

Regulation 5145.13: Response To Immigration Enforcement

Status: ADOPTED

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Responding to Requests for Information

Unless authorized by the Family Educational Rights and Privacy Act pursuant to 20 USC 1232g, student information shall not be disclosed to immigration law enforcement authorities without parental consent, a court order, or judicial subpoena. The Superintendent or designee 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.

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. Notify the Superintendent or designee about the information request;
2. Provide students and families with appropriate notice and a description of the immigration officer's request;
3. Document any request for information by immigration authorities;
4. 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.

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 before a student is interviewed or searched by any officer seeking to enforce civil immigration laws at the school, unless the officer presents a valid, effective warrant signed by a judge or a valid, effective court order. A student's parent/guardian shall be immediately notified if a law enforcement officer requests or gains access to the student for immigration enforcement purposes, unless the judicial warrant or subpoena restricts disclosure to the parent/guardian.

All visitors and outsiders, including immigration enforcement officers, shall register with the principal or designee upon entering school grounds during school hours. Each visitor or outsider shall provide the principal or designee 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)

District staff shall report the presence of any immigration enforcement officers to on-site District

police and other appropriate administrators.

As early as possible, District staff shall notify the Superintendent or designee 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 lawful 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, except under exigent circumstances that necessitate immediate action;
2. Request to see 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 school access;
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, comply with the officer's orders and immediately contact the Superintendent or designee;
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 other designated District official;
 - b. If the officer has a federal judicial warrant, such as a search and seizure warrant or an arrest warrant signed by a federal judge or magistrate, District staff shall promptly comply with the warrant. If feasible, District staff shall consult with the District's legal counsel or designated administrator 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 or other designated official 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;
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;
 - 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 signed by a judge;
 - e. District staff's response to the officer's request;
 - f. Any further action taken by the officer;
 - 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 other designated official 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 designee 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.

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

The Superintendent or designee 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 designee 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.

The Superintendent or designee 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 designee 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 designee 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 designee 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 they moved out of state as a result of the parent/guardian's departure. (Education Code 48204.4)

The Superintendent or designee 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.

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
Ed. Code 200	Equal rights and opportunities in state educational institutions
Ed. Code 220	Prohibition of discrimination
Ed. Code 234.1	Student protections relating to discrimination, harassment, intimidation, and bullying
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 48204.4	Evidence of residency for school enrollment
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48985	Notices to parents in language other than English
Gov. Code 8310.3	California Religious Freedom Act
Pen. Code 422.55	Definition of hate crime
Pen. Code 627-627.10	Access to school premises
Federal	Description
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
Management Resources	Description
CA Office of the Attorney General Publication	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
Court Decision	Plyler v. Doe, 457 U.S. 202 (1982)
CSBA Publication	Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status, February 2017
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Immigration and Customs Enforcement, Online Detainee Locator System
Website	California Attorney General's Office
Website	California Office of the Attorney General
Website	CSBA

Website	U.S. Department of Education, Office for Civil Rights
Website	U.S. Immigration and Customs Enforcement
Website	California Department of Education
Website	California Civil Rights Department

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
1340	Access To District Records
1340	Access To District Records
3515.31	School Resource Officers
3555	Nutrition Program Compliance
5111	Admission
5111	Admission
5111.1	District Residency
5111.1	District Residency
5125	Student Records
5125	Student Records
5125.1	Release Of Directory Information
5125.1	Release Of Directory Information
5141	Health Care And Emergencies
5141	Health Care And Emergencies
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5142	Safety
5142	Safety
5145.12	Search And Seizure
6142.3	Civic Education
6143	Courses Of Study
6143	Courses Of Study