

Policy 5145.13: Response To Immigration Enforcement

Status: ADOPTED

Original Adopted Date: 06/12/2018 | **Last Reviewed Date:** 06/12/2018

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)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

| State References | Description |
|-------------------------|--|
| Ed. Code 200 | Equal rights and opportunities in state educational institutions |
| Ed. Code 220 | Prohibition of discrimination |
| Ed. Code 234.1 | Student protections relating to discrimination, harassment, intimidation, and bullying |
| Ed. Code 234.7 | Student protections relating to immigration and citizenship status |
| Ed. Code 48204.4 | Evidence of residency for school enrollment |
| Ed. Code 48980 | Parent/Guardian notifications |
| Ed. Code 48985 | Notices to parents in language other than English |
| Gov. Code 8310.3 | California Religious Freedom Act |
| Pen. Code 422.55 | Definition of hate crime |
| Pen. Code 627-627.10 | Access to school premises |

Federal References

| Federal References | Description |
|---------------------------|---|
| 20 USC 1232g | Family Educational Rights and Privacy Act (FERPA) of 1974 |

Management Resources References

Description

Management Resources References

CA Office of the Attorney General Publication

Court Decision

CSBA Publication

Website

Website

Website

Website

Website

Website

Website

Website

Website

Description[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](#)

Plyler v. Doe, 457 U.S. 202 (1982)

Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status, February 2017

[CSBA District and County Office of Education Legal Services](#)[U.S. Immigration and Customs Enforcement, Online Detainee Locator System](#)[California Attorney General's Office](#)[California Office of the Attorney General](#)[CSBA](#)[U.S. Department of Education, Office for Civil Rights](#)[U.S. Immigration and Customs Enforcement](#)[California Department of Education](#)[California Civil Rights Department](#)**Cross References**

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Description[Nondiscrimination In District Programs And Activities](#)[Access To District Records](#)[Access To District Records](#)[District Police/Security Department](#)[District Police/Security Department](#)[Nutrition Program Compliance](#)[Nutrition Program Compliance](#)[Nutrition Program Compliance](#)[Admission](#)[Admission](#)[District Residency](#)[District Residency](#)[Student Records](#)[Student Records](#)[Release Of Directory Information](#)[Release Of Directory Information](#)[Release Of Directory Information](#)[Health Care And Emergencies](#)[Health Care And Emergencies](#)[Child Abuse Prevention And Reporting](#)[Child Abuse Prevention And Reporting](#)[Safety](#)[Safety](#)[Search And Seizure](#)

Cross References

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Description[Search And Seizure](#)[Civic Education](#)[Courses Of Study](#)[Courses Of Study](#)[Migrant Education Program](#)[Migrant Education Program](#)