Updates to the 2025 Version of the Attorney General's Model Policies for Responding to Immigration Enforcement

This document highlights the updates made to the model policies outlined in the 2025 edition of the California Attorney General's, 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.

- Text that appears as BLACK has not been changed from the 2024 edition.
- Text that appears in ~~RED STRIKETHROUGH~~ has been eliminated.
- Text that appears in BLUE has been updated for 2025.
- HIGHLIGHTED text is used to identify page references in the AG's guidance.

Local Education Agencies may find this information helpful in identifying how the model policies have been updated and when evaluating the need to update their own policies.

1. MODEL POLICIES: GATHERING AND HANDLING STUDENT AND FAMILY INFORMATION (Pages 13 – 14)

All local educational agencies ~~were~~ are required to adopt the following ~~model~~ policies, or equivalent policies, ~~by July 1, 2018, and any updates to policies should be adopted~~ by ~~May 1, 2025~~ March 1, 2026:

Model Policies for Collecting and Retaining Student Information

➤ The [title of appropriate official or name of unit] shall maintain in writing [local educational agency] policies and procedures for gathering and handling sensitive student information, and appropriate personnel shall receive training regarding those policies and procedures.

➤ If the [local educational agency] possesses information that could indicate immigration status, citizenship status, or national origin information, the [local educational agency] 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 [local educational agency] shall not use such actions as a basis to discriminate against any students or families or bar children from enrolling or attending school.

➤ The [local educational agency] 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, or immigration status.

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

➤ [Local educational agency] 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, [local educational agency] personnel shall solicit that documentation or information separately from the school enrollment process.

➤ Where permitted by law, the [title of officer or unit] of the [local educational agency] 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. Local agencies shall note the method of age verification but are not required to maintain a copy of the document used to show age.

➤ 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 [resolution/policy], the [local educational agency's] procedures and forms shall describe to the applicant, and accommodate, all alternatives specified in law and all alternatives authorized under this [resolution/policy].

Model Policies for Inquiries About Social Security Numbers or Cards

➤ The [local educational agency] shall not solicit or collect entire Social Security numbers or cards.

➤ The [local educational agency] 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 [local educational agency] 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 [local educational agency] 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 the free and reduced lunch program, transportation, and educational instruction.

2. MODEL POLICIES: SHARING STUDENT, ~~AND~~ FAMILY, AND EMPLOYEE INFORMATION (Pages 21-23)

All local educational agencies ~~were~~ are required to adopt the following ~~model~~ policies, or equivalent policies, ~~by July 1, 2018, and any updates to policies should be adopted~~ by ~~May 1, 2025~~ March 1, 2026:

Model Policies and Procedures Regarding Information Sharing

➤ The [local educational agency] 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~~ without first attempting to notify the parent or guardian in compliance with the Family Educational Rights and Privacy Act (FERPA).

➤ [Local educational agency] personnel 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 [local educational agency] official about the information request.
- ✓ Provide students and families with appropriate notice and a description of the immigration officer's request.
- ✓ Document any verbal or written request for information by ~~immigration authorities~~ an officer or employee of an agency for immigration enforcement purposes.
- ✓ Unless prohibited, provide students and parents/guardians with any documents issued by the ~~immigration enforcement~~ officer or employee seeking the information.

➤ Except for investigations of suspected child abuse, child neglect, or child dependency, or when the subpoena served on the local educational agency prohibits disclosure, the

[local educational agency] shall provide parental or guardian notification of any court orders, warrants, or subpoenas before responding to such requests.

➤ The [local educational agency] shall ~~require written parental or guardian consent for release of student information, unless the information is relevant for a legitimate educational interest or includes directory information only. Neither exception permits disclosing information to immigration authorities for immigration-enforcement purposes; no student information shall be disclosed to immigration authorities for immigration-enforcement purposes without a court order or judicial subpoena.~~ make every effort to receive written parental or guardian consent for release of student information, unless the information is for directory information only.

➤The [local educational agency] should make a photocopy of the request and immediately consult legal counsel and/or a designated representative of the agency. No information regarding students, their families, teachers, or employees shall be disclosed, to the extent practicable, to an officer or employee of an agency conducting immigration enforcement without a judicial subpoena, judicial warrant, or court order, and any disclosure must be in accordance with requirements set forth in Section 99.31(a)(9)(ii) of Title 34 of the Code of Federal Regulations. If faced with an administrative subpoena, consult legal counsel to determine how or whether to respond as there is no separate requirement in federal or state law to provide information to the Department of Homeland Security (DHS), ICE, or any other agency within DHS, without a court order, judicial warrant, or judicial subpoena.

➤ The [local educational agency's] request for written parental, guardian, or eligible student consent for release of student information must include the following information: (1) the signature and date of the parent, guardian, or eligible student 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, guardians or eligible student, a copy of the records to be released. The [local educational agency] 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 [local educational agency] shall not release the information.

➤ If the request seeks information regarding an employee or teacher of the local educational agency, the same procedures as above should be followed, except that human resources personnel (a designated person) should be consulted first.

➢ For any requests for information, the local educational agency is under no obligation to produce the records or information immediately. Rather, the local educational agency should note any designated date for production of records, if one is indicated in the request, and convey that to a designated person at the agency. The agency should designate a contact person to whom such requests for information should be directed.

➢ The local educational agency should obtain the contact information of the person to whom a response to the request for information should be directed and forward such contact information to the person the agency has designated to receive such requests.

Model Policies for Annual Information Notice to Parents and Guardians

General Information Policy

➤ The [local educational agency] must provide an annual notice to parents and guardians of the school's general information policies that includes:

- ✓ Assurances that the [local educational agency] 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 [local educational agency].
- ✓ A list of the circumstances or conditions under which the [local educational agency] might release student information to outside people or entities.
- ✓ A statement that, unless the [local educational agency] is providing directory information or information ~~for a legitimate educational purpose~~ permitted to be disclosed without parental consent under FERPA and the California Education Code, the [local educational agency] shall notify parents or guardians and eligible students—and receive their written consent—before it releases a student's personally identifiable information.
- ✓ Even for those exceptions that permit the release of education records without parental consent, the agency is required to notify the student and their family unless an exception exists. The agency's policy should explain these exceptions that do not require prior notification.

Directory Information Policy

➤ If the [local educational agency] decides to release directory information, the [local educational agency] shall provide an annual notice to parents and guardians, and "eligible students" in attendance, of the [local educational agency's] directory information policy that includes:

- ✓ The categories of information that the [local educational agency] 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, subdivision (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 [local educational agency] receives consent as required under state law).
- ✓ The recipients of the directory information.
- ✓ A description of the parent's, guardian's, or eligible student's abilities to refuse release of the student's directory information, and how to refuse release.
- ✓ The deadline in which the parent, guardian, or eligible student must notify the school in writing that ~~he or she~~ they do~~es~~ not want the information designated as directory information.

3. **MODEL POLICIES: RESPONDING TO REQUESTS FOR ACCESS TO SCHOOL GROUNDS FOR IMMIGRATION-ENFORCEMENT PURPOSES** (Pages 30-32)

All local educational agencies ~~were~~ are required to adopt the following ~~model~~ policies, or equivalent policies, ~~by July 1, 2018, and any updates to policies should be adopted~~ by ~~May 1, 2025~~ March 1, 2026:

Model Policies for Monitoring and Receiving Visitors onto Campus

➤ No outsider—which would include immigration-enforcement officers—shall enter or remain on school grounds of the [local educational agency] 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, to the extent practicable, 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.

➤ The [local educational agency] shall adopt measures for responding to outsiders that avoids classroom interruptions, and preserves the peaceful conduct of the school's activities, consistent with local circumstances and practices.

➤ The [local educational agency] shall post signs at the entrance of its school grounds to notify outsiders of the hours and requirements for registration.

➤ [Local educational agency] personnel shall report entry by immigration enforcement officers to any on-site school police, security officers, or other appropriate administrator as would be required for any unexpected or unscheduled outside visitor coming on campus.

Model Policies for Responding to On-Campus Immigration Enforcement

➤ As early as possible, [local educational agency] personnel shall notify the [Superintendent or designated administrator] of any request by ~~an immigration-enforcement~~ any officer ~~for~~ seeking access to the school-site or any student ~~access,~~ to conduct immigration enforcement, or any requests for review of school documents (including for the service~~s~~ of lawful subpoenas, petitions, complaints, warrants, etc.).

➤ In addition to notifying the [Superintendent or designated administrator], [local educational agency] 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 [Superintendent or administrator].
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 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, [local educational agency] personnel should comply with the officer's orders and immediately contact the [Superintendent or other administrator].
7. 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:
    - ***an ICE (Immigrations and Customs Enforcement) administrative warrant (see Appendix B)***, [local educational agency] personnel shall inform the agent that he or she cannot consent to any request without first consulting with the [local educational agency's counsel or other designated agency official].
    - ***a federal judicial warrant (search-and-seizure warrant or arrest warrant; see Appendix C & D)***, prompt compliance with such a warrant is usually legally

required. If feasible, consult with the [local educational agency's legal counsel or designated administrator] before providing the agent access to the person or materials specified in the warrant.

- ***a subpoena for production of documents or other evidence (see Appendix E & F)***, immediate compliance is not required. Therefore, [local educational agency] personnel shall inform the [local educational agency's] legal counsel or other designated official of the subpoena, and await further instructions on how to proceed.

8. While [local educational agency] personnel should not consent to ~~access by an immigration-enforcement~~ officer seeking access for immigration enforcement purposes, except as described above, ~~he/she~~ 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, [local educational agency] personnel shall document ~~his or her~~ their actions while on campus and if feasible, accompany them at all times.
9. After the encounter with the officer, [local educational agency] 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~~ their request, what was requested in the warrant/subpoena, and whether the warrant/subpoena was signed by a judge;
    - ✓ [Local educational agency] 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. [Local educational agency] personnel shall provide a copy of those notes, and associated documents collected from the officer, to the [local educational agency's legal counsel or other designated agency official].
11. In turn, the [local educational agency's legal counsel or other designated official] shall submit a timely report to the [local educational agency's] governing board regarding the officer's requests and actions and the [local educational agency's] response(s).
12. 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~~ an officer or employee of an agency to access a school site or a student for immigration-enforcement purposes.

Model Policies for Parental Notification of Immigration-Enforcement Actions

➤ [Local educational agency] 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.

➤ [Local educational agency] personnel shall immediately notify the student's parents or guardians if ~~a law-enforcement officer~~ an officer or employee of an agency 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.

4. **MODEL POLICIES: RESPONDING TO THE DETENTION OR DEPORTATION OF A STUDENT'S FAMILY MEMBER** (Page 36)

All local educational agencies ~~were~~ are required to adopt the following ~~model~~ policies, or equivalent policies, ~~by July 1, 2018, and any updates to policies should be adopted~~ by ~~May 1, 2025~~ March 1, 2026:

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

➤ The [local educational agency] 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.

➤ The [local educational agency] 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 [local educational agency] 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 [local educational agency] 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 [local educational agency] shall use the student's emergency card contact information and release the student to the person(s) designated as emergency contacts. Alternatively, the [local educational agency] shall release the student

into the custody of any individual who presents a Caregiver's Authorization Affidavit on behalf of the student. The [local educational agency] shall only contact Child Protective Services if the [local educational agency] 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.

5. MODEL POLICIES: RESPONDING TO HATE CRIMES AND BULLYING (Pages 39-40)

All local educational agencies ~~were~~ are required to adopt the following ~~model~~ policies, or equivalent policies, ~~by July 1, 2018, and any updates to policies should be adopted~~ by ~~May 1, 2025~~ March 1, 2026:

Model Policies for Responding to Hate Crimes and Bullying

Adopting and Publicizing Anti-Bullying and Anti-Harassment Policy

➤ The [local educational agency] 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.

➤ The [local educational agency] shall notify parents and guardians of their children's right to a free public education, regardless of immigration status or religious beliefs.

- ✓ This information shall include information related to the "Know Your Educational Rights" immigration enforcement established by the Attorney General (see Appendix G).
- ✓ The [local educational agency] shall inform students who are victims of hate crimes of their right to report such crimes.

Processing Complaints of Harassment and Bullying

➤ The [local educational agency] shall adopt a process for receiving complaints of and investigating complaints of discrimination, harassment, intimidation, and bullying based on any of the following actual or perceived characteristics:

- disability
- gender
- gender identity
- gender expression
- nationality
- race or ethnicity
- religion
- sexual orientation
- association with a person or group with one or more of the aforementioned characteristics
- immigration status

➤ The complaint process must include, but is not limited to, the following steps:

- ✓ A requirement that, if school personnel witness an act of discrimination, harassment, intimidation, or bullying, they shall take immediate steps to intervene when safe to do so;
- ✓ A timeline to investigate and resolve complaints of discrimination, harassment, intimidation, or bullying that shall be followed by all schools under the jurisdiction of the local educational agency; and
- ✓ An appeal process afforded to the complainant should he or she disagree with the resolution of a complaint.
- ✓ The [local educational agency] shall ensure that complaint procedures contain confidentiality safeguards for immigration status information.
- ✓ The [local educational agency] shall prohibit retaliation against a person who submits a complaint of discrimination, harassment, intimidation, or bullying.