security number or card, a passport, a visa, a birth certificate, a permanent resident card, or other immigration-related documentation unless required by state or federal law.
5. To the extent the District is required to collect the last four digits of an adult household member's social security number, the District will explain the limited purpose for which the information is collected and clarify that failure to provide the information will not bar the student from enrolling or attending the school. To the extent state or federal law requires submission of national origin information as part of the requirements of a special program, District staff will keep that information separate from the school enrollment process.
6. Where permitted by law, alternative means for establishing residency, age, or other eligibility criteria for enrollment, such as documentation that is available to all persons regardless of immigration or citizen statute or national origin and do not reveal information related to citizenship or immigration status will be used. The method of age verification shall be noted.
 - Where alternative documents or information are permitted the District procedures and forms will so indicate and include all authorized alternatives.

Prohibition on Immigration and Registries

1. The District shall not use its resources or data, including the collection, compilation, dissemination, or use of personally identifiable student information, to compile a list, registry, or database of individuals based on national origin, immigration status, religion, or other category of individual characteristics protected against unlawful discrimination.
2. The District shall not contract with organizations or entities for the purpose of compiling such lists, registries, or databases.
3. The District shall not make District resources available for the purpose of creating a registry based on race, gender, sexual orientation, religion, ethnicity, or national origin.

Annual Notification to Parents/Guardians

The District will provide annual notice parents/guardians of the District's general information policies that include the following:

- Assurances that the District will not release information to third parties for immigration enforcement purposes, except as required by law or court order.
- A description of the types of student records maintained by the District.
- A list of the circumstances or conditions under which the District might release student information to third parties.
- A statement that unless the District is providing directory information or information that is disclosable without parental consent under FERPA or the Education code, the District will notify parents/guardians or eligible student and receive their written consent before releasing student information.
- Even if the District is permitted to release the education records without parental consent, the District is required to notify the student and their family unless an exception exists. The District will explain the exceptions that do not require prior notification.
- The District's directory information policy.

Access to District Property

1. The District shall not grant access to any nonpublic area of a school site to immigration enforcement officers without a valid judicial warrant, subpoena, or court order.
2. Outsiders, including immigration enforcement officers must register with the site principal or designee in order to enter or remain on school grounds.
3. To the extent practicable, provided there are no exigent circumstances requiring immediate action and if the immigration officer does not have a valid warrant or court order that provides the basis for the visit, the officer must provide the following information to the site principal or designee:

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- Name, address, occupation;
 - Age if less than 21;
 - Purpose in entering school grounds;
 - Proof of identity; and
 - Any other information as required by law.
4. The District shall adopt measures for responding to outsiders that avoid classroom interruptions, and preserves the peaceful conduct of the school's activities, consistent with local circumstances and practices.
 5. The District shall post signs at the entrance of each school site notifying outsiders of the hours and requirements for registration.
 6. Staff shall report entry by immigration enforcement to any on-site police, security officers, or other appropriate administrators as would be required for any unexpected or unscheduled outside visitor coming onto campus.
 7. In response to an immigration officer's presence on campus for immigration purposes, staff shall:
 - Notify the Superintendent or designee;
 - Advise the officer that absent exigent circumstances the school must first receive notification and direction from the Superintendent or designee;
 - If the officer declares exigent circumstances exist and demands immediate access, comply with the orders and immediately contact the Superintendent or designee.
 - Ask to see and make a copy of the officer's credentials showing the officer's name and badge number and ask for the phone number of the officer's supervisor;
 - Ask for and document their reasons for being on school grounds;
 - Ask the officer for any documentation that authorizes school access and make and maintain a copy of all documents provided by the officer;
 - If there is an U.S. Immigration and Customs Enforcement ("ICE") administrative warrant staff shall inform the officer that they cannot consent to any request without first consulting the District legal counsel or designee.
 - If there is a federal judicial warrant, prompt compliance is usually legally required. If feasible consult with the District's legal counsel or designee before providing access.
 - If there is a subpoena for production of documents or evidence, immediate compliance is generally not required. Legal counsel or designee shall be informed, and staff shall await further instruction.
 - Shall not physically impede the officer even if they are exceeding their authorization. If the officer enters without consent, staff shall document the officers actions while on campus and to the extent feasible accompany them at all times.
 - Promptly take written notes of all interactions with the officer including:

- List or copy of the officer's credentials and contact information;
- Identify of all school personnel who communicated with the officer;
- Details of the officer's request;
- Whether the officer presented a warrant or subpoena and if so, what was requested and whether it was signed by a judge;
- Staff's response to the officer's request;
- Any further action taken by the officer; and
- Photo or copy of any documents presented by the officer.

These notes shall be provided to District's legal counsel or designee.

8. The Superintendent or designee shall report to the Governing Board in a timely manner any requests by an officer or employee of an agency conducting immigration enforcement for access to a school site, for access to a student, or for information about a student, a student's family, or a District employee. The report will include the officer's requests and action and the District's response. Such reports shall be made in a manner that protects the privacy of individuals involved.
9. An email regarding any attempt by an officer to access a school site or student for immigration enforcement purposes will be sent to the Bureau of Children's Justice in the California Department of Justice at BCJ@doj.ca.gov.

Notification Procedures

6. The District must receive consent from the student's parent or guardian before a student can be interviewed or searched by an officer seeking to enforce civil immigration laws at the school unless, the officer presents a valid, effective warrant signed by a judge or a valid, effective court order.
7. The Superintendent or designee shall immediately notify the student's parents/guardians if an officer requests or gains access to a student for immigration enforcement purposes, unless such access was in compliance with a valid warrant or subpoena that restricts the disclosure of the information to the parent/guardian.

8. The Superintendent or designee shall provide parents/guardians with information regarding their rights related to immigration enforcement, including:
 - The right of students to a free public education regardless of immigration status or religious beliefs
 - The Immigration – Enforcement Actions at California Schools Guide for Students and Families, also known as “Know Your Educational Rights” developed by the Attorney General
 - This will also be posted in the administrative buildings of the District and on the District’s website and each school site’s website in every language provided by the Attorney General. This will be updated the school year following any published updates by the Attorney General.
 - The Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California’s K-12 Schools in Responding to Immigration Issues issued by the Attorney General.
 - Information on how to access legal resources and know-your-rights information
 - The types of immigration enforcement actions that may occur at or near schools
 - The steps parents/guardians can take to prepare, including designating an emergency contact and updating school records with current emergency information
 - Notification that parents/guardians may update their child’s emergency contact information at any time.
 - Information provided within the emergency cards will only be used in response to specified emergence situations, and not for any other purpose.

Student and Employee Protections

1. Students shall not be denied equal rights and opportunities, or be subjected to unlawful discrimination, harassment, intimidation, or bullying in the District's programs and activities on the basis of the student's or family's actual or perceived immigration status, citizenship status, national origin, or other protected characteristic. Policies and Procedures regarding these rights and the complaint process are provided in Board Policy and Administrative Regulation 1-102.
 - Students who are victims of hate crimes have a right to report such crimes.
 - These policies will be translated into the student’s primary language if at least 15% of the student enrolled in the school speak a single primary language other than English.
2. Employees shall not be denied equal rights and opportunities, or be subjected to unlawful discrimination, harassment, intimidation, or bullying on the basis of actual or perceived immigration status, citizenship status, national origin, or any other protected characteristic. Policies and Procedures regarding these rights and the complaint process are provided in Board Policy and Administrative Regulation 1-101.

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When a Parent/Guardian Has Been Detained or Deported

1. The District encourages families and students to have and know their emergency phone numbers, know where to find important documentation including birth certificates, passports, social security cards, doctors' contact information, medication lists, lists of allergies, etc., to allow them to be prepared in the event a family member is detained or deported.
2. The District permits students and families to update students' emergency contact information needed throughout the school year, and provide alternative contacts if no parent/guardian is available.
 - Families may include the information of an identified trusted adult guardian as a secondary emergency contact in case of a student's parent/guardian being detained.
3. In the event a student's parent/guardian has been detained or deported the Superintendent or designee shall use the student's emergency contact card information and release the student to an individual designated as an emergency contact. Alternatively, the Superintendent or designee shall release the student into the custody of a person who presents a Caregiver's Authorization Affidavit pursuant to Family Code § 6552, for the student.
4. The District will only contact child protective services if the superintendent or designee are unsuccessful in arraigning for the timely care of the child through the above-mentioned means or other information/instructions conveyed by the parent/guardian.

Staff Training and Awareness

All staff shall receive annual training on this policy and on related procedures in the Comprehensive School Safety Plan, Student Records Policy, and Anti-Discrimination Policies.

Reporting to California Department of Education

The Superintendent or designee shall provide to the California Department of Education a copy of this policy, any associated administrative regulations, and any other board policies and administrative regulations required by Education Code section 234.7, upon request.

Policy Review

This policy shall be reviewed and updated as necessary to remain consistent with federal and state law, including any updates to the California Attorney General's Model Policy.

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