

CLASSIFICATION: Students**ADOPTED: 6/20/18****SUBJECT: Response To Immigration
Enforcement****PAGE: 1 of 6**

The County Superintendent of Schools establishes the following administrative regulation consistent with the California Attorney General's model policy limiting assistance with immigration enforcement at public schools. The required model policy statements are contained in the 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*, and, except as otherwise noted, are reflected herein.

The following procedures shall apply to schools and programs under the jurisdiction of the County Superintendent of Schools and shall be implemented by San Diego County Office of Education (SDCOE) staff.

Responding to Requests for Information

Unless authorized by the Family Educational Rights and Privacy Act pursuant to 20 United States Code 1232g, student information shall not be disclosed to immigration law enforcement authorities without parental consent, a court order, or judicial subpoena. The County Superintendent of Schools or his/her designee shall annually notify parents/guardians that the SDCOE 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 or family's immigration or citizenship status, SDCOE staff shall:

1. Notify the County Superintendent of Schools or his/her 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 SDCOE or in cases involving investigations of child abuse, neglect, or dependency

CLASSIFICATION: Students

ADOPTED: 6/20/18

**SUBJECT: Response To Immigration
Enforcement**

PAGE: 2 of 6

Resources and data collected by SDCOE 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.

Responding to Requests for Access to Students or School Grounds

SDCOE 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.

SDCOE staff shall report immediately the presence of any immigration enforcement officers to school or SDCOE administrators.

As early as possible, SDCOE staff shall notify the County Superintendent of Schools or his/her 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, SDCOE 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 County Superintendent of Schools or his/her designee, except under exigent circumstances that necessitate immediate action

CLASSIFICATION: Students

ADOPTED: 6/20/18

**SUBJECT: Response To Immigration
Enforcement**

PAGE: 3 of 6

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 County Superintendent of Schools or his/her 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, SDCOE staff shall inform the agent that they cannot consent to any request without first consulting with SDCOE's legal counsel or other designated SDCOE official(s).
 - 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, SDCOE staff shall promptly comply with the warrant. If feasible, SDCOE staff shall consult with SDCOE'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, SDCOE staff shall inform SDCOE's legal counsel or other designated official(s) of the subpoena and await further instructions as to how to proceed.

CLASSIFICATION: Students

ADOPTED: 6/20/18

**SUBJECT: Response To Immigration
Enforcement**

PAGE: 4 of 6

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, SDCOE 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. SDCOE 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 SDCOE's legal counsel or other designated SDCOE official(s)

SDCOE's legal counsel or other designated official(s) shall submit a timely report to the San Diego County Board of Education regarding the officer's requests and actions and SDCOE's responses.

The County Superintendent of Schools or his/her 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

CLASSIFICATION: Students**ADOPTED: 6/20/18****SUBJECT: Response To Immigration
Enforcement****PAGE: 5 of 6**

The County Superintendent of Schools or his/her 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 County Superintendent of Schools or his/her 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 County Superintendent of Schools or his/her 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 County Superintendent of Schools or his/her 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 County Superintendent of Schools or his/her designee shall only contact child protective services if SDCOE 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 County Superintendent of Schools or his/her 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 school or program under the jurisdiction of the County Superintendent of Schools, 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.

The County Superintendent of Schools or his/her 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.

CLASSIFICATION: Students

ADOPTED: 6/20/18

SUBJECT: Response To Immigration
Enforcement

PAGE: 6 of 6

Board Policy: 5145.13

Legal Reference: Education Code
200, 220, 234.1, 234.7, 48204.4, 48980, 48985
Government Code
8310.3
Penal Code
422.55, 627.1-627.6
United States Code, Title 20
1232g
Court Decisions
Plyler v. Doe, 457 U.S. 202 (1982)

Management Resources:

CSBA Publications: *Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status*, February 2017
California Office of the Attorney General Publications: *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

Web Sites:

CSBA: <http://www.csba.org>
California Office of the Attorney General: <http://oag.ca.gov>
California Department of Education: <http://www.cde.ca.gov>
California Department of Justice: <http://www.justice.gov>
U.S. Department of Education, Office for Civil Rights:
<http://www.ed.gov/about/offices/list/ocr>
U.S. Immigration and Customs Enforcement: <http://www.ice.gov>
U.S. Immigration and Customs Enforcement, Online Detainee Locator System:
<http://locator.ice.gov/odls>