

San Bernardino County Superintendent of Schools Policy 5145.13

Response to Immigration Enforcement

The San Bernardino County Superintendent of Schools (SBCSS) is committed to the success of all students and to providing a safe and welcoming place for students, their families, and staff irrespective of their citizenship or immigration status.

Unless required by state or federal law, required to administer a state or federally supported educational program, or presented with a valid judicial subpoena, judicial warrant, or court order, it is prohibited to do any of the following:

1. Solicit or collect information or documents regarding the citizenship or immigration status of a student or the student's family members (Education Code 234.7)
2. Seek or require information or documents, to the exclusion of other permissible information or documents, regarding the citizenship or immigration status of a student or the student's family members (Education Code 234.7)
3. To the extent practicable, disclose or provide in writing, verbally, or in any other manner to an officer or employee of an agency conducting immigration enforcement:
 - a) The education records of or any information about a student or a student's family or household such as personal information as defined in Civil Code 1798.3, information about a student's home, or information about a student's travel schedule without parent/guardian written consent (Education Code 234.7)
 - b) The personnel records of any SBCSS employee, personal information of any SBCSS employee as defined in Civil Code 1798.3, or any other confidential employee information (Education Code 234.7; Government Code 7285.2)
4. Grant permission to an officer or employee of an agency conducting immigration enforcement to enter a school bus, any other transportation provided by the SBCSS, a nonpublic area of any SBCSS property or facility, or a nonpublic area where any SBCSS-sponsored program or activity is occurring (Education Code 234.7; Government Code 7285.1)

Any school official or employee of a local educational agency shall, to the extent practicable, request valid identification from an officer or employee of an agency conducting immigration enforcement seeking to enter a nonpublic area of a school site.

However, an officer or employee of an agency conducting immigration enforcement who nonetheless enters SBCSS-provided transportation, a nonpublic area of any SBCSS property or facility, or a nonpublic area where any SBCSS-sponsored program or activity is occurring shall not be obstructed, interfered with, or otherwise impeded.

SBCSS employees shall report to the County Superintendent of Schools or designee, in a timely manner and in accordance with Education Code section 234.7, any requests by an officer or employee of an agency conducting immigration enforcement for any of the following: (Education Code 234.7)

1. Education records of or any information about a student or a student's family or household
2. Personnel records of any SBCSS employee, personal information of any SBCSS employee as defined in Civil Code 1798.3, or any other confidential employee information
3. Permission to enter a school bus, any other transportation provided by the SBCSS, a nonpublic area of any SBCSS property or facility, or a nonpublic area where any SBCSS-sponsored program or activity is occurring

Such reports shall be provided in a manner that ensures the confidentiality and privacy of any potentially identifying information. (Education Code 234.7)

In accordance with law, SBCSS Policy 0410 - Nondiscrimination in County Office Programs and Activities, and SBCSS Policy 5145.3 - Nondiscrimination/Harassment, no student shall be denied equal rights and opportunities, nor be subjected to unlawful discrimination, harassment, intimidation, or bullying in the SBCSS's programs and activities on the basis of the student's or family's immigration status or for the refusal to provide information related to the student's or family's immigration status. SBCSS Shall educate pupils about the negative impact of bullying other pupils based on their actual or perceived immigration status or their religious beliefs and customs. (Education Code 200, 220, 234.1, 234.7)

Resources and data collected by the SBCSS 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)

Parents/guardians shall be provided with information and notifications as specified in Education Code 234.7, including information regarding their children's right to a free public education regardless of immigration status or religious beliefs and their rights related to immigration enforcement.

Complaints alleging unlawful discrimination, harassment, intimidation, and bullying based on actual or perceived immigration status shall be filed in accordance with SBCSS Policy/Procedure 1312.3 - Uniform Complaint Procedures.

The California Department of Education shall be provided, upon request and in the manner requested, copies of this policy, any associated administrative regulation, and any other SBCSS policies and procedures required by Education Code 234.7.

The California Attorney General's *Know Your Educational Rights* information shall be publicly posted in accordance with Education Code section 234.7, including at County Office administrative buildings, on the County Office website, and at County Office program sites, in each language in which the Attorney General makes such information available.

SBCSS shall adopt procedures to support students and families affected by immigration enforcement, including providing information related to plans for family safety, emergency contact updates, and the Caregiver's Authorization Affidavit or other lawful caregiver documentation. In the event a parent or guardian is unavailable due to immigration enforcement, SBCSS shall, to the extent required by law, exhaust all documented emergency contact options and follow applicable legal requirements prior to making any referral to child protective services required by Education Code 234.7.

Approved: May 15, 2026