

RESPONSE TO IMMIGRATION ENFORCEMENT

The Governing Board is committed to the success of all students and believes that every school site should be a safe and welcoming place for all students and their families irrespective of their citizenship or immigration status.

The guidelines in this policy and in the related regulation apply to all officials and employees of the District and to every program operated by it.

The Superintendent or Assistant Superintendent shall notify parents/guardians regarding their children's right to a free public education regardless of immigration status or religious beliefs and their rights related to immigration enforcement. (Education Code 234.7)

District staff shall not solicit or collect information or documents regarding the citizenship or immigration status of students, their family members, or households or provide assistance with immigration enforcement at district schools, except as may be required by state and federal law.

(Education Code 234.7)

(cf. 5111 – Admission)

(cf. 5111.1 – District Residency)

In accordance with law, Board Policy 0410 – Nondiscrimination in District Programs and Activities, and Board Policy 5145.3 – Nondiscrimination/Harassment, and the guidance provided by the California Attorney General, the District shall notify parents and guardians of their children's right to a free public education, regardless of immigration status or religious beliefs. Additionally, the District shall inform students and families of their rights, including students who are victims of hate crimes of their right to report such crimes.

No student shall be denied equal rights and opportunities, nor be subjected to unlawful discrimination, harassment, intimidation, or bullying in the district's programs and activities on the basis of the student's or their family's immigration status or for the refusal to provide related information. (Education Code 200, 220, 234.1)

Resources and data collected by the district shall not be used directly or by others to compile a list, registry, or database of individuals based on national origin, immigration status, religion, or other category of individual characteristics protected against unlawful discrimination. (Government Code 8310.3)

District and school staff will not, to the extent practicable, disclose or provide to an officer or an employee of an agency conducting immigration enforcement—in writing, verbally, or in any other manner—the following records, unless they are presented with a valid judicial warrant, judicial subpoena, or court order directing them to produce the records—and have the parent, guardian, or eligible student's written consent to do so. This includes *personal information*, as defined in Civil Code

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section 1798.3(a), which means any information that is maintained by an agency that identifies or describes an individual, including, but not limited to, the individual's name, social security number, physical description, home address, home telephone number, education, financial matters, and medical or employment history. It includes statements made by, or attributed to, the individual. It shall also include information about a pupil's home and information about a pupil's travel schedule. It includes statements made by, or attributed to, the individual.

(cf. 5145.6 – Parental Notification)

The Superintendent or Assistant Superintendent shall develop procedures for addressing any immigration-related requests by a law enforcement officer for access to district records, school sites, or students. (cf. 1340 – Access to District Records)

(cf. 3580 – District Records)

(cf. 5125 – Student Records)

(cf. 5125.1 – Release of Directory Information)

Teachers, school administrators, and other school staff shall receive training regarding immigration issues, including information on responding to a request from a law enforcement officer to visit a school site or to have access to a student.

(cf. 4131 – Staff Development)

(cf. 4231 – Staff Development)

(cf. 4331 – Staff Development)

The Superintendent or Assistant Superintendent shall report to the Board in a timely manner any requests for information or access to a school site by an officer or employee of a law enforcement agency for the purpose of enforcing the immigration laws. Such notification shall be provided in a manner that ensures the confidentiality and privacy of any potentially identifying information. (Education Code 234.7)

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Legal Reference:

EDUCATION CODE

200 Educational equity
220 Prohibition of discrimination
234.1 Safe Place to Learn Act
234.7 Student protections relating to immigration and citizenship status
48204.4 Evidence of residency for school enrollment
48980 Parental notifications
48985 Notices to parents in language other than English

GOVERNMENT CODE

8310.3 California Religious Freedom Act

PENAL CODE

422.55 Definition of hate crime
627.1-627.6 Access to school premises, outsiders

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

COURT DECISIONS

Plyler v. Doe, 457 U.S. 202 (1982)

Management Resources:

CSBA PUBLICATIONS

Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status, February 2017

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CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS

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, April 2018

WEB SITES

CSBA: <http://www.csba.org>

California Office of the Attorney General: <http://oag.ca.gov>

California Department of Education: <http://www.cde.ca.gov>

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

California Department of Justice: <http://www.justice.gov>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

U.S. Immigration and Customs Enforcement: <http://www.ice.gov>

U.S. Immigration and Customs Enforcement, Online Detainee Locator System:
<http://locator.ice.gov/odIS>