

Quick Reference for School Officials



Xavier Becerra
California Attorney General
April 2018

What to do if an immigration-enforcement officer comes to your school?

1. Notify the designated local educational agency administrator of the request.
2. Advise the immigration officer that, before proceeding with the request, and absent exigent circumstances, you must first receive direction from the local educational agency administrator.
3. Ask to see, and make a copy of or note, the officer's credentials (name and badge number), and the phone number of his/her supervisor.
4. Ask the officer for his/her reason for being on school grounds and document it.
5. Ask the officer to produce any documentation that authorizes school access.
6. Make a copy of all documents provided by the officer.
7. If the officer declares that exigent circumstances exist and demands immediate access to the school, comply with his/her orders and immediately alert the local educational agency administrator.
8. 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 ICE (Immigrations and Customs Enforcement) administrative warrant** or a **subpoena for production of documents or other evidence**, inform the officer that you cannot consent to any request without first consulting with the local educational agency's legal counsel or other designated administrator.
 - **a federal judicial warrant** (search-and-seizure warrant or arrest warrant), prompt compliance with such a warrant is usually legally required. If feasible, consult with your legal counsel or designated local educational agency administrator before providing the officer access to the person or materials specified in the warrant.
9. While you should not consent to access by an immigration enforcement officer unless he/she declares exigent circumstances or has a federal judicial warrant, do not attempt to physically impede an officer, even if he/she appears to lack authorization to enter. If an officer enters the premises without consent, document his/her actions while on campus.
10. After the encounter with the officer, promptly take written notes, including the following:
 - ✓ List or copy of the officer's credentials and contact information;
 - ✓ Identity of all school personnel who communicated with the officer;
 - ✓ Details of the officer's request;
 - ✓ 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;
 - ✓ Your response to the officer's request;
 - ✓ Any further action taken by the officer; and
 - ✓ Photo or copy of any documents presented by the officer.

11. Notify parents or guardians as soon as possible (unless prevented by a judicial warrant or subpoena), and do so before an officer questions or removes a student for immigration-enforcement purposes (unless a judicial warrant has been presented).
12. Provide a copy of those notes, and associated documents collected from the officer, to the local educational agency's legal counsel, Superintendent, or other designated administrator.
13. E-mail the Bureau of Children's Justice in the California Department of Justice, at BCJ@doj.ca.gov, regarding any attempt by a law-enforcement officer to access a school site or a student for immigration-enforcement purposes.

What to do if an immigration-enforcement officer requests personal information about a student or his/her family members?

- ***Avoiding unauthorized information disclosure:*** Do not disclose information that might indicate a student's or family's citizenship or immigration status without consent of the parents, guardians, or students (if the student is 18 years of age or over), unless the information is for a legitimate educational purpose or is in response to a court order or subpoena. Providing information about a student's or family's citizenship or immigration status to immigration authorities for immigration-enforcement purposes is not for a legitimate educational purpose under federal or state law.
- ***Procedure for responding to all information requests:*** Take the following action steps if you receive any information request related to a student's or family's immigration or citizenship status that is not supported by a judicial warrant or court order:
 - ✓ Notify a designated local educational agency administrator about the information request.
 - ✓ Provide students and families with appropriate notice and a description of the immigration officer's request.
 - ✓ Document any verbal or written request for information by immigration authorities.
 - ✓ Provide students and parents/guardians with any documents issued by the immigration-enforcement officer.
- ***Responding to court documents requesting student or family information:*** Notify the parents or guardians if you receive a court order, subpoena, or warrant requesting information regarding a student or family member, unless: (1) the warrant or subpoena concerns an investigation of child abuse, child neglect, or child dependency, or (2) the subpoena prohibits disclosure.
- ***Secure written consent from the parent/guardian/adult student before releasing information:*** You must get written parental or guardian consent for release of student information, unless the information is relevant for a legitimate educational interest or includes directory information only. Because neither exception permits disclosing

information to immigration authorities for immigration-enforcement purposes, no student information shall be disclosed to immigration authorities for immigration-enforcement purposes without written consent from a parent, guardian, or student (if over 18 years of age or in a postsecondary institution), or a court order or judicial subpoena.

The written consent for release of student information must include the following:

1. A description of the information to be released;
2. The reason for release of information;
3. The parties or type of parties receiving the information;
4. If requested by the parents, guardians or student (if the student is 18 years of age or older or in a postsecondary institution), a copy of the records to be released; and
5. Date and signature of the parent, guardian, or student (if 18 years of age or older or in a postsecondary institution) consenting to the release of information.

Please Note: The parent, guardian, or student (if over 18 years of age or in a postsecondary institution) is not required to sign the consent form. Therefore, you cannot release the information if the parent, guardian, or student (if over 18 years of age or in a postsecondary institution) refuses to provide written consent for its release.

Once the parent, guardian, or adult student signs and dates the consent form, keep the consent notice with the record file. Also, notify the recipient of the student/family information that further transmission of the information to other individuals is prohibited, without the written consent of the parent/guardian/student (if 18 years of age or older).