

RESPONSE TO IMMIGRATION ENFORCEMENT

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)

(cf. 5111 - Admission)

(cf. 5111.1 - District Residency)

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)

(cf. 5145.6 - Parental Notifications)

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.

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

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)

Legal Reference:

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*

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>*
- 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>*