



Policies in Compliance with AB 699 Educational Equity: Immigration and Citizenship Status

Blue Ridge Academy (the “School”) is committed to providing all students with a safe, inviting, and healthy learning environment. Assembly Bill 699 (2017) (“AB 699”) requires all California public schools to adopt policies that are equivalent to the California Attorney General’s Model Policies to Assist California’s K-12 Schools in Responding to Immigration Issues. This policy, in conjunction with the School’s Parent-Student Handbook and other policies, provides the required protections under AB 699. If there are any inconsistencies between this policy and other School policies, this policy shall apply. Any questions about these requirements should be directed to the School’s Superintendent.

Policies for Collecting and Retaining Student Information

Protecting student privacy is of utmost importance. The School has adopted reasonable physical, administrative, and technical safeguards to protect student data. These safeguards include access control to school databases and use of locks and similar mechanisms to protect physically stored student information. School staff will endeavor to ensure sensitive student records are not left out and are secured after use. School staff shall not disclose personally identifiable information from a student education record to other staff members or third parties unless there is a legitimate educational interest or other legally permissible reason. Requests for student information from third parties shall be reviewed consistent with school policies and applicable law to prevent unauthorized disclosure. Appropriate personnel shall receive training regarding these procedures to protect sensitive student data.

If the School possesses information that could indicate immigration status, citizenship status, or national origin information, the School shall not use the acquired information to discriminate against any students or families or bar children from enrolling in or attending school.

If parents or guardians choose not to provide information that could indicate their or their children’s immigration status, citizenship status, or national origin information, the School shall not use such actions as a basis to discriminate against any students or families or bar children from enrolling or attending school.

The School shall not allow school resources or data to be used to create a registry based on race, gender, sexual orientation, religion, ethnicity, or national origin. This does not prohibit the School from completing required data collections and submissions (e.g., CALPADS).

Policies for Inquiries Regarding Immigration Status, Citizenship Status, and National Origin Information

School personnel shall not inquire specifically about a student's citizenship or immigration status or the citizenship or immigration status of a student's parents or guardians; nor shall personnel seek or require, to the exclusion of other permissible documentation or information, documentation or information that may indicate a student's immigration status, such as a green card, voter registration, a passport, or citizenship papers.

Where any law contemplates submission of national origin related information to satisfy the requirements of a special program, School staff shall solicit that documentation or information separately from the school enrollment process.

Where permitted by law, the Superintendent or its designee shall enumerate alternative means to establish residency, age, or other eligibility criteria for enrollment or programs, and those alternative means shall include among them documentation or information that are available to persons regardless of immigration status, citizenship status, or national origin, and that do not reveal information related to citizenship or immigration status.

Where residency, age, and other eligibility criteria for purposes of enrollment or any program may be established by alternative documents or information permitted by law or this policy, the School's procedures and forms shall describe to the applicant, and accommodate, all alternatives specified in law and all alternatives authorized under this policy.

Policies for Inquiries About Social Security Numbers or Cards

The School shall not solicit or collect entire Social Security numbers or cards. The School shall solicit and collect the last four digits of an adult household member's Social Security number only if required to establish eligibility for federal benefit programs.

When collecting the last four digits of an adult household member's Social Security number to establish eligibility for a federal benefit program, the School shall explain the limited purpose for which this information is collected, and clarify that a failure to provide this information will not bar the student from enrolling in or attending the school.

The School shall treat all students equitably in the receipt of all school services, including, but not limited to, the gathering of student and family information for educational instruction.

Policies and Procedures Regarding Information Sharing

The School shall avoid the disclosure of information that might indicate a student's or family's citizenship or immigration status if the disclosure is not authorized by the Family Educational Rights and Privacy Act ("FERPA") or other applicable law.

School staff shall take the following action steps upon receiving an information request related to a student's or family's immigration or citizenship status:

- Notify a designated School official about the information request.
- Provide the student and family with appropriate notice and a description of the immigration officer's request.
- Document any verbal or written request for information by immigration authorities.
- Unless prohibited, provide the student and parent/guardian with any documents issued by the immigration-enforcement officer.

Except for investigations of child abuse, child neglect, or child dependency, or when the subpoena served on the school prohibits disclosure, the School shall provide parental or guardian notification of any court orders, warrants, or subpoenas before responding to such requests.

The School shall require written parental or guardian consent for release of student information, unless the information falls within an exception under FERPA or under Education Code section 49076, is relevant for a legitimate educational interest, or includes directory information only. These exceptions do not permit disclosing information to immigration authorities solely for immigration-enforcement purposes; no student information shall be disclosed to immigration authorities for immigration-enforcement purposes without a court order or judicial subpoena.

The School's request for written parental or guardian consent for release of student information for immigration-enforcement purposes must include the following information: (1) the signature and date of the parent or guardian providing consent; (2) a description of the records to be disclosed; (3) the reason for release of information; (4) the parties or class of parties receiving the information; and (5) if requested by the parents or guardians, a copy of the records to be released. The School shall permanently keep the consent notice with the record file.

The parent, guardian, or eligible student is not required to sign the consent form. If the parent, guardian, or eligible student refuses to provide written consent for the release of student information that is not otherwise subject to release, the School shall not release the information.

Policies for Annual Information Notice to Parents and Guardians

The School provides an annual notice to parents and guardians of the school's general information policies that includes:

- Assurances that the School 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 School (e.g., transcripts, academic records, immunization records, disciplinary records, enrollment documents, etc.)
- A list of the circumstances or conditions under which the School might release student information to outside people or entities.

- A statement that, unless the School is providing information for a legitimate educational purpose under FERPA and the Education Code or is providing directory information or is providing information because of an exception to FERPA's or the Education Code's general consent rule, the School shall notify parents or guardians and eligible students—and receive their written consent—before it releases a student's personally identifiable information from student education records.

If the School decides to release directory information, the School shall provide an annual notice to parents and guardians, and eligible students in attendance, of the School's directory information policy that includes:

- The categories of information that the School has classified as public directory information that may be disclosed without parental consent and which should only include the information specifically identified in Education Code section 49061(c).
- A statement that directory information does not include citizenship status, immigration status, place of birth, or any other information indicating national origin (except where the School receives consent as required under state law).
- The potential recipients of the directory information.
- A description of the parent's or guardian's abilities to refuse release of the student's directory information, and how to refuse release.
- The deadline in which the parent, guardian or student must notify the school in writing that he or she does not want the information designated as directory information.

Policies for Monitoring and Receiving Visitors at School Facilities

No outsider—which would include immigration-enforcement officers—shall enter or remain in School facilities during school hours without having registered with the Superintendent or its designee. If there are no exigent circumstances necessitating immediate action, and if the immigration officer does not possess a judicial warrant or court order that provides a basis for the visit, the officer must provide the following information to the Superintendent or its designee:

- Name, address, occupation;
- Age, if less than 21;
- Purpose in entering school grounds;
- Proof of identity; and
- Any other information as required by law.

The School shall adopt measures for responding to outsiders that avoid instructional interruptions and preserve the peaceful conduct of the school's activities, consistent with local circumstances and practices. Where authorized, the School shall post signs at the entrance of its facilities to notify outsiders of the hours and requirements for registration.

School personnel shall report entry by immigration-enforcement officers to the appropriate administrator (e.g., Superintendent) as would be required for any unexpected or unscheduled outside visitor coming onto school facilities.

Policies for Responding to Immigration Enforcement During School Functions

As early as possible, School personnel shall notify the Superintendent of any request by an immigration-enforcement officer for school or student access, or any requests for review of School documents (including for the services of lawful subpoenas, petitions, complaints, warrants, etc.). The Superintendent shall contact legal counsel for support.

In addition to notifying the Superintendent, School Staff shall take the following action steps in response to an officer who appears at a school function specifically for immigration-enforcement purposes:

1. Advise the officer that before proceeding with his or her request, and absent exigent circumstances, school personnel must first receive notification and direction from the Superintendent.
2. Ask to see, and make a copy of or note, the officer's credentials (name and badge number). Also ask for and copy or note the phone number of the officer's supervisor.
3. Ask the officer for their reason for being at the School event and document it.
4. Ask the officer to produce any documentation that authorizes school access.
5. Make a copy of all documents provided by the officer. Retain one copy of the documents for School records.
6. If the officer declares that exigent circumstances exist and demands immediate access to the School location, School staff should comply with the officer's orders and immediately contact the Superintendent. If the officer does not declare that exigent circumstances exist, respond according to the requirements of the officer's documentation. If the immigration-enforcement officer has:
 - a. ***An ICE (Immigrations and Customs Enforcement) administrative warrant***, School staff shall inform the agent that he or she cannot consent to any request without first consulting with the school's counsel or other designated official.
 - b. ***A federal judicial warrant (search-and-seizure warrant or arrest warrant)***, prompt compliance with such a warrant is usually legally required. If feasible,

consult with legal counsel or designated administrator before providing the agent access to the person or materials specified in the warrant.

- c. *A subpoena for production of documents or other evidence*, immediate compliance is not required. Therefore, School staff shall inform Superintendent and legal counsel or other designated official of the subpoena, and await further instructions on how to proceed.
7. While School staff should not consent to access by an immigration-enforcement officer, except as described above, they should not attempt to physically impede the officer, even if the officer appears to be exceeding the authorization given under a warrant or other document. If an officer enters the premises without consent, School staff shall document the officer's actions.
 8. After the encounter with the officer, School staff shall promptly take written notes of all interactions with the officer. The notes shall include the following items:
 - a. List or copy of the officer's credentials and contact information;
 - b. Identity of all school personnel who communicated with the officer;
 - c. Details of the officer's request;
 - d. Whether the officer presented a warrant or subpoena to accompany their request, what was requested in the warrant/subpoena, and whether the warrant/subpoena was signed by a judge;
 - e. School staff's response to the officer's request;
 - f. Any further action taken by the agent; and
 - g. Photo or copy of any documents presented by the agent.
 9. School personnel shall provide a copy of those notes, and associated documents collected from the officer, to the school's legal counsel or other designated official.
 10. In turn, the Superintendent and/or legal counsel shall submit a timely report to the School's governing board regarding the officer's requests and actions and the School's response(s).
 11. E-mail the *Bureau of Children's Justice* in the *California Department of Justice*, at *BCJ@doj.ca.gov*, regarding any attempt by a law-enforcement officer to access a school site or a student for immigration-enforcement purposes.

Policies for Parental Notification of Immigration-Enforcement Actions

School staff must receive consent from the student's parent or guardian before a student can be interviewed or searched by any officer seeking to enforce the civil immigration laws at the school, unless the officer presents a valid, effective warrant signed by a judge, or presents a valid, effective court order.

School staff shall immediately notify the student's parents or guardians if a law-enforcement officer requests or gains access to a student for immigration-enforcement purposes, unless such

access was in compliance with a judicial warrant or subpoena that restricts the disclosure of the information to the parent or guardian.

Policies for Responding to the Detention or Deportation of a Student's Family Member

The School shall encourage that families and students have and know their emergency phone numbers and know where to find important documentation, including birth certificates, passports, Social Security cards, doctors' contact information, medication lists, lists of allergies, etc., which will allow them to be prepared in the event that a family member is detained or deported.

The School shall permit students and families to update students' emergency contact information as needed throughout the school year, and provide alternative contacts if no parent or guardian is available. The School shall ensure that families may include the information of an identified trusted adult guardian as a secondary emergency contact in case a student's parent or guardian is detained. The School shall communicate to families that information provided within the emergency cards will only be used in response to specified emergency situations, and not for any other purpose.

In the event a student's parent/guardian has been detained or deported by federal immigration authorities, the School shall use the student's emergency card contact information and release the student to the person(s) designated as emergency contacts. Alternatively, the School shall release the student into the custody of any individual who presents a Caregiver's Authorization Affidavit on behalf of the student. The School shall only contact Child Protective Services if School personnel are unsuccessful in arranging for the timely care of the child through the emergency contact information that the school has, a Caregiver's Authorization Affidavit, or other information or instructions conveyed by the parent or guardian.

Policies for Responding to Hate Crimes and Bullying

The School shall adopt and publicize policies that prohibit discrimination, harassment, intimidation, and bullying on the basis of a student's actual or perceived nationality, ethnicity, or immigration status. Those policies must be translated in the student's primary language if at least 15 percent of the students enrolled in the school speak a single primary language other than English.

All children have a right to a free public education, regardless of immigration status or religious beliefs. We encourage families to review the "Know Your Rights" immigration enforcement established by the Attorney General (<https://oag.ca.gov/immigrant/rights>). The School shall inform students who are victims of hate crimes of their right to report such crimes.

The School has adopted a process for receiving complaints of and investigating complaints of discrimination, harassment, intimidation, and bullying through its Uniform Complaint Procedures. If you would like a copy of the Uniform Complaint Procedures, please contact the Superintendent.

The School shall educate students about the negative impact of bullying other students based on their actual or perceived immigration status or their religious beliefs or customs. The School shall

also train teachers, staff, and personnel to ensure that they are aware of their legal duty to take reasonable steps to eliminate a hostile environment and respond to any incidents of harassment based on the actual or perceived characteristics noted above. Such training provides school staff with the skills to do the following:

- Discuss the varying immigration experiences among members of the student body and school community;
- Discuss bullying-prevention strategies with students, and teach students to recognize the behavior and characteristics of bullying perpetrators and victims;
- Identify the signs of bullying or harassing behavior;
- Take immediate corrective action when bullying is observed; and
- Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior.