



## **San Jose Charter Academy**

# **Responding to On-Campus Immigration Enforcement Policy**

As early as possible, San Jose Charter Academy personnel shall notify the Superintendent/Principal or designated administrator of any request by any officer seeking access to the school site or any student to conduct immigration enforcement, or any requests for review of school documents (including for the service of lawful subpoenas, petitions, complaints, warrants, etc.).

In addition to notifying the Superintendent/Principal or designated administrator, San Jose Charter Academy personnel shall take the following action steps in response to an officer present on the school campus specifically for immigration enforcement purposes:

- Advise the officer that before proceeding with their request, and absent exigent circumstances, school personnel must first receive notification and direction from the Superintendent/Principle or designee.
- 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.
- Ask the officer for their reason for being on school grounds and document it.
- Ask the officer to produce any documentation that authorizes school access.
- Make a copy of all documents provided by the officer. Retain one copy of the documents for school records.
- If the officer declares that exigent circumstances exist and demands immediate access to the campus, school personnel should comply with the officer's orders and immediately contact the Superintendent/Principal or other administrator.
- If the officer does not declare that exigent circumstances exist, respond according to the requirements of the officer's documentation. If the officer has:
  - an ICE (Immigrations and Customs Enforcement) administrative, school personnel shall inform the officer that they cannot consent to any request without first consulting with the school's legal counsel or other designated agency official.
  - a federal judicial warrant (search-and-seizure warrant or arrest warrant; prompt compliance with such a warrant is usually legally required. If feasible, consult with the school'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 immediate compliance is not required. Therefore, school personnel shall inform San Jose Charter Academy's legal counsel or other designated official of the subpoena, and await further instructions on how to proceed.



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- While school personnel should not consent to an officer seeking access for immigration enforcement purposes, except as described above, 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, school personnel shall document their actions while on campus and if feasible, accompany them at all times.
- After the encounter with the officer, school personnel shall promptly take written notes of all interactions with the officer. The notes shall include the following items:
  1. List or copy of the officer's credentials and contact information;
  2. Identity of all school personnel who communicated with the officer;
  3. Details of the officer's request;
  4. Whether the officer presented a warrant or subpoena to accompany their request, what was requested in the warrant/subpoena, and whether the warrant/subpoena was signed by a judge;
  5. School personnel's response to the officer's request;
  6. Any further action taken by the agent; and
  7. Photo or copy of any documents presented by the agent.
- School personnel shall provide a copy of those notes, and associated documents collected from the officer, to the school's legal counsel or other designated agency official.
- In turn, the school's legal counsel or other designated official shall submit a timely report to the school's governing board regarding the officer's requests and actions and the school's response(s).
- E-mail the Bureau of Children's Justice in the California Department of Justice, at [BCJ@doj.ca.gov](mailto:BCJ@doj.ca.gov), regarding any attempt by an officer or employee of an agency to access a school site or a student for immigration enforcement purposes.