

RESPONSE TO IMMIGRATION ENFORCEMENT

Annual Notification of Educational Rights

In accordance with law and Board Policy 5125 – Student Records, the Superintendent or Assistant Superintendent shall annually notify parents/guardians that the district will follow the guidelines provided in the Know Your Educational Rights document published by the California Attorney General. This document will also be published in the District's parent and student handbook, and it will be posted on District and school websites in every language provided by the Attorney General.

Plans for Family Safety

Annually, the District and each school will provide students and their families information about caregiver authorization affidavits in Family Code Section 6552 and the importance of families providing schools with and regularly updating emergency contact information including secondary and additional contact information as part of creating a plan for family safety.

1. The District 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.
2. The District 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.
3. The District 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.

Responding to Requests for Information

Unless authorized by the Family Educational Rights and Privacy Act (FERPA) pursuant to 20 USC 1232g, staff, student, family, or household information shall not be disclosed to immigration law enforcement authorities without parental or an eligible student's written, signed and dated consent, a court order, or a judicial subpoena lawfully signed by a federal judge or magistrate. The Superintendent and Principal shall annually notify parents/guardians that the district will not release student information to third parties for immigration enforcement purposes, unless the parent/guardian consents or as required to do so by a court order or judicial subpoena. When presented with a request to disclose any personal information of a student, agency personnel receiving the request are not obligated to immediately produce information. Instead, the official should accept the request and consult the agency's legal counsel for legal advice.

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(cf. 1340 - Access to District
Records) (cf. 3580 - District
Records)
(cf. 5125 - Student Records)
(cf. 5125.1 - Release of Directory Information)

To obtain written consent, the release of student information shall include the following information:

1. The signature and signature date of the parent/guardian or eligible student
2. A description of the records to be disclosed
3. The reason for the release of information
4. The parties or class of parties receiving the information
5. A copy of the records to be released, if requested by the parent/guardian or student

Upon receiving any verbal or written request for information related to a student's or family's immigration or citizenship status, district staff shall:

1. Record or otherwise document the request and notify the Superintendent or Assistant Superintendent about the request
2. Provide the student's parent/guardian or, if the student is at least 18 years old or attending an institution of post secondary education, with notice, a description of the request, and any documentation provided to the district describing the request, unless prohibited by a court order, judicial subpoena/warrant, or in cases involving investigation of child abuse, neglect, or dependency

In addition, District or school staff receiving a request shall:

1. Document any request for information by immigration authorities
2. Provide students and parents/guardians with any documents provided by the immigration enforcement officer, unless such disclosure is prohibited by a subpoena served on the district or in cases involving investigations of child abuse, neglect, or dependency

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3. Keep all signed permission forms and any related court order or a judicial subpoena lawfully signed by a federal judge or magistrate on file permanently

(cf. 5141.4 - Child Abuse Prevention and Reporting)

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)

Responding to Requests for Access to Students or School Grounds

District staff shall receive parent/guardian consent or an eligible student's consent, before a student is interviewed seeking to enforce civil immigration laws at the school, unless the officer presents a valid, effective lawful warrant signed by a federal judge or magistrate or a valid, effective court order.

A student's parent/guardian shall be immediately notified if when a law enforcement officer requests or is able to interview, search, detain, or otherwise interact with the student for immigration enforcement purposes, unless prohibited by a court order of a judicial warrant, or in cases involving investigations of child abuse, neglect, or dependency. (Education Code 48906)

(cf. 5145.12 - Search and Seizure)

All visitors and outsiders, including immigration enforcement officers, shall register with the principal or assistant principal upon entering school grounds during school hours. Each visitor or outsider shall provide the principal or assistant principal with his/her name, address, occupation, age if less than 21, purpose in entering school grounds, proof of identity, and any other information required by law. (Penal Code 627.2, 627.3)

(cf. 1250 - Visitors/Outsiders)

District staff shall report the presence of any immigration enforcement officers to the on-site School Resource Officer, site administration and the Superintendent's office.

(cf. 3515.3 - District Police/Security Department)

As early as possible, district staff shall notify the Superintendent or Assistant Superintendent of any request by an immigration enforcement officer for access to the school or a student or for review of school documents, including service of

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lawfully signed subpoenas, petitions, complaints, warrants, or other such documents.

In addition, district staff shall take the following actions in response to an officer present on the school campus specifically for immigration enforcement purposes:

1. Advise the officer that before school personnel can respond to the officer's request, they must first receive notification and direction from the Superintendent or designee Assistant Superintendent
2. Ask to see and record the officer's credentials, including his/her name and badge number, and the phone number of the officer's supervisor, and note or make a copy of all such information
3. Ask the officer for his/her reason for being on school grounds and document the response
4. Request that the officer produce any documentation that authorizes his/her access to public areas of a school or District site. Access to any non-public area of a school or District site is prohibited unless the person seeking entry provides a valid judicial warrant, judicial subpoena, or a court order. Additionally, the Superintendent or Assistant Superintendent may consult with legal counsel or challenge the validity of a warrant, subpoena, or a court order in a court of competent jurisdiction.
5. Make a copy of all documents produced by the officer and retain one copy for school records
6. If the officer declares that exigent circumstances exist and demands immediate access to the campus, immediately contact the Superintendent or Assistant Superintendent
7. If the officer does not declare that exigent circumstances exist, respond according to the requirements of the officer's documentation, as follows:
 - a. If the officer has an Immigrations and Customs Enforcement (ICE) administrative warrant, district staff shall inform the agent that they cannot consent to any request without first consulting with the district's legal counsel or the Superintendent's office.
 - b. If the officer has a federal judicial warrant, such as a search and seizure warrant lawfully signed by a federal judge or magistrate or an arrest warrant lawfully signed by a federal judge or magistrate, district staff shall comply with the warrant. District staff shall consult with the district's legal counsel or designated administrator

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before providing the officer with access to the person or materials specified in the warrant.

- c. If the officer has a subpoena for production of documents or other evidence, district staff shall inform the district's legal counsel and Superintendent's office of the subpoena and await further instructions as to how to proceed.
8. Do 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, district staff shall document the officer's actions while on campus. If feasible, the Principal or Assistant Principal will accompany the law enforcement officer.
9. After the encounter with the officer, promptly make written notes of all interactions with the officer, including:
 - a. A list or copy of the officer's credentials and contact information
 - b. The identity of all school personnel who communicated with the officer
 - c. Details of the officer's request and activities
 - d. Whether the officer presented a warrant or subpoena to accompany his/her request, what was requested in the warrant or subpoena, and whether the warrant or subpoena was lawfully signed by a federal judge or magistrate
 - e. District staff's response to the officer's request
 - f. Any further action taken by the office
 - g. A photo or copy of any documents presented by the officer
10. Provide a copy of these notes and associated documents collected from the officer to the district's legal counsel or other designated district official

The district's legal counsel or Superintendent shall submit a timely report to the Governing Board regarding the officer's requests and actions and the district's responses. (Education Code 234.7)

The Superintendent or Principal shall also email the Bureau of Children's Justice in the California Department of Justice (BCJ@doj.ca.gov) regarding any attempt by a law enforcement officer to access a school site or a student for immigration enforcement purposes.

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

The Superintendent and Principal shall encourage students and their families to update their emergency contact information as needed throughout the school year and to provide alternative contacts, including an identified trusted adult guardian, in case a student's parent/guardian is detained or is otherwise unavailable. The Superintendent or Principal shall notify students' families that information provided on the emergency cards will only be used in response to specific emergency situations and not for any other purpose.

(cf. 5141 - Health Care and Emergencies)

The Superintendent or Principal shall also encourage all students and families to learn their emergency phone numbers and be aware of the location of important documentation, including birth certificates, passports, social security cards, physicians' contact information, medication lists, lists of allergies, and other such information that would allow the students and families to be prepared in the event that a family member is detained or deported.

In the event that a student's parent/guardian is detained or deported by federal immigration authorities, the Superintendent or Principal shall release the student to the person(s) designated in the student's emergency contact information or to any individual who presents a caregiver's authorization affidavit on behalf of the student. The Superintendent or Principal shall only contact child protective services if district personnel are unable to arrange for the timely care of the student by the person(s) designated in the emergency contact information maintained by the school or identified on a caregiver's authorization affidavit.

The Superintendent or Principal shall notify a student whose parent/guardian was detained or deported that the student continues to meet the residency requirements for attendance in a district school, provided that the parent/guardian was a resident of California and the student lived in California immediately before he/she moved out of state as a result of the parent/guardian's departure. (Education Code 48204.4)

(cf. 5111.1 - District Residency)

The Superintendent or Principal may refer a student or his/her family members to other resources for assistance, including, but not limited to, an ICE detainee locator, legal assistance, or the consulate or embassy of the parent/guardian's country of origin.