

## **IMMIGRATION ENFORCEMENT**

### **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)

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. 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 the parent or guardian.

Appropriate 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)

## **IMMIGRATION ENFORCEMENT (continued)**

**District staff shall provide Parents with Notification related to Rights, including:**

### **Your Child has the Right to a Free Public Education**

- All children in the United States have a Constitutional right to equal access to free public education, regardless of immigration status and regardless of the immigration status of the students' parents or guardians.
- In California:
  - All children have the right to a free public education.
  - All children ages 6 to 18 years must be enrolled in school.
  - All students and staff have the right to attend safe, secure, and peaceful schools.
  - All students have a right to be in a public school learning environment free from discrimination, harassment, bullying, violence, and intimidation.
  - All students have equal opportunity to participate in any program or activity offered by the school, and cannot be discriminated against based on their race, nationality, gender, religion, or immigration status, among other characteristics.

### **Information Required for School Enrollment**

- When enrolling a child, schools must accept a variety of documents from the student's parent or guardian to demonstrate proof of a child's age or residency.
- You never have to provide information about citizenship/immigration status or have to provide a Social Security number to have your child enrolled in school.

### **Confidentiality of Personal Information**

- Federal and state laws protect student education records and personal information. These laws generally require that schools get written consent from parents or guardians before releasing student information, unless the release of information is for educational purposes, is already public, or is in response to a court order or subpoena.
- Some schools collect and provide publicly basic student "directory information." If they do, then each year, your child's school district must provide parents/guardians with written notice of the school's directory information policy, and let you know of your option to refuse release of your child's information in the directory.

### **Family Safety Plans if You Are Detained or Deported**

- You have the option to provide your child's school with emergency contact information, including the information of secondary contacts, to identify a trusted adult guardian who can care for your child in the event you are detained or deported.
- You have the option to complete a Caregiver's Authorization Affidavit or a Petition for Appointment of Temporary Guardian of the Person, which may enable a trusted adult the authority to make educational and medical decisions for your child.

## **IMMIGRATION ENFORCEMENT (continued)**

### **Right to File a Complaint**

- Your child has the right to report a hate crime or file a complaint to the school district if he or she is discriminated against, harassed, intimidated, or bullied on the basis of his or her actual or perceived nationality, ethnicity, or immigration status.

#### *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 US 202 (1982)*

Policy

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**CAPISTRANO UNIFIED SCHOOL DISTRICT**

San Juan Capistrano, California