

1754 Policy Regarding Immigration Enforcement Activity

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The Board of Directors of Altus Schools Southern California, a California nonprofit public benefit corporation operating Audeo Charter School II, Audeo Valley Charter School, Altus Schools Coachella Valley, Altus Schools East County, Altus Schools Mirus, Altus Schools North County, and Altus Schools South Bay hereafter collectively referred to as “Charter School” or “School”, hereby recognizes and honors the attainment of education for the betterment of the individual and the community, and is committed to fostering a positive school environment in which students, educators, and staff feel safe, welcomed, supported, and connected.

Charter School will provide a safe, secure, and peaceful learning environment for all students and staff. Charter School defines sensitive or safe locations to include its schools, official activities of its schools, including those occurring in public places and adjacent areas, and all of Charter School property, included but not limited to, facilities owned, controlled by, or leased by Charter School. Where outside contractors or service providers (particularly school resource officers) are regularly present at sensitive or safe locations or have access to student information, Charter School shall seek commitments from those parties not to facilitate immigration enforcement at any of the Charter School’s sensitive or safe locations unless required by law. For purposes of this policy, “nonpublic areas” means areas of the Charter School campus where students are not generally permitted without authorization, including but not limited to classrooms, administrative offices, counseling spaces, staff work areas, and other areas not open to the general public.

Charter School 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.

Charter School 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>.

Charter School also provides information about children's educational rights as contained in this Policy, to all families upon enrollment and/or with the Student/Family Handbook.

All notices provided to parents pursuant to this Policy shall be language-accessible in compliance with state and federal laws. Enrollment, registration, and uniform complaint procedures information provided on the Charter School website shall be language-accessible in compliance with state and federal laws.

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.

Responding to Hate Crimes and Bullying

Charter School has adopted and publicized a *Harassment, Intimidation, Discrimination, and Bullying Policy* and provides annual notice of same to families. The Policy expressly prohibits discrimination, harassment, intimidation, and bullying based on the actual or perceived characteristics set forth in Section 422.55 of the Penal Code, including immigration status, and Section 220 of AB 699, and disability, gender, gender identity, gender expression, nationality, race or ethnicity, immigration or citizenship status, religion, religious affiliation, creed, color, citizenship, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation, pregnancy, childbirth or related medical conditions, association with a person or group with one or more of these actual or perceived characteristics, or any other basis protected by federal, state, local law, ordinance, or regulation. The Policy is inclusive of instances that occur on any area of the school campus, at school-sponsored events and activities, regardless of location, through school-owned technology, and through other electronic means. In accordance with the *Harassment, Intimidation, Discrimination, and Bullying Policy* and its *Uniform Complaint Policy and Procedures*, Charter School will promptly and thoroughly investigate any complaint of unlawful harassment, discrimination, intimidation, or bullying that constitute a hate crime or are otherwise based on actual or perceived characteristics listed above, and take appropriate corrective action, if warranted.

Charter School advises students that hateful and/or demeaning behavior is inappropriate and unacceptable in our society and at Charter School and encourages students to practice compassion and respect each other. Charter School educates students to accept all student peers regardless of protected characteristics (including but not limited to actual or perceived religion, immigration status, or citizenship) and about the negative impact of bullying other students based on these protected characteristics.

Charter School shall train teachers, staff, and personnel to ensure that they are aware of their legal duty to take reasonable steps to eliminate a hostile environment and respond to any incidents of harassment based on the actual or perceived characteristics noted above.

Charter School shall inform students who are victims of hate crimes of their right to report such crimes. Complete copies of the *Uniform Complaint Policy and Procedures* and the *Harassment, Discrimination, Intimidation, and Bullying Policy* are available for review at the administration office.

Gathering and Managing Student and Family Information

School has adopted an *Educational Records and Student Information Policy* to apply to all educational records and student information maintained by Charter School and provides annual notice of same to all families. Appropriate personnel shall receive training regarding those policies and procedures.

Additionally, Charter School shall observe the following:

- Except as required by state or federal law or as required to administer a state or federally supported education program, Charter School officials and employees will not collect information or documents regarding citizenship or immigration status of students or their family members.
- If Charter School possesses information that could indicate immigration status, citizenship status, or national origin information, Charter School will not use the acquired information to discriminate against any student 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, Charter School will not use such actions as a basis to discriminate against any students or families or bar children from enrolling or attending school.
- Charter School will not allow school resources or data to be used to create a registry based on race, gender, sexual orientation, religion, ethnicity, or national origin.
- Charter School will 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.

Admissions and Enrollment

As a charter school, Charter School is open to all students who wish to attend, regardless of residency. Notwithstanding this and where permitted by law, Charter School shall accept 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.

Charter School will accept the following list of documents as reasonable evidence of residency:

- Property tax payment receipts
- Rental property contract, lease, or payment receipts
- Utility service contract, statements, or payment receipts
- Pay stubs
- Voter registration
- Correspondence from a government agency
- Declaration of residency executed by the parent or legal guardian of the student
- Note: documents, information, or proof relating to citizenship or immigration status of students will never be requested for the enrollment process.

However, please note: (1) that parents and guardians are not required to provide each and every document listed and that (2) in accordance with the McKinney-Vento Homeless Assistance Act, Charter School will immediately enroll a homeless child or youth even if he or she is unable to provide proof of residency or age or other documentation normally required for enrollment.

Charter School will accept the following list of documents as reasonable evidence of age:

- Certified copy of birth record
- Statement by the local registrar or county recorder certifying date of birth
- Baptism certificate
- Passport
- When none of the foregoing is obtainable, an affidavit of the parent, guardian, or custodian, or any other appropriate means of proving the child's age.

Documents, information, or proof relating to citizenship or immigration status of students will never be requested for the enrollment process. Where any law requires submission of national origin related information

to satisfy the requirements of a special program, Charter School personnel will solicit that documentation or information separately from the enrollment process.

Social Security Information:

Charter School will not collect entire social security numbers or cards or a statement that the parent or guardian does not possess a Social Security number for the purposes of enrollment, and failure to provide this information will not bar a student from enrolling or attending Charter School. However, the last four digits of an adult household member's Social Security number may be solicited and/or collected if required to establish eligibility for federal benefit programs such as free or reduced-price meals. This Social Security information will only be collected for the limited purpose of establishing eligibility for federal benefit programs and will not affect student enrollment. If no adult household member has a Social Security number, the student still can qualify for free or reduced-price meals, if the family meets the income eligibility requirements.

Sharing Student and Family Information

Charter School will 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 the Family Educational Rights and Privacy Act (FERPA) or a valid court order, warrant, or subpoena. Charter School requires written parental or guardian consent for release of student information unless the information is relevant for a legitimate education 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. A copy of the complete *Education Records and Student Information Policy* is available for review in the administration office.

Charter School's request for written parental or guardian consent for release of student information must include:

- (a) The signature and date of the parent, guardian, or eligible student providing consent;
- (b) A description of the records to be disclosed;
- (c) The reason for the release of information;
- (d) The parties or class of parties receiving the information; and
- (e) If requested by the parents, guardians, or eligible student, a copy of the records to be released.

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 this not otherwise subject to release, Charter School shall not release the information. Charter School will permanently keep the consent notice with the record file.

Charter School personnel shall take the following steps upon receiving an information request related to a student's or family's immigration or citizenship status:

- (a) Notify a designated Charter School official about the information request.
- (b) Provide students and families with appropriate notice and a description of the immigration officer's request.
- (c) Document any verbal or written request for information by immigration authorities.

- (d) Unless prohibited, provide students and parents/guardians with any documents issued by the immigration-enforcement officer.

Charter School will not release information to third parties for immigration-enforcement purposes, except as required by law or valid court order, warrant, or subpoena. Except for investigations of child abuse, child neglect, or child dependency, or when the subpoena served on the local educational agency prohibits disclosure, Charter School shall provide parental or guardian notification of any court orders, warrants, or subpoenas before responding to such requests.

Responding to Immigration Enforcement on Campus

No visitor – including immigration-enforcement officers – shall enter any nonpublic area of the Charter School without a valid judicial warrant, judicial subpoena, or court order, except as otherwise required by law. In addition, no visitor shall remain on school grounds of the Charter School during school hours without having first registered with the principal or designee. If there are no exigent circumstances (such as a felony in progress on the schoolsite) necessitating immediate action, and if the immigration officer does not possess a judicial warrant, judicial subpoena, or court order that provides a lawful basis for the visit, the officer must provide the following information to the principal or designee:

1. Name, address, and occupation;
2. Age, if less than 21;
3. Purpose of entering school grounds;
4. Proof of identity; and
5. Any other information as required by law

Charter School requires that any visitor, including immigration enforcement officers, must not interrupt students and faculty during class time for immigration enforcement or other purposes, and must instead wait until a designated break period prior to or following a class period to carry out their judicial warrant or court order. A complete copy of the Charter School *Visitor and Volunteer Policy* is available for review in the administration office. Charter School has posted signs at the entrance of its school grounds to notify outsiders of the hours and requirements for registration.

Procedures for Responding to On-Campus Immigration Enforcement

As early as possible, Charter School personnel will notify the Superintendent or designated administrator of any request by an immigration-enforcement officer for student access or access to school grounds for purposes related to immigration enforcement, or any requests for review of school documents (including for the services of lawful subpoenas, petitions, complaints, warrants, etc.

In addition, Charter School personnel will take the following 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 (such as a felony in progress on the schoolsite), school personnel must first receive notification and direction from the Deputy Superintendent School Services and Founding Director.
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 his/her reason for being on school grounds and document it.
4. Ask the officer to produce documentation that authorizes school access to nonpublic areas

5. Make a copy of all documents provided by the officer. Retain one copy of the documents for the school records.
6. If the officer declares that exigent circumstances (such as a felony in progress on the schoolsite) exist and demands immediate access to the campus, Charter School personnel should comply with the officer's orders and immediately contact the Deputy Superintendent School Services and Founding Director.
7. If the officer does not declare that exigent circumstances exist, Charter School personnel shall first determine whether the officer's request involves access to any nonpublic area of the campus and respond according to the requirements of the officer's documentation. If the immigration-enforcement officer has:
 - a. **An ICE warrant**, Charter School personnel shall inform the agent that he or she cannot consent to any request without first consulting with the Charter School's counsel or other designated agency official
 - b. **A federal judicial warrant or court order**, such as a search-and-seizure warrant or an arrest warrant or order; prompt compliance is usually legally required. If feasible, consult with the Charter School's legal counsel or designated administrator before providing the agent access to the person or materials specified in the warrant
 - c. **Subpoena** for production of documents or other evidence
 - i. Neither physical access to the schoolsite nor immediate compliance is not required. Therefore, Charter School personnel shall inform the Charter School's legal counsel or other designated official of the subpoena, and await further instructions on how to proceed
8. While Charter School personnel should not consent to access by an immigration-enforcement officer, except as described below, he/she should not attempt to physically impede the officer, even if the officer appears to be exceeding authorization given under a warrant or document. If an officer enters the premises without consent, Charter School personnel shall document his or her actions while on campus
9. After the encounter with the officer, the Charter School shall promptly take written notes of all interactions with the officer. The notes shall include the following items:
 - a. List or copy of the officer's credentials and contact information;
 - b. Identity of all school personnel who communicated with the officer;
 - c. Details of the officer's request;
 - d. 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;
 - e. Charter School personnel's response to the officer's request;
 - f. Any further action taken by the agent; and
 - g. Photo or copy of any documents presented by the agent
10. Charter School personnel shall provide a copy of those note, and associated documents collected from the officer, to the Charter School's legal counsel or other designated agency official.

11. In turn, Charter School's legal counsel or other designated official shall submit a timely report to the Charter School Board of Directors regarding the officer's requests and actions and Charter School's response(s).
12. E-mail the Charter School Board of Directors and Bureau of Children's Justice in the California Department of Justice, at BCJ@doj.ca.gov, regarding any attempt by a law-enforcement officer to access a school site or a student for immigration-enforcement purposes

Charter School personnel shall notify the student's parents or guardians as soon as practicable 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 the Detention or Deportation of a Student's Family Member

Charter School shall encourage that families and students have and know their emergency phone numbers and 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.

Charter School shall permit and encourage students and families to update students' emergency contact information as needed throughout the school year, and provide multiple alternative contacts if no parent or guardian is available. Charter School shall ensure that families may include the information of an identified trusted adult guardian as a secondary or tertiary emergency contact in case a student's parent or guardian is detained. Charter School 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, Charter School shall use the student's emergency card contact information and release the student to the person(s) designated as emergency contacts. Alternatively, Charter School shall release the student into the custody of any individual who presents a Caregiver's Authorization Affidavit on behalf of the student.

Charter School 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.

Family Safety Plan

To the extent possible, Charter School will facilitate a family's development of a *Family Safety Plan* to be stored at a location known by the student. Such a plans may identify a trusted adult who can care for the student if no parent or guardian can do so. Students should know that the trusted adult is the person who the student should contact if his or her parents and/or guardians are detained or deported, and how to reach the trusted adult.

A parent's signature is not required on the Caregiver Authorization Affidavit. This form is available [HERE](#).

Additional Resources

In the event that a student's family member is detained, Charter School may refer the student and his or her family members to other resources, including, but not limited 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. WCPA never refers students, parents, or guardians to ICE or immigration enforcement for general immigration status questions