

Response to On-Campus Immigration Enforcement and Parent Notification of Enforcement

The Solano County Office of Education (SCOE) 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.

SCOE 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 its school or program sites, except as may be required by state and federal law. (Education Code [E.C.] §234.7)

No student shall be denied equal rights and opportunities nor be subjected to unlawful discrimination, harassment, intimidation, or bullying in SCOE's programs and activities on the basis of their immigration status. (E.C. §§200, 220, 234.1)

The County 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. (E.C. §234.7)

Consistent with requirements of the California Office of the Attorney General, the County Superintendent or designee shall develop procedures for addressing any requests by a law enforcement officer for access to SCOE's 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 County Superintendent or designee shall report to the County Board of Education 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. (E.C. 234.7).

As early as possible, SCOE's personnel shall notify the County Superintendent or designated administrator 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 County Superintendent or designated administrator, SCOE's 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 County Superintendent or administrator designee.
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.

Policy 5145.13 (Continued)

6. If the officer declares that exigent circumstances exist and demands immediate access to the campus, SCOE personnel should comply with the officer's orders and immediately contact the County Superintendent or other administrator.
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:
 - a. **an ICE (Immigrations and Customs Enforcement) administrative warrant**, SCOE personnel shall inform the agent that s/he cannot consent to any request without first consulting with SCOE's legal counsel or other designated agency official.
 - b. **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 SCOE's legal counsel or designated administrator before providing the agent access to the person or materials specified in the warrant.
 - c. **a subpoena for production of documents or other evidence**, immediate compliance is not required. Therefore, SCOE personnel shall inform SCOE's legal counsel or other designated official of the subpoena, and await further instructions on how to proceed.
8. While SCOE 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, SCOE personnel shall document his or other actions while on campus.
9. After the encounter with the officer, SCOE personnel shall promptly take written notes of all interactions with the officer. The notes shall include the following items:
 - 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;
 - SCOE personnel's response to the officer's request;
 - Any further action taken by the agent; and
 - Photo or copy of any documents presented by the agent.
10. SCOE personnel shall provide a copy of those notes, and associated documents collected from the officer, to SCOE's legal counsel or other designated official.
11. In turn, SCOE's legal counsel or other designated official shall submit a timely report to the County Superintendent regarding the officer's requests and actions and the staff's response.
12. 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.

Parental Notification of Immigration-Enforcement Actions

SCOE 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.

SCOE 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.

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)

Policy Cross-Reference:

- 0410 Nondiscrimination in District Programs and Activities
- 1250 Visitors/Outsiders
- 1340 Access to District Records 3580 District Records
- 4131 Staff Development
- 5111 Admission
- 5125 Student Records
- 5125.1 Release of Directory Information
- 5131.2 Bullying
- 5141 Health Care and Emergencies
- 5141.4 Child Abuse Prevention and Reporting
- 5145.12 Search and Seizure
- 5145.3 Nondiscrimination/Harassment
- 5145.6 Parental Notifications
- 5145.9 Hate-Motivated Behavior

Additional Resources:

- CALIFORNIA OFFICE OF THE ATTORNEY GENERAL <http://oag.ca.gov>

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