

Regulation 5145.13: Response To Immigration Enforcement

Status: ADOPTED

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Responding to Requests for Immigration-Related Information or Documents

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 or documents related to a student's or family's immigration or citizenship status, district staff shall:

1. Record or otherwise document the request and immediately notify the Superintendent or designee about the request. No information shall be provided to any law enforcement agency without the express authorization to do by the Superintendent or designee. After the Superintendent or designee has reviewed the request for information and determined how to respond to the request, and in consultation with the Superintendent or designee, district staff shall:
 - A. Provide students and families with appropriate notice and a description of the immigration officer's request;
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 - B. Document any request for information by immigration authorities; and
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 - C. 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 immediately report the presence of any immigration enforcement officers to on-site district ~~police and other appropriate~~ administrators and the Superintendent or designee.

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.
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2. Pending direction from the Superintendent or designee, staff shall 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.
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3. Ask the officer for his/her reason for being on school grounds and document the response.
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4. Request that the officer produce any documentation that authorizes his/her school access.
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5. Make a copy of all documents produced by the officer and retain one copy for school records.
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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~~
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7. If the officer does not declare that exigent circumstances exist, staff shall not authorize the officer to access school grounds without express approval from the Superintendent or designee. Upon review of a lawfully executed warrant or court order, the Superintendent or designee may proceed as follows: ~~respond according to the requirements of the officer's documentation, as follows:~~
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 - a. If the officer has an Immigrations and Customs Enforcement (ICE) administrative warrant, the Superintendent or designee ~~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.~~
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 - 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, the Superintendent or designee ~~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 and await further instructions as to how to proceed.
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 - c. If the officer has a subpoena for production of documents or other evidence, the Superintendent or designee ~~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.
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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.
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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 Superintendent, the district's legal counsel, or any 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 make every effort to release the student to a person authorized to take custody of the child, and 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 he/she 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.

~~District staff shall receive parent/guardian consent or, if the student is at least 18 years old, the student's consent, before the student is interviewed or searched by any law enforcement officer for immigration enforcement purposes, unless the officer presents a court order or a judicial warrant.~~

~~A student's parent/guardian shall be immediately notified 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 or a judicial warrant, or in cases involving investigations of child abuse, neglect, or dependency. (Education Code 48906)~~

~~A law enforcement officer who requests to enter district property which is not open to all visitors shall register in accordance with Board Policy 1250—Visitors/Outsiders, except in cases where the officer states that exigent circumstances exist or as stated in a court order or judicial warrant. (Penal Code 627.2, 627.3)~~

~~As early as possible, district staff shall notify the Superintendent or designee of any immigration enforcement related request by a law enforcement officer for access to a student or to district property, including service of lawful warrants, subpoenas, petitions, complaints, or other similar documents.~~

~~Responding to Law Enforcement Officers on District Property~~

~~District staff shall report the presence of any law enforcement officer on district property for immigration enforcement purposes to on-site district police and other appropriate administrators.~~

~~Unless a law enforcement officer declares that exigent circumstances exist and demands immediate access to the campus, district staff shall take the following actions when such an officer is actually or imminently present on district property 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, principal, or designee, except under exigent circumstances that necessitate immediate action~~
- ~~2. Request to see and record or otherwise document the officer's credentials, including the officer's 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, and then record or otherwise document, the officer's reason for being on district property~~
- ~~4. Request that the officer produce any documentation that authorizes the officer's school access, make copies of all such documentation, and retain at least one copy for district records~~
- ~~5. Contact and consult with the district's legal counsel or Superintendent or designee~~
- ~~6. Follow the direction from the district's legal counsel or Superintendent or designee~~

~~If the officer declares that exigent circumstances exist and demands immediate access to the campus, district staff shall comply with the officer's orders and immediately contact the Superintendent or designee and then the district's legal counsel.~~

~~Regardless of whether the officer declares that exigent circumstances exist, district staff shall not attempt to physically impede the officer, even if the officer appears to be acting outside the law or in excess of the officer's stated or documented authorization. If an officer enters the premises without consent, district staff shall document the officer's actions while on campus but only to the extent that it does not impede the officer's actions.~~

~~After the officer leaves district property, district staff shall promptly make written notes of all interactions with the officer, including:~~

- ~~1. A list or copy of the officer's credentials and contact information, if known~~
- ~~2. The identity of all other district staff known to have communicated with the officer~~
- ~~3. A description of the officer's request and activities~~
- ~~4. The type of documentation, such as a warrant or subpoena, that authorized the officer's request or actions, what was requested by the documentation, and whether the documentation was signed by a judge~~
- ~~5. District staff's response to the officer's request~~
- ~~6. Any further action taken by the officer~~
- ~~7. Copies of any documents presented by the officer~~

~~District staff shall promptly provide a copy of these notes and any associated documents district staff has collected from the officer to the district's legal counsel or other district official designated by the Superintendent.~~

The Superintendent, the district's legal counsel or the Superintendent or designee shall submit a timely report to the Governing Board regarding the officer's requests and actions and the district's response. (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.

Superintendent or designee shall make every effort to release the student to a person authorized to take custody of the child, and 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.

In an instance where a student's parent/guardian was detained or deported, the Superintendent or designee shall notify the student, as well as the individuals designated in the student's emergency contact information and any individual who presented a caregiver's authorization affidavit on behalf of the student, that the student continues to meet the residency requirements for attendance in the district if the student and the student's parent/guardian who was detained or deported satisfy the conditions as specified in Education Code 48204.4.

The Superintendent or designee may refer a student or the student's family members to other resources for assistance, including, but not limited to, an U.S. Immigrant and Customs Enforcement detainee locator, legal assistance, or the consulate or embassy of the parent/guardian's country of origin.
