

UNIVERSITY HIGH SCHOOL
Immigration Enforcement, Detention or Deportation Policy

RESPONSE TO IMMIGRATION ENFORCEMENT

The University High School Board is committed to the success of all students and believes that the school site should be a safe and welcoming place for all students and their families irrespective of their citizenship or immigration status.

Except as required by state or federal law or as required to administer a state or federally supported education program, University High School staff shall not solicit or collect information or documents regarding the citizenship or immigration status of students or their family members. (Education Code 234.7)

No student shall be denied equal rights and opportunities nor be subjected to unlawful discrimination, harassment, intimidation, bullying in the school'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 child'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, according to state and federal law, for addressing any requests by a law enforcement officer for access to school records, the school site, or students for the purpose of immigration enforcement and any report that the Superintendent or designee is required to present to the Board.

RESPONDING TO REQUESTS FOR INFORMATION

Unless authorized by the Family Educational Rights and Privacy ACT pursuant to 20 USC 1232g, student information shall not be disclosed to immigration law enforcement authorities without parental consent, a court order, or judicial subpoena. The Superintendent or designee shall annually notify parents/guardians that the school will not release information to third parties for immigration enforcement purposes, unless the parent/guardian consents or as required to do so by a court order or judicial subpoena.

Upon reviewing any verbal or written request for information related to a student's family or family's immigration or citizenship status, the school staff shall:

1. Notify the Superintendent or designee about the information request.
2. Provide students and families with appropriate notice and a description of the immigration officer's request.
3. Document any request for information by immigration authorities.
4. Provide students and parents/guardians with any documents provided by the immigration enforcement office, unless such disclosure is prohibited by a subpoena served on

University High School or in cases involving investigations of child abuse, neglect, or dependency.

Resources and data collected by University High School shall not be used, directly or by others, to compile a list, registry, or database of individuals based on national origin, immigration status, religion, or other category of individual characteristics protected against unlawful discrimination. (Government Code 8310.3)

RESPONDING TO REQUESTS FOR ACCESS TO STUDENTS OR SCHOOL GROUNDS

1. Notifying Superintendent or Designee: As early as possible, school personnel shall notify the Superintendent or designee of any request by an immigration enforcement officer for school or student access, or any request for review of school documents (including for the services of lawful subpoenas, petitions, complaints, warrants, etc.).
2. Interactions with Immigration Officers: In addition to notifying the Superintendent or designee, school personnel shall take the following action steps in response to an immigration officer present on the school campus specifically for immigration enforcement purposes:
 - a. 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.
 - b. Ask to see, and make a copy of or note, the officer's credentials (name and badge number). Also ask for a copy or note the phone number of the officer's supervisors.
 - c. Ask the officer for his/her reason for being on school grounds and document it.
 - d. Ask the officer to produce any documentation that authorizes school access.
 - e. Make a copy of all documents provided by the officer. Retain one copy of the documents for school records.
 - f. If the officer declares that exigent circumstances exist and demands immediate access to the campus, staff should comply with the officer's orders and immediately contact the Superintendent.
 - g. 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:
 - i. *ICE (Immigrations and Customs Enforcement) Administrative Warrant*: School personnel shall inform the agent that he or she cannot consent to any request without first consulting with the school's legal counsel.
 - ii. *Federal Judicial Warrant*: School personnel shall promptly comply with a search-and-seizure warrant or arrest warrant. If feasible, consult with the school's legal counsel before providing the agent access to the person or materials specified in the warrant.
 - iii. *Subpoena for Production of Documents or Other Evidence*: School personnel are not required to immediately comply with a subpoena. Therefore, school personnel shall direct any individual attempting to serve a subpoena on the school to the Superintendent or designee, who are designated to accept service on behalf of the school.

- h. While the school 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, school personnel shall document his or her actions while on campus.
- i. After the encounter with the officer, school personnel shall promptly take written notes of all interactions with the officer. The notes shall include the following items:
 - i. List or copy of the officer's credentials and contact information;
 - ii. Identify all school personnel who communicated with the officer;
 - iii. Details of the officer's request;
 - iv. 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;
 - v. Personnel's response to the officer's request;
 - vi. Any further action taken by the agent; and
 - vii. Photo or copy of any documents presented by the agent.
- j. School personnel shall provide a copy of these notes, and associated documents collected from the office, to the school's legal counsel or other school designated personnel.
- k. In turn, the school's legal counsel or other designated school personnel shall submit a timely report to the school's governing board regarding the officer's requests and actions and the school's response(s).
- l. 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-encouraging purposes.

3. Parental Notification/Consent of Immigration Enforcement Actions

School 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 court order that restricts the disclosure of the information to the parent/guardian.

School personnel must receive consent from the student's parent/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.

RESPONDING TO THE DETENTION OR DEPORTATION OF A STUDENT'S FAMILY MEMBER

The Superintendent or designee shall encourage that families and students have or 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 Superintendent or designee shall permit students and families to update students' emergency contact information as needed throughout the school year and provide alternative contacts if no parent or guardian is available.

- a. The school shall ensure that families may include the information of an identified trusted adult guardian as a secondary emergency contact in case a student's parent or guardian is detained.
- b. The school 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 school shall use the student's emergency contact information and release the student to the person(s) designated as emergency contacts. Alternatively, the school shall release the student into the custody of any individual who presents a Caregiver's Authorization Affidavit on behalf of the student. The school shall only contact Child Protective Services if the school personnel are unsuccessful in arranging for the timely care of the child through the emergency contact information that the school has, a Caregiver's Authorization Affidavit, or other information or instructions conveyed by the parent or guardian.