

## **The Learning Choice Academy: Policy Regarding Immigration Enforcement Activity**

### **I. PURPOSE AND COMMITMENT**

The Learning Choice Academy (“TLC” or “Charter School”) fosters a safe, welcoming environment where all students, educators, and staff feel supported and connected. TLC supports all students’ right to education regardless of immigration status. State law requires that all public schools adopt policies in that regard.

TLC finds school facilities, official school activities (including those in public places), adjacent areas, and all property owned, controlled, or leased by TLC as “sensitive locations” under state law, and seeks commitments from contractors and service providers (particularly school resource officers) not to facilitate immigration enforcement at these locations unless law requires it.

TLC provides the California Attorney General's *Know Your Educational Rights* handout to all families upon enrollment. This handout is also posted in all administrative buildings on campus, and is available on the school website. TLC also provides the California Attorney General’s “Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California’s TK-12 Schools in Responding to Requests for Access and Information for Immigration Enforcement Purposes”, which can be found at <https://oag.ca.gov/system/files/media/school-guidance-model-k12.pdf>.

TLC also provides information about children’s educational rights as contained in this Policy, to all families upon enrollment and it can be found in our Student and Parent Handbook.

All notices, enrollment materials, registration information, and complaint procedures are language-accessible pursuant to state and federal law.

### **II. DEFINITIONS**

- *“Immigration enforcement”* includes any efforts to investigate, enforce, or assist in investigating or enforcing federal civil immigration law, and any efforts to investigate, enforce, or assist in investigating or enforcing federal criminal immigration law that penalizes a person’s presence in, entry, reentry to, or employment in the United States.

- *“Schoolsite”* means an individual school campus, a non-public area where we hold school-related activities, or school buses and other transportation we provide.

### **III. ANTI-DISCRIMINATION AND HARASSMENT**

TLC prohibits discrimination, harassment, intimidation, and bullying based on protected characteristics including but not limited to, immigration status, nationality, race, ethnicity, citizenship status, color, religion, national origin, ancestry, or association with any protected group. This applies to schoolsites, at school-related events, and through school-owned technology.

TLC promptly and thoroughly investigates complaints of unlawful harassment or discrimination and takes appropriate corrective action when warranted. TLC educates students to respect all peers regardless of protected characteristics and teaches them about bullying's negative impact.

TLC trains teachers, staff, and personnel to recognize their legal duty to eliminate hostile environments and respond to harassment incidents, and informs students who experience hate crimes of their right to report them.

TLC's Uniform Complaint Policy and Procedures and Harassment, Discrimination, Intimidation, & Bullying Policy are available for review upon request and can be found on the school's website.

### **IV. STUDENT INFORMATION COLLECTION AND PROTECTION**

#### **General Principles**

TLC does not request citizenship or immigration documents, information, or proof of citizenship or immigration status for enrollment, other than documents we might review but not retain to establish a child's birthdate. TLC does not collect information about students' or families' citizenship or immigration status except when state or federal law requires it to administer education programs. TLC does not:

- Allow school resources or data to create registries based on race, gender, sexual orientation, religion, ethnicity, or national origin
- Inquire about students' or parents' citizenship or immigration status
- Require documentation that may indicate immigration status (green cards, voter registration, passports, citizenship papers) to the exclusion of other permissible documents
- Use any information the school might possess about immigration status, citizenship status, or national origin to discriminate against students or families or bar children from enrollment

## **Enrollment Documentation**

### **For Proof of Residency, TLC accepts:**

- Property tax bills
- Rental contracts, leases, or payment receipts
- Utility service contracts, statements, or payment receipts
- Pay stubs
- Voter registration
- Correspondence from government agencies
- Declaration of residency executed by parent or legal guardian

### **For Age Verification, TLC accepts:**

- Certified birth record
- Statement by local registrar or county recorder certifying date of birth
- Baptism certificate
- Passport
- When none are available, an affidavit from parent, guardian, or custodian, or other appropriate proof

In most cases, any one document from each category is sufficient. Age-verification documents (e.g. birth certificates or passports) that reveal immigration or citizenship status will be used only to verify age, and will not be retained in the student's education record.

Students experiencing homelessness may enroll even without typical documentation if otherwise eligible, consistent with the McKinney-Vento Homeless Assistance Act.

## **Special Program Information**

When law requires national origin information for special programs (such as language instruction for English learners), TLC collects it separately from enrollment. TLC may ask for (but do not require) place of birth, U.S. entry date, and date first attending U.S. school. TLC does not use this information to discriminate or prevent enrollment if families choose not to provide it.

## **Social Security Information**

TLC does not collect entire social security numbers or cards for enrollment. TLC may request the last four digits of an adult household member's Social Security number only to establish federal benefit program eligibility (such as free or reduced-price meals).

When such information is requested, TLC explains this limited purpose and clarifies that not providing it does not bar enrollment.

For the Free and Reduced-Price Meals form, TLC notifies parents that:

1. If any household member participates in CalFresh, CalWORKs, or FDPIR, no adult needs to provide Social Security number information.
2. If no household member participates in these programs and no adult has a Social Security number, the student can still qualify based on income by checking the "No SSN" box

TLC treats all students equitably in receiving school services, including lunch programs, transportation, and educational instruction.

## **V. SHARING STUDENT INFORMATION**

### **General Policy**

TLC requires written parental consent (or consent from students aged 18+) before releasing personally identifiable student information, except when FERPA permits disclosure without consent (such as directory information or information relevant to legitimate educational interests).

TLC's requests for written consent include:

- Parent, guardian, or eligible student's signature and date
- Description of records disclosed
- Reason for release
- Parties receiving the information
- If requested, a copy of the records

Parents may choose to withhold such consent, in which case TLC does not release it. TLC permanently keeps consent notices with record files.

TLC avoids disclosing information that might indicate a student's or family's citizenship or immigration status unless the Family Educational Rights and Privacy Act (FERPA), other federal or state law, or a valid court order, warrant, or subpoena authorizes it. TLC provides parent or guardian notification before responding to court orders, warrants, or subpoenas, except for child abuse/neglect investigations or when the subpoena, warrant, or order prohibits disclosure.

FERPA exceptions do not authorize disclosure for immigration enforcement purposes. Immigration enforcement does not serve a legitimate educational interest, and immigration status is not directory information.

Families can review our complete Education Records and Student Information Policy upon request and/or on the school website. TLC provides annual notice of this policy, including directory information and opt-out rights.

### **Immigration Enforcement Officers**

Unless required by a valid judicial warrant or subpoena, or other court order, TLC does not disclose student education records or any personally identifiable information about students or their families—in any form—to immigration enforcement officers conducting an immigration enforcement action without written parental consent, including students' home address and travel schedules.

When a valid judicial warrant, subpoena, or other court order requires disclosure, TLC notifies parents or guardians as soon as practicable.

### **Response to Information Requests**

When TLC receives information requests related to immigration or citizenship status of a student, staff:

1. Notify a designated school official
2. Provide students and families appropriate notice and description of the request
3. Document verbal or written requests from immigration authorities
4. Unless prohibited, provide students and parents copies of documents issued by immigration enforcement officers

## **VI. CAMPUS ACCESS FOR IMMIGRATION ENFORCEMENT**

Consistent with California law, TLC does not permit immigration enforcement officers to enter nonpublic areas of a school site for immigration enforcement activity unless they present a valid judicial warrant or court order. If a law enforcement official presents such documentation, TLC requests they not interrupt students and faculty during class time and instead wait until a designated break period.

### **Response Procedures**

Staff notify the school site administrator or designee as soon as practicable about any immigration enforcement official request for student access, campus access, or document review.

Staff take these steps when an immigration or any other law enforcement official arrives at a schoolsite:

1. **Initial Contact:** Explain to the official that staff must first notify and receive direction from the site administrator
2. **Purpose:** Ask and document the official's stated reason for being at the schoolsite
3. **Documentation:** Request and copy the officer's credentials (name and badge number) and supervisor's phone number, and to produce documentation authorizing schoolsite access
4. **Record Keeping:** Make and retain copies of documentation the official produces
5. **Exigent Circumstances:** If the official declares exigent circumstances (such as a felony in progress on the schoolsite) and demands immediate access, comply with orders and immediately contact the site administrator
6. **Levels of Response:** If no exigent circumstances exist, respond according to the official's documentation:
  - o **ICE or other administrative warrant:** For warrants not signed by a judge, do not permit entry to nonpublic areas of the schoolsite. Refer to the site administrator.
  - o **Judicial/court-issued warrant or court order:** Compliance is usually required to follow what is described in the court-issued order. When feasible, consult school site administrator or legal counsel for next steps
  - o **Subpoena:** Physical access to the school site is not required. Subpoenas seek documents. Inform the school site administrator and await instructions. Do not permit entry to nonpublic areas
7. **Cooperation Without Consent:** While staff should not consent to access except as described above, they should not physically impede law enforcement officials, even if officials appear to exceed warrant authorization. Document law enforcement officials' actions if they enter without consent
8. **Parental Notification:** The school site administrator may notify the student's parent or guardian's consent if a law enforcement official requests or gains access to a student for immigration enforcement, unless access is pursuant to a judicial warrant.
9. **Required Notifications:**
  - o The Executive Director or designee submits a timely report to the Board of Directors regarding immigration enforcement requests, actions, and TLC's responses, ensuring confidentiality of potentially identifying information
  - o The Executive Director or designee emails the Bureau of Children's Justice at [BCJ@doj.ca.gov](mailto:BCJ@doj.ca.gov) regarding any immigration enforcement official's attempt to access the school site or a student
  - o TLC follows its Comprehensive School Safety Plan procedures for notifying parents, guardians, students, teachers, administrators, and staff when TLC confirms immigration enforcement presence on campus

## VIII. SUPPORT FOR AFFECTED FAMILIES

### Emergency Preparedness

TLC encourages families to have emergency phone numbers and know where they keep important documentation (birth certificates, passports, Social Security cards, doctors' contacts, medication lists, allergy lists) to prepare for potential family member detention or deportation.

TLC permits and encourages students and families to update emergency contact information throughout the school year and provide alternative contacts when no parent or guardian is available. Families may include a trusted adult guardian as a secondary or tertiary emergency contact in case parents or guardians are detained. TLC uses emergency card information only for specified emergencies, not for other purposes.

### **Caregiver Authorization Affidavits**

TLC encourages families to support relative caregivers in completing a Caregivers Authorization Affidavit. TLC will rely on a signed, completed Affidavit to allow an authorized caregiver to enroll a student in school and to consent to school-related medical care. A parent's signature is not required on the Caregiver Authorization Affidavit. This form is available [HERE](#).

### **When Parents Are Detained or Deported**

If immigration authorities detain or deport a student's parent or guardian, TLC:

- Uses the student's emergency card contact information to release the student to designated emergency contacts
- Releases the student to an adult presenting a Caregiver's Authorization Affidavit on the student's behalf
- Contacts child protective services if the school cannot arrange timely care through emergency contacts, a Caregiver's Authorization Affidavit, or other parent-provided information or instructions

### **Family Safety Plans**

TLC encourages families to develop Family Safety Plans to store at known locations. These plans identify trusted adults who can care for students if parents or guardians cannot. Students should know who their trusted adult is, that this person is their contact if parents are detained or deported, and how to reach them.

### **Additional Resources**

When a family member is detained, TLC may refer students and families to:

**ICE Detainee Locator** (<https://locator.ice.gov/odls#/search>)

- Helps determine if and where family members are detained
- Requires date of birth and Alien Registration Number (A-Number) if available
- **Note:** Use this only to locate detained individuals. TLCA never refers students, parents, or guardians to ICE or immigration enforcement for general immigration status questions

### **Legal Assistance**

- Legal aid organizations may secure detained parents' release or arrange student visits
- California organizations accredited by the Board of Immigration Appeals:  
<https://www.justice.gov/eoir/recognition-accreditation-roster-reports>
- California court Self-Help Centers for family law assistance:  
<http://www.courts.ca.gov/selfhelp-selfhelpcenters.htm>
- Legal aid offices and lawyer referral services: <http://www.courts.ca.gov/1001.htm>

### **Consulates or Embassies**

- The parent's or guardian's country of origin may offer additional information and assistance

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