

## **Board Policy**

### **Response To Immigration Enforcement**

BP 5145.13

#### **Students**

The Board of Trustees is committed to the success of all students and believes that every school site should be a safe and welcoming place for all students and their families irrespective of their citizenship or immigration status.

District staff shall not solicit or collect information or documents regarding the citizenship or immigration status of students or their family members or provide assistance with immigration enforcement at District schools, except as may be required by state and federal law. (Education Code § 234.7)

No student shall be denied equal rights and opportunities nor be subjected to unlawful discrimination, harassment, intimidation, or bullying in the District's programs and activities on the basis of his/her immigration status. (Education Code §§ 200, 220, 234.1)

The Superintendent or designee shall notify parents/guardians regarding their children's right to a free public education regardless of immigration status or religious beliefs and their rights related to immigration enforcement. (Education Code § 234.7)

Consistent with requirements of the California Office of the Attorney General, the Superintendent or designee shall develop procedures for addressing any requests by a law enforcement officer for access to district records, school sites, or students for the purpose of immigration enforcement.

Teachers, school administrators, and other school staff shall receive training regarding immigration issues, including information on responding to a request from an immigration officer to visit a school site or to have access to a student.

The Superintendent or designee shall report to the Board in a timely manner any requests for information or access to a school site by an officer or employee of a law enforcement agency for the purpose of enforcing the immigration laws. Such notification shall be provided in a manner that ensures the confidentiality and privacy of any potentially identifying information. (Education Code § 234.7)

### Responding to On-Campus Immigration Enforcement

As early as possible, District personnel shall notify the Superintendent or designee of any request by an immigration-enforcement officer for school or student access, or any requests for review of school documents (including for the services of lawful subpoenas, petitions, complaints, warrants, etc.).

In addition to notifying the Superintendent or designee, District personnel shall take the following action steps in response to an officer present on the school campus specifically for immigration-enforcement purposes:

1. Advise the officer that before proceeding with his or her request, and absent exigent circumstances, school personnel must first receive notification and direction from the Superintendent or administrator.
2. 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.
3. Ask the officer for his/her reason for being on school grounds and document it.
4. Ask the officer to produce any documentation that authorizes school access.
5. Make a copy of all documents provided by the officer. Retain one copy of the documents for school records.
6. If the officer declares that exigent circumstances exist and demands immediate access to the campus, District personnel should 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.

If the immigration-enforcement officer has an Immigrations and Customs Enforcement ("ICE") administrative warrant, District personnel shall inform the agent that he or she cannot consent to any request without first consulting with the District's counsel or other designated agency official.

A federal judicial warrant, prompt compliance with such a warrant is usually legally required. If feasible, consult with the District'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 evidence, immediate compliance is not required. Therefore, District personnel shall inform the District's legal counsel or other designated official of the subpoena, and await further instructions on how to proceed.

8. Although District personnel should not consent to access by an immigration-enforcement officer, except as described above, he/she 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, District personnel shall document his or her actions while on campus.

9. After the encounter with the officer, District personnel shall promptly take written notes of all interactions with the officer. The notes shall include the following items:

- a) List or copy of the officer's credentials and contact information;
- b) 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/subpoena, and whether the warrant/subpoena was signed by a judge;
- e) District personnel's response to the officer's request;
- f) Any further action taken by the agent; and
- g) Photo or copy of any documents presented by the agent.

10. District personnel shall provide a copy of those notes, and associated documents collected from the officer, to the District's legal counsel or other designated agency official.

11. In turn, the District's legal counsel or other designated official shall submit a timely report to the District Board of Trustees regarding the officer's requests and actions and the District's response(s).

12. 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 a law-enforcement officer to access a school site or a student for immigration-enforcement purposes.

#### Parental Notification of Immigration-Enforcement Actions

District personnel must receive consent from the student's parent or guardian before a student can be interviewed or searched by any officer seeking to enforce the civil immigration laws at the school, unless the officer presents a valid, effective warrant signed by a judge, or presents a valid, effective court order.

District personnel shall immediately notify the student's parents or guardians if a law-enforcement officer requests or gains access to a student for immigration-enforcement purposes, unless such access was in compliance with a judicial warrant or subpoena that restricts the disclosure of the information to the parent or guardian.

**Citing References:**

BP 0410 - Nondiscrimination in District Programs and Activities  
BP/AR 1340 - Access to District Records  
BP/AR 3580 - District Records  
BP/AR 4131 - Staff Development  
BP/AR 4231 - Staff Development  
BP/AR 4331 - Staff Development  
BP/AR 5125 - Student Records  
BP/AR/E 5125.1 - Release of Directory Information  
BP 5131.2 - Bullying  
BP/AR/E 5145.3 - Nondiscrimination/Harassment  
BP/E 5145.6 - Parental Notifications  
BP 5145.9 - Hate-Motivated Behavior

**Legal References:**

EDUCATION CODE  
200 Educational equity  
220 Prohibition of discrimination  
234.1 Safe Place to Learn Act  
234.7 Student protections relating to immigration and citizenship status  
48204.4 Evidence of residency for school enrollment  
48980 Parental notifications  
48985 Notices to parents in language other than English  
GOVERNMENT CODE  
8310.3 California Religious Freedom Act  
PENAL CODE  
422.55 Definition of hate crime  
627.1-627.6 Access to school premises, outsiders  
UNITED STATES CODE, TITLE 20  
1232g Family Educational Rights and Privacy Act

Adopted: 1/25/22

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