

Students

RESPONSE TO IMMIGRATION ENFORCEMENT

The Governing Board 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)

(cf. 0410 – Nondiscrimination in District Programs and Activities)

(cf. 3555 – Nutrition Program Compliance)

(cf. 5111 – Admission)

(cf. 5111.1 – District Residency)

(cf. 6143 – Courses of Study)

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.

(cf. 1340 – Access to District Records)

(cf. 5125 – Student Records; Confidentiality)

(cf. 5141 – Health Care and Emergencies)

(cf. 5141.4 – Child Abuse Prevention and Reporting)

(cf. 5142 – Safety)

(cf. 5145.12 – Search and Seizure)

Students

RESPONSE TO IMMIGRATION ENFORCEMENT (continued)

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 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)

(cf. 1340 – Access to District Records)

(cf. 5125 – Student Records; Confidentiality)

Legal References:

State:

EDUCATION CODE

200 Equal rights and opportunities in state educational institutions

220 Prohibition of discrimination

234.1 Student protections relating to discrimination, harassment, intimidation, and bullying

234.7 Student protections relating to immigration and citizenship status

48204.4 Evidence of residency for school enrollment

48980 Parent/Guardian 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

627-627.10 Access to school premises

Federal:

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act (FERPA) of 1974

Students

RESPONSE TO IMMIGRATION ENFORCEMENT (continued)

Management Resources:

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

WEB SITES

CSBA District and County Office of Education Legal Services:

<https://legalservices.csba.org/#https://legalservices.csba.org/>

U.S. Immigration and Customs Enforcement, Online Detainee Locator System:

<https://locator.ice.gov/odls/#/>

California Office of the Attorney General: <https://oag.ca.gov/#http://oag.ca.gov>

CSBA: <https://www.csba.org/#http://www.csba.org&gsc.tab=0>

U.S. Department of Education, Office for Civil Rights:

<https://www2.ed.gov/about/offices/list/ocr/index.html#http://www2.ed.gov>

U.S. Immigration and Customs Enforcement:

<https://www.ice.gov/#http://www.ice.gov>

California Department of Education:

<https://www.cde.ca.gov/#http://www.cde.ca.gov>

California Civil Rights Department:

<https://calcivilrights.ca.gov/#https://calcivilrights.ca.gov/>