

PAUSD's Obligations to Protect Student & Family Rights to Access Public Education

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PALO ALTO
UNIFIED SCHOOL DISTRICT

The Right to Access Public Education

The U.S. Supreme Court has long guaranteed that all children have a right to a free public education, regardless of immigration status. See Plyler v. Doe, 457 U.S. 202, 213, 230 (1982) (*with emphasis*).

The California Department of Education reaffirms, “All children in the United States, regardless of immigration or citizenship status, have a right to a free and appropriate public education.” See CDE Letter, January 21, 2025.

The California Education Code identifies: “Every student in California has the right to attend public school in the state free from discrimination, harassment, violence, intimidation, and bullying.” Cal. Ed. Code §§ 220, 234, et seq.



PAUSD's Response to Immigration Enforcement

Since 2018, the Board of Education has been committed to the success of all students and believed that “every school site should be a safe and welcoming place for all students and their families irrespective of their citizenship or immigration status.” See PAUSD Board Policy § 5145.13.

As a result, PAUSD's response and procedure has been classified into three categories:

1. Requests for Information
2. Requests for Access to Students or School Grounds
3. Responding to the Detention or Deportation of a Student's Family Member



1. Requests For Information

Unless authorized by the Family Educational Rights and Privacy Act (FERPA), student information shall not be disclosed to immigration law enforcement authorities without parental consent, a court order, or judicial subpoena.

All District Staff in receipt of any verbal or written requests for information related to a student's or family's immigration/citizenship status must:

1. Notify the Superintendent or Amanda Bark (Manager of Policy & Compliance) about the information request.
2. Provide the student and family notice and a description of the immigration officer's request.
3. Provide the student and parent/guardians with any documents provided by the immigration enforcement officer, unless:
 - The disclosure is prohibited by a subpoena served on PAUSD; or
 - In cases involving investigations of child abuse, neglect, or dependency.
4. Document the immigration authorities' request for information.



2. Requests For Access to Students or School Grounds

District staff must receive parent/guardian consent before a student is interviewed or searched by any officer seeking to enforce civil immigration laws at the school, unless the officer presents a valid and effective (1) warrant signed by a judge; and/or (2) court order.

A student's parent/guardian must be immediately notified if a law enforcement officer requests or gains access to the student for immigration enforcement purposes, unless the judicial warrant/subpoena restricts disclosure to the parent/guardian.

Immigration enforcement officers, must register with the principal or available site administrator upon entering school grounds during school hours, and provide the site administration with their:

- Name,
- Address,
- Occupation,
- Age,
- Purpose in entering school grounds,
- Proof of identity or valid form of government identification, and
- Any other information required by law.



2. (Continued) Requests For Access to Students or School Grounds

Reporting Obligations for all District Staff involved:

- District staff must report the presence of any immigration enforcement officers to the Superintendent, Legal Department, and/or the immediate Site Administrator.
- District staff must notify the Superintendent or Legal Department of any request by an immigration enforcement officer for access to the school or a student or for review of school documents, including service of lawful subpoenas, petitions, complaints, warrants, or other such documents.

See PAUSD Administrative Regulation § 5145.13.



3. Responding to Detention or Deportation of a Student's Family Member

- A. If a student's parent/guardian is detained or deported by federal immigration authorities, the Site Principal **must** release the student to (1) the person(s) designated in the student's **emergency contact information** or (2) to any individual who presents a **caregiver's authorization affidavit** on behalf of the student.
- B. The Site Principal shall only contact child protective services (CPS) **if District personnel are unable to arrange for the timely care of the student** by the person(s) designated in the emergency contact information maintained by the school or identified on a caregiver's authorization affidavit.
- C. The Site Principal and District personnel will coordinate any access to **mental health and/or wellness support** based on a student's needs.



PAUSD's Response to Gender Identity

The California Education Code provides the following:

No person shall be subjected to discrimination on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes... including immigration status, in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance, or enrolls pupils who receive state student financial aid. Cal. Ed. Code § 220 (2018).



A Student's Gender Identity Through Policy & Regulation

Since 2015, the Board of Education has determined the responsibility for determining a student's gender identity **rests with the student**, or in instances of young students **unable to advocate for themselves**, their **parent or guardian**. See PAUSD Board Policy § 5157.

Privacy: *All students have a right to privacy – the right to decide when, with whom, and how much highly personal information to share about oneself – including the right to disseminate their gender status or sexual orientation. See PAUSD Administrative Regulation § 5157.*

Disclosure by the District is **limited** only to:

- 1) When the District is legally required to do so; or
- 2) The student consents to the disclosure.



Understanding Student Access Overall – AR 5157

NAMES

Should a student or parent/guardian request to have the student be address by a different name or pronoun, the school **must** honor that request.

FACILITIES

Students have the right to use the facilities that correspond to their gender identity.

- **All sites** maintain female, male, and gender neutral restrooms, while **all secondary schools** maintain female, male, and gender neutral locker rooms.
- Use of gender neutral spaces are a **student's matter of choice**, and **no student shall be compelled to its use**.

SCHOOL ACTIVITIES & ATHLETICS

Students shall be permitted to participate in all activities in a manner consistent with their gender identity.



Nondiscrimination – BP & AR 5145.3

Targeted conduct at any student, based on the student's protected status:

- Race
- Color
- Ancestry
- Nationality
- National Origin
- Immigration Status
- Ethnic Group Identification
- Ethnicity
- Age
- Religion
- Marital Status
- Pregnancy
- Parental Status
- Physical Disability
- Mental Disability
- Medical Condition
- Sex
- Sexual Orientation
- Gender
- Gender Identity
- Gender Expression
- Genetic Information
- Association



Nondiscrimination → Unlawful Discrimination

Unlawful Discrimination is conduct based on a student's protected status that:

- Is so **severe**, **persistent** or **pervasive** that it affects a student's ability to participate in or benefit from a school program or activity.
- Creates an intimidating, threatening, hostile, or **offensive educational environment**.
- Has the effect of substantially or unreasonably **interfering** with a student's **academic performance**.
- **Adversely affects** a student's educational opportunities.



Bullying – BP & AR 5131.2

Any severe or pervasive conduct by a student, or group of students, that constitutes hate violence or creates an intimidating or hostile educational environment.

Examples of conduct can include, but are not limited to:

- **Physical** – Hitting / Fighting / Blocking / “Pantsing” / Destroying Property
- **Verbal** – Insults / Teasing / Slurs or Epithets / Threats / Rumor Spreading
- **Nonverbal** – Staring / Stalking / Gesturing
- **Emotional** – Defaming / Intimidating / Humiliating / Ostracizing / Using Peer Pressure





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