

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 to 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. 5131.2 - Bullying)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

Collecting and Retaining Student Information

The Superintendent or designee shall maintain in writing the Long Beach Unified School District policies and procedures for gathering and handling sensitive student information, and appropriate personnel shall receive training regarding those policies and procedures. If the District possesses information that could indicate immigration status, citizenship status, or national origin, the District shall not use the acquired information to discriminate against any students or families or bar children from enrolling in or attending school. If parents or guardians choose not to provide information that could indicate their or their children's immigration status, citizenship status, or national origin information, the District shall not use such actions as a basis to discriminate against any students or families or bar children from enrolling in or attending school. The District shall not allow school resources or data to be used to create a registry based on race, gender, sexual orientation, religion, ethnicity, or national origin.

Inquiries Regarding Immigration Status, Citizenship Status, and National Origin Information

District personnel shall not inquire specifically about a student's citizenship or immigration status or the citizenship or immigration status of a student's parents or guardians; nor shall personnel seek or require, to the exclusion of other permissible documentation or information, documentation or information that may require a student's immigration status, such as a green card, voter registration, a passport, or citizenship papers. Where any law contemplates submission of national origin related information to satisfy the requirements of a special program, District personnel shall solicit that documentation or information separately from the school enrollment process. Where permitted by law, the Superintendent or designee of the District shall enumerate alternative means to establish residency, age, or other eligibility criteria for enrollment or programs, and those alternative

means shall include among them documentation or information that are available to persons regardless of immigration status, citizenship status. Or national origin, and that do not reveal information related to citizenship or immigration status. Where residency, age, and other eligibility criteria for purposes of enrollment or any program may be established by alternative documents or information permitted by law or this policy, the District's procedures and forms shall describe to the applicant, and accommodate, all alternatives specified in law and all alternatives authorized under this policy.

Inquiries About Social Security Numbers or Cards

The District shall not solicit or collect entire Social Security numbers or cards. The District shall solicit and collect the last four digits of an adult household member's Social Security number only if required to establish eligibility for federal benefit programs. When collecting the last four digits of an adult household member's Social Security number to establish eligibility for a federal benefit program, the District shall explain the limited purpose for which this information is collected, and clarify that a failure to provide this information will not bar the student from enrolling in or attending the school. The District shall treat all students equitably in the receipt of all school services, including, but not limited to, the gathering of student and family information for the free and reduced lunch program, transportation and educational instruct.

(cf. 5111.1 - District Residency)
(cf. 5125 - Student Records)

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. This information shall include information related to the "Know Your Rights" immigration enforcement established by the Attorney General. The District shall inform students who are victims of hate crimes of their right to report such crimes. (Education Code 234.7)

(cf. 5145.6 - Parental Notifications)

Information Sharing

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.

The District shall avoid the disclosure of information that might indicate a student's or family's citizenship or immigration status if the disclosure is not authorized by Family Educational Rights and Privacy Act (FERPA). District personnel shall take the following action steps upon receiving an information request related to a student's or family's immigration or citizenship status:

1. Notify a designated District official about the information request.
2. Provide students and families with appropriate notice and a description of the immigration officer's request.
3. Document any verbal or written request for information by immigration authorities.

4. Unless prohibited, provide students and parents/guardians with any documents issued by the immigration-enforcement officer.

Except for investigations of child abuse, child neglect, or child dependency or when the subpoena served on the District prohibits disclosure, the District shall provide parental or guardian notification of any court orders, warrants, or subpoenas before responding to such requests. The District shall require 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. 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 a court order or judicial subpoena.

The District's request for written or parental or guardian consent for release of student information must include the following information:

1. The signature and date of the records to be disclosed;
2. A description of the records to be disclosed;
3. The reason for release of information; and
4. If requested by the parents, guardians or eligible student, a copy of the records to be released.

The District shall permanently keep the consent notice with the record file. The parent, guardian, or eligible student is not required to sign the consent form. If the parent, guardian or eligible student refuses to provide written consent for the release of student information, that this is not otherwise subject to release, the District shall not release the information.

(cf. 1340 - Access to District Records)
(cf. 5125 - Student Records)
(cf. 5125.1 - Release of Directory Information)

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)

Annual Information Notice to Parents and Guardians

The District must provide an annual notice to parents and guardians of the school's general information policies that includes:

1. Assurances that the District will not release information to third parties for immigration-enforcement purposes, except as required by law or court order.
2. A description of the types of student records maintained by the District.
3. A list of the circumstances or conditions under which the District might release student information to outside people or entities.
4. A statement that, unless the District is providing information for a legitimate educational purpose under FERPA and the California Education Code or directory information, the District shall notify parents or guardians and eligible students –

and receive their written consent – before it releases a student’s personally identifiable information.

If the District decides to release directory information, the District shall provide an annual notice to parents and guardians, and eligible students in attendance, of the District’s directory information policy that includes:

1. The categories of information the District has classified as public directory information that may be disclosed without parental consent and which should only include the information specifically identified in Education Code section 49061, subdivision (c).
2. A statement that directory information does not include citizenship status, immigration status, place of birth, or any other information indicating national origin (except where the District receives consent as required under state law).
3. The recipients of the directory information.
4. A description of the parent’s or guardian’s abilities to refuse release of the student’s directory information, and how to refuse release.
5. The deadline in which the parent, guardian, or student must notify the school in writing that he or she does not want the information designated as directory information.

Monitoring and Receiving Visitors onto Campus

No outsider – which would include immigration-enforcement officers – shall enter or remain on school grounds of the District during school hours without having registered with the principal or designee. If there are no exigent circumstances necessitating immediate action, and if the immigration officer does not possess a judicial warrant or court order that provides a basis for the visit, the officer must provide the following information to the principal or designee:

1. Name, address, occupation;
2. Age, if less than 21;
3. Purpose in entering school grounds;
4. Proof of identity; and
5. Any other information as required by law.

The District shall adopt measures for responding to outsiders that avoids classroom interruptions, and preserves the peaceful conduct of the school’s activities, consistent with local circumstances and practices. The District shall post signs at the entrance of its school grounds to notify outsiders of the hours and requirements for registration. District personnel shall report entry by immigration-enforcement officers to any on-site police or other appropriate administrator as would be required for any unexpected or unscheduled outside visitor coming on campus.

Responding to On-Campus Immigration Enforcement

As early as possible, District personnel shall notify the Superintendent or designee 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 Superintendent or

designee, District 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 Superintendent or 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.
6. If the officer declares that exigent circumstances exist and demands immediate access to the campus, District personnel should comply with the officer's orders and immediately contact the Superintendent or designee.
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 has:
 - a. An ICE (Immigrations and Customs Enforcement) administrative warrant, District personnel shall inform the agent that he or she cannot consent to any request without first consulting with District counsel or other designated District 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 District'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, District personnel shall inform the District's legal counsel or designated official of the subpoena, and await further instructions on how to proceed.
8. While District 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 the warrant or other document. If an officer enters the premises without consent, District personnel shall document his or her actions while on campus.
9. After the encounter with the officer, District personnel shall promptly take written notes of all interactions with the officer. The notes shall include the following items:
 - a. List or copy of the officer's credentials and contact information;
 - b. Identity of all school personnel who communicated with the officer;
 - c. Details of the officer's request;
 - d. 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;
 - e. District personnel's response to the officer's request;
 - f. Any further action taken by the agent; and
 - g. Photo or copy of any documents presented by the agent.

10. District personnel shall provide a copy of those notes, and associated documents collected from the officer, to the District's legal counsel or other designated official.
11. In turn, the District's legal counsel or other designated official shall submit a timely report to the governing board regarding the officer's request and actions and the District's response(s).
12. Email 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

District 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. District 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 her parent or guardian.

Responding to the Detention or Deportation of a Student's Family Member

The District shall encourage that families and students have and know their emergency phone numbers and know where to find important documentation, including birth certificates, passports, Social Security cards, doctors' contact information, medication lists, lists of allergies, etc., which will allow them to be prepared in the event that a family member is detained or deported.

The District shall permit students and their families to update students' emergency contact information as needed throughout the school year, and provide alternative contacts if not parent or guardian is available.

- The District shall ensure that families may include the information of a trusted adult guardian as secondary emergency contact in case a student's parent or guardian is detained.
- The District shall communicate to families that information provided within the emergency cards will only be used in response to specified emergency situations, and not for any other purpose.

In the event a student's parent/guardian has been detained or deported by federal immigration authorities, the District shall use the student's emergency card contact information and release the student to the person(s) designated as emergency contacts. Alternatively, the District shall release the student into the custody of any individual who presents a Caregiver's Authorization Affidavit on behalf of the student. The District shall only contact Child Protective Services if the District personnel are unsuccessful in arranging for the timely care of the child through emergency contact information that the school has, a Caregiver's Authorization Affidavit, or other information or instructions conveyed by the parent or guardian.

Responding to Hate Crimes and Bullying

The District shall adopt and publicize policies that prohibit discrimination, harassment, intimidation, and bullying on the basis of a student's actual or perceived nationality, ethnicity, or immigration status. These policies must be translated into the student's primary language if at least 15 percent of the students enrolled in the school speak a single primary language other than English.

The District shall adopt a process for receiving complaints of and investigating complaints of discrimination, harassment, intimidation, and bullying based on any of the following actual or perceived characteristics: disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, association with a person or group with one or more of the aforementioned characteristics, immigration status.

The complaint process must include, but is not limited to, the following steps:

1. A requirement that, if school personnel witness an act of discrimination, harassment, intimidation, or bullying, they shall take immediate steps to intervene when safe to do so;
2. A timeline to investigate and resolve complaints of discrimination, harassment, intimidation, or bullying, that shall be followed by all schools under the jurisdiction of the District; and
3. An appeals process afforded to the complainant should he or she disagree with the resolution of the complaint.
4. The District shall ensure that complaint procedures contain confidentiality safeguards for immigration status information.
5. The District shall prohibit retaliation against a person who submits a complaint of discrimination, harassment, intimidation, or bullying.

The District shall educate students about the negative impact of bullying other students based on their actual or perceived immigration status or their religious beliefs or customs. The District shall also train teachers, staff, and personnel to ensure that they are aware of their legal duty to take reasonable steps to eliminate a hostile environment and respond to any incidents of harassment based on the actual or perceived characteristics noted above. Such training should, at a minimum provide District personnel with the skills to do the following:

1. Discuss the varying immigration experiences among members of the student body and school community;
2. Discuss bullying-prevention strategies with students, and teach students to recognize the behavior and characteristics of bullying perpetrators and victims;
3. Identify the signs of bullying or harassing behavior;
4. Take immediate corrective action when bullying is observed; and
5. Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5131.2 - Bullying)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.9 - Hate-Motivated Behavior)

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>

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

California Department of Justice: <http://www.justice.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>

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LONG BEACH UNIFIED SCHOOL DISTRICT