



## **BCCHS AS A SAFE ZONE AND RESOURCE CENTER (Immigration Enforcement Policy)**

**The purpose of this policy is to provide guidance to Birmingham faculty and support staff on the process and procedures to follow if Federal immigration officials, including Immigration and Customs Enforcement (ICE) agents or designees, request access to Birmingham, a student, or student records.**

► No outsider—which would include immigration-enforcement officers—shall enter or remain on school grounds of Birmingham Community Charter High School (BCCHS) during school hours without having registered with the principal or 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 principal or 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.

► BCCHS personnel shall report entry by immigration-enforcement officers to any on-site school police and the Principal/CEO or Administrative Director Designee as would be required for any unexpected or unscheduled outside visitor coming on campus.

### **KEY TERM:**

**Exigent circumstances** include, but are not limited to:

- National security/terrorism
- Imminent risk of death, violence, or physical harm to any person
- Fresh pursuit of dangerous felon
- Protection of evidence in a criminal case

### **WARRANTS, SUBPOENAS, COURT ORDERS USED FOR IMMIGRATION ENFORCEMENT:**

An immigration enforcement officer may provide an administrative ICE warrant, federal court warrant, administrative subpoena, federal judicial subpoena, or court order, to search a school, interview a student, or obtain school records.

- It is important to determine whether the Birmingham needs to comply with the warrant, subpoena, or court order.
- An administrative ICE warrant, for instance, does NOT grant an immigration officer any special power to compel a school official to cooperate, access school grounds, or interview a student. (From 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, California Attorney General, December 2024).

- It is important that BCCHS staff follow the procedures outlined below which includes consultation with the Principal/CEO or Administrative Director Designee to determine appropriate action when presented with a warrant, subpoena, or court order.

### **ENCOUNTERING IMMIGRATION PERSONNEL:**

As early as possible, any staff member who encounters immigration personnel shall notify the Principal/CEO or Administrative Designee 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.).

► In addition to notifying the Principal/CEO, **BCCHS personnel shall take the following action steps in response to an officer present on the school campus 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 Principal/CEO.
2. Ask to see, and make a copy of or note, the officer's credentials (name and badge number). Also ask for a copy or note the phone number of the officer's supervisor.
3. Ask the officer for his/her reason for being on school grounds 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 campus, BCCHS personnel should comply with the officer's orders and immediately contact the Principal/CEO.
7. If the officer does not declare that exigent circumstances exist, respond according to the requirements of the officer's documentation.
  - **ICE (Immigrations and Customs Enforcement) Administrative Warrant:** BCCHS personnel shall inform the agent that he or she **CANNOT** consent to any request without first referring the warrant to the Principal/CEO who will consult with BCCHS's legal counsel.
  - **Federal Judicial Warrant:** Prompt compliance with such a warrant is usually legally required. Notify the Principal/CEO immediately, and if feasible, consult with legal counsel before providing the agent access to the person or materials specified in the warrant.
  - **Subpoena for Production of Documents or Other Evidence:** Immediate compliance is **not required**. Therefore, BCCHS personnel shall inform the Principal/CEO who will refer the subpoena for review to legal counsel and await further instructions on how to proceed.
8. While BCCHS personnel should not consent to access by an immigration-enforcement officer, except as described above, he/she 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, BCCHS personnel shall document his or her actions while on campus.
9. After the encounter with the officer, BCCHS personnel shall promptly take written notes of all interactions with the officer. The notes shall include the following items:
  - ✓ List or copy of the officer's credentials and contact information
  - ✓ Identity of all school personnel who communicated with the officer

✓ Details of the officer's request

✓ Whether the officer presented a warrant or subpoena to accompany his/her request, what was requested in the warrant/subpoena, and whether the warrant/subpoena was signed by a judge

✓ BCCHS personnel's response to the officer's request

✓ Any further action taken by the agent; and

✓ Photo or copy of any documents presented by the agent.

10. BCCHS personnel shall provide a copy of those notes, and associated documents collected from the officer to Birmingham's CEO/Principal for referral to legal counsel.
11. In turn, BCCHS's legal counsel shall submit a timely report to the BCCHS governing board regarding the officer's requests and actions and BCCHS's response.
12. The Principal/CEO will E-mail the Bureau of Children's Justice in the California Department of Justice, at [BCJ@doj.ca.gov](mailto:BCJ@doj.ca.gov), regarding any attempt by a law-enforcement officer to access a school site or a student for immigration-enforcement purposes.
  - BCCHS personnel 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.
  - BCCHS personnel 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.

#### **RESPONDING TO DETENTION/DEPORTATION OF A STUDENT'S FAMILY MEMBER**

- BCCHS shall encourage families and students to have and know their emergency phone numbers and to 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.
- BCCHS 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.
- BCCHS 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.
- BCCHS 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, BCCHS shall use the student's emergency card contact information and release the student to the person(s) designated as emergency contacts.
- Alternatively, BCCHS shall release the student into the custody of an individual who presents a Caregiver's Authorization Affidavit on behalf of the student.
- BCCHS shall only contact Child Protective Services if BCCHS 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.

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- Student support services are available for impacted students including mental health support and McKinney Vento resources for unhoused students if applicable.